



REGULATORY SERVICES COMMITTEE

4 June 2015

REPORT

Subject Heading:

P0355.15 78-80 Straight Road, Romford
Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas. Variation of condition 2 (approved plans) and condition 22 (opening hours) of P1087.14

Ward:

Heaton

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

Not relevant

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

The is an application under S73 of the Town and Country Planning Act 1990 for a new planning permission for the development granted under P1087.14, but with two different conditions. The variations concern revised opening hours and revised internal layout to create two retail units. The proposal redevelopment of the site has already been agreed in principle and the proposed changes, whilst minor, are considered to be material. The proposed changes to the conditions are considered acceptable and approval is recommended accordingly, subject to the prior completion of a S106 planning obligation.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £15060 subject to indexation. This is based on the creation of 1042m² of new gross internal floor space (net increase of 753m²).
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £54,000 to be used for educational purposes.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- That the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above contribution and upon completion of that obligation, grant planning permission subject to the conditions set out below.

1. *Time limit* - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. *Car parking* - No dwelling unit shall be occupied or the retail unit opened for trading until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Disabled parking* - No building shall be occupied or use commenced until the disabled parking spaces shown on the approved plans have been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason: To ensure that there is adequate on-site disabled parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

5. *Loading* - The retail floorspace shall not be occupied or the retail use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans.

Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

6. *Deliveries* - No deliveries to or collections from the site shall be made other than between the following times: 07:00 hours to 21:00 hours Monday to Saturday and 08:00 hours to 21:00 hours on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

7. *Open storage* - No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of visual amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61

8. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

9. *Refuse and recycling* - Prior to the first occupation of the development or the commencement of the use hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. *Cycle storage* - No building shall be occupied or use commenced until cycle storage for both the residential units and retail store is provided, of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

11. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

12. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the

erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8:00 hours and 18:00 hours Monday to Friday, and between 08.00 hours and 13.00 hours on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. *Wheel washing* - No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.

c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.

f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application

in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

15. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

16. *Landscaping* - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced

in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

17. *Boundary Treatment* – No part of the building shall be occupied until screen fencing is provided along the site boundaries in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

18. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

19. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: Insufficient information has been supplied with the application to demonstrate how lifetime homes standards would be achieved. The submission of details prior to commencement of buildings works will ensure that the amenities of future residents and visitors are protected and that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

20. *Green Roof* - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme for the provision and

maintenance of the 'green roof' shown on the approved drawings. The green roof shall be implemented and maintained in accordance with the approved details.

Reason: Insufficient information has been supplied with the application of the proposals to create a green roof. The submission of details prior commencement will ensure the green roof will enhance the visual amenities of the area and the carbon footprint of the development in accordance with Policies DC61 and DC49 of the Development Control Policies Development Plan Document.

21. *Land Contamination* - No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following contaminated land reports (as applicable) are submitted to and approved in writing by the local planning authority.

a) A Phase II (Site Investigation) Report (a Phase I Report having been submitted) if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA.

If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

22. *Opening hours* - The retail stores shall not be open to customers outside of the following times: 07:00 hours to 23:00.

Reason: To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

23. *GPDO restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no provision of retail floorspace in excess of that shown on drawing 2013-176_B01/202 Rev B without the express permission of the local planning authority, neither shall there be any subdivision of the retail sales area beyond that shown on drawing 2013-176_B01/202 Rev B, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason: The application has been assessed on the basis of a single convenience retail unit and any changes could materially affect the impact of the development on the area.

24. *GPDO restriction* - Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development under Part 7 Classes A, B, C or E shall be erected or carried out except in accordance with plans showing the siting and design of such enlargement or extension which shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

25. *GPDO restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) Order 2015 (as amended) the ground floor use hereby permitted shall be A1 only and shall be used for no other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the

development accords with the Development Control Policies Development Plan Document Policy DC61.

26. *Plant and machinery* - No building shall be occupied or use commenced until a scheme for plant and machinery to be installed within and on the roof of the new building, including any acoustic fencing is submitted to and agreed in writing by the local planning authority to achieve the following noise standard: noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary of the nearest noise sensitive premises shall not exceed LA90-10db. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason: To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

Informatives

1. DMO Statement - Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. Mayoral CIL - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £15,060 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. Planning obligation - The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 432563 to make the necessary arrangements. Further details are available on the Council website.

5. Highway alterations – The Highway Authority advises that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The necessary agreement, notice or licence to enable alterations to the public highway (including temporary works) must be entered into prior to the commencement of the works concerned. In order to obtain a licence for the works the applicant should contact Streetcare, Traffic & Engineering on 01708 433750 to commence the submission/licence approval process.
6. Secured by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. **Site Description**

- 1.1 The site which amounts to about 0.165 hectare lies on the east side of Straight Road at its junction with Farringdon Avenue in Harold Hill. The site was previously occupied by a car wash facility, car sales and a taxi business, but all buildings and structures have now been removed.
- 1.2 To the east of the site is a terrace of two storey dwellings in Appledore Close with an area of green space between the rear boundary and Farringdon Avenue. To the south and west of the site there are also two storey dwellings. The property immediately to the south is separated from the site by a public footway that leads from Straight Road to Appledore Close.
- 1.3 About 80 metres to the south is the Masefield Crescent Minor Local Centre where there are a number of small shops and takeaways, including a news agent, off-licence and pharmacy. Opposite the site on the north side of Farringdon Avenue is a discount store.
- 1.4 The scale of residential development in the locality is mainly two-storey, but there are some three-storey developments in the vicinity, including the Masefield Crescent local centre where these is two floors of flats above the retail units.

2. Description of Proposal

- 2.1 This is an application under S73 of the Town and Country Planning Act 1990 that seeks a new planning permission for the development permitted under P1087.14 with different conditions. The variations sought relate to opening hours, the proposed internal layout and additional roof structures. The relevant conditions are nos. 2 and 22.
- 2.2 Condition 2 refers to the plans which have been approved. The variation sought is for a revised ground floor layout and changes to the elevations as a consequence. The changes provide for two retail units, as opposed to one previously, and reconfiguration of cycle and refuse storage facilities. There would also be changes to part of the roof through the relocation of some plant from the ground floor. The overall footprint of the building would be marginally smaller. The residential element would be unchanged.
- 2.3 The Straight Road frontage would be altered to provide for a new glazed shop frontage and entrance for the additional retail unit. This would replace the aluminium grille and brick frontage to the plant room shown on the approved drawings. The existing glazed frontage would be reduced to reflect the smaller convenience store. The plant would be relocated to the roof enclosed by an acoustic screen. The other elevations to the building would remain unchanged. The overall retail floorspace would increase by 30m².
- 2.3 The current opening is between 08:00 and 22:00 and 09:00 to 21:00 on Sundays and Bank and Public Holidays. The condition also restricts opening to 6 hours only on Sundays. The proposed change is for opening between 07:00 and 23:00 seven days a week.

3. Relevant History

P1087.14 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas – approved with legal agreement.

4. Consultation/Representations

- 4.1 The application has been publicised through site notice and newspaper advert and 61 neighbour letters. There have been five representations raising the following matters:
- Two retail units would increase traffic and noise;
 - Concerns about possible non-A1 food use;
 - Plant on roof would look unsightly;
 - More noise due to extended opening, especially to 23:00;

- Building too high and would reduce light;
- Impact on character and appearance of the area;
- Traffic impact and inadequate parking;
- Overlooking issues from proposed flats.

4.2 Streetcare (Highways) - no objections subject to previous conditions.

4.3 Public Protection – no objections subject to previous conditions.

5. **Relevant Policy**

5.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP4 (Town Centres); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC11 (Non-Designated Sites); DC15 (Locating Retail And Service Development); (DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

5.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.

5.3 Policies 2.15 (town Centres); 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments); 4.7 (Retail and town centre development); 6.13 (Parking); 7.3 (Designing out crime) and 8.2 (planning obligations) of the London Plan.

5.4 The National Planning Policy Framework and the National Planning Practice Guidance.

6. **Staff Comments**

Principle of the development

6.1 The principle of the development of the site for mixed-use has already been accepted through the grant of P1087.14. The issues for consideration are whether the proposed changes to the development and conditions from that previously approved are acceptable and whether any additional conditions should be included.

Condition 2 – approved plans

- 6.2 Legislation allows for the modification of approved plans through a S73 application so long as they are listed in a planning condition. Material changes to plans can be made through this mechanism as long as they are only minor and the development is not substantially different from that which has been given approval. Otherwise a new planning application would be required.
- 6.3 In this case there would no changes to the residential element on the first and second floors. The changes proposed concern the internal layout, the Straight Road elevation and a portion of the green roof which would be used for plant and equipment.
- 6.4 The proposed changes to the Straight Road elevation would entail a reduction in the length of glazed frontage for the main convenience store and additional glazing for the new retail unit. This would replace brick and aluminium louvered panels. It would provide a longer active frontage to the building and improve the overall appearance of the building in the streetscene. Staff consider that the changes would have a positive impact on the character and appearance of the area at ground floor level.
- 6.5 The changes to the rear of the building would again be minor. The bin storage for the flats would be included within the main building envelope such that the overall footprint would be slightly smaller. The parking layout would also be modified to provide for rear servicing of the new shop and an additional parking space. The cycle storage space would also be rearranged, but would remain within the building envelope.
- 6.6 The proposed internal changes to the retail floorspace have arisen because of the reduced space requirements of the intended occupier of the proposed convenience store. The space has been increased by about 10% to provide sufficient space for a new retail unit. Staff consider that this is not substantially different to the development already permitted and that this additional unit would not have a significant additional impact on the nearby Minor Local Centre in Masefield Crescent. There would also be adequate parking for the additional unit. No objections have been raised by the highway authority.
- 6.7 The proposed relocation of some of the plant and equipment would reduce the area of green roof and could increase the amount of noise disturbance. The plant would be screened by acoustic fencing and subject to the agreement of details Staff consider that there would be no significantly greater impact, both visually and on adjacent residential occupiers. These changes are, therefore judged to be acceptable.

Condition 22

- 6.8 The proposed variation seeks blanket opening of 07:00 to 23:00 without any reductions for Bank or Public Holidays or on Sundays. The current approved times are 8:00 to 22:00 on weekdays and Saturdays and 9:00 to 21:00 on Sundays and Bank and Public Holidays. The proposed units

are below the threshold where national restrictions on opening apply on Sundays. The main unit is proposed to be a convenience store and according to the applicant such stores would normally be open between 07:00 and 23:00.

- 6.9 There are residential units within the vicinity of the site and the extended opening hours would result in some additional noise and disturbance for local residents. The opening hours of convenience stores elsewhere in Havering does vary, however, there are a number that do open from 07:00 to 23:00. Staff consider that the increase in opening hours would not result in a significant additional adverse impact on existing residents. The proposed new flats would be insulated against additional noise and the entrances to the retail units and customer parking areas are on or close to Straight Road, set away from existing properties. The main activity in the rear parking area closest to properties in Appledore Close would be from residents of the new flats and these activities would be unchanged. On balance Staff consider that, the proposed changes to the opening hours would be acceptable.

Other Conditions

- 6.10 In view of the proposed change to the location of the plant and machinery associated with the retail development a revised wording to condition 26 is recommended.
- 6.11 Since the original condition was imposed revised wording in relation to wheel washing has been adopted and condition 14 has been amended accordingly.
- 6.12 Some reasons for conditions have also been updated in accordance with recent legislation.

Infrastructure Impact of Development

- 6.13 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.14 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.15 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.16 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.17 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.18 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.19 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 6.20 The proposed new dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72. There would be a net addition of nine units and a charge of £54,000 is considered necessary to make the development acceptable in accordance with the policy and which would need to be secured through a S106 Planning Obligation.

7. Mayor's Community Infrastructure Levy (CIL)

7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace amounts to 289m² and is in lawful use as shop and residential. The new build following demolition would amount to 1,042m² giving a net increase of 753 m². The CIL rate is £20 per square metre giving a CIL liability of £15,060.

8. Conclusions

8.1 The principle of the redevelopment of the site for mixed retail and residential use has already been agreed through the grant of planning permission under P1087.14. This application is for substantially the same development, but seeks variations to the approved details.

8.2 The proposed revisions to the ground floor layout and the relocation of plant to the roof of the building are judged to be acceptable and would not give rise to significantly greater impacts on the locality. The extension of opening hours is also judged to be acceptable in terms of the impact on residential amenity.

8.3 The proposed changes would, therefore, be in accordance with the relevant development plan policies and subject to the prior completion of a deed of variation of the existing planning obligation as set out in the recommendation, the proposals are considered acceptable and the grant of planning permission is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

Legal resources will be required for the drafting of a legal agreement.

The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form and plans received on 11th March 2015.