



# REGULATORY SERVICES COMMITTEE

25 June 2015

# REPORT

**Subject Heading:**

P1754.14 The Pompadours, Edenhall Road, Harold Hill, Romford

Demolition of the existing pub "The Pompadours", and the construction of 25 no. new residential units

Application Received 02/02/2015 & revised plans received 22/04/2015 & 29/04/2015

**Ward**

Gooshays

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework  
National Planning Practice Guidance

**Financial summary:**

None

**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 application is for the redevelopment of this site to create 25 units, comprising 11 houses, 7 maisonettes and 7 flats. The site is currently occupied by a public house, including car park, beer garden and rear amenity areas. The public house includes first floor residential accommodation. An appraisal has been submitted that seeks to demonstrate that the development could not support any affordable housing, which has been independently verified. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is therefore judged to be acceptable and, subject to the prior completion of a S106 legal agreement to secure a financial contribution towards education costs associated with the development in accordance with LDF Policy DC72.

## 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 £31,420 subject to indexation. This is based upon a net increase of 1,571 square metres of new internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £144,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
  - 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.
  - The payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

- A financial contribution of £325,000 towards the provision of affordable housing in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72.

That the Head of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that agreement, 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 until the car/vehicle parking area shown on approved drawing 985. 13-PA-110F has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has 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.

5. *Landscaping* - No development shall take place 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.

6. *Refuse and recycling* - Prior to the first occupation of the development 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.

7. *Cycle storage* - Prior to first occupation of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that

phase of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. 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 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.

9. *Secured by design* - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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.

10. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas, including the courtyard parking area of the development and the pedestrian access to the second floor flats, 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 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.

11. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; 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 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm 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.

12. *Vehicle Cleansing* – Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;
- 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 – this applies to the vehicle 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 washing off the vehicles.
  - f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to vehicle 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.

13. *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;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) 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.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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.

14. *Vehicle access* - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each parking area.

Reason: The submission of details prior to commencement will protect highway safety and ensure that all legislative provisions are followed to ensure good design and public safety in accordance with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

15. *Pedestrian Visibility Splay* - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

16. *Parking forecourt access management* - Prior to the occupation of any flat or maisonette a car park access management scheme shall be submitted

to and approved in writing by the Local Planning Authority. The management scheme shall provide for traffic light controls that give priority to vehicles entering the site. The access control measures approved under this condition will be retained and managed thereafter in accordance with a management scheme.

Reason: It is essential to ensure that access management measures are in place prior to first occupation of the development and insufficient information has been submitted with the application to demonstrate how this will be achieved. The submission of details prior to occupation will ensure good design and highway safety are achieved and to comply with Policies CP10, DC32 and DC61 of the Core Strategy and Development Control Policies DPD.,

17. *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 1 Report having been submitted) which 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.

c) 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; and



d) 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.

18. *Sustainability* – The development hereby permitted shall not be occupied until the developer has provided a copy of the Interim Code Certificate confirming that the development design of the relevant phase achieves a minimum Code for Sustainable Homes Level 4 rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Within 6 months of the final occupation of any residential unit within the relevant phase the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

19. *Renewable energy* - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

20. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the

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

21. *Obscure-glazing* – Prior to the occupation of any second floor flat or maisonette screening panels shall be erected along the edge of the external access walkway in accordance with details the have previously been submitted to and agreed in writing by the local planning authority.

Reason: Insufficient information has been supplied with the application to address the overlooking of neighbouring properties from the access walkway to the second floor accommodation. Submission of details of screening panels and the implementation of the approve details is necessary in the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

22. *Ground Levels* - No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application in relation to ground levels and the local planning authority wishes to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

## INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Miguel Rocha by e-mail and telephone on 15th April and 21<sup>st</sup> April 2015. The revisions involved design and layout changes to proposed new dwellings in Bridgwater and Hilldene Avenue. The amendments were subsequently submitted on 29<sup>th</sup> April 2015.
2. 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](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

3. Changes to the public highway - 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. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the relevant approval process. Unauthorised work on the highway is an offence.
4. Highway legislation - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
5. 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 434343 to make the necessary arrangements.
6. 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.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site, which is broadly rectangular in shape, amounts to 0.3 hectare. The site falls gently from north to south. It is bounded by Hildene Avenue to the south, Edenhall Road to the west and Bridgwater Road to the north. The site is currently occupied by the Pompadours Public House with associated car park to the front and side, beer garden and rear amenity area. There are two access points one from Hildene Avenue the other from Edenhall Road.

- 1.2 There is a low wall around the highway boundary of the site between the access points. Along the Bridgwater Road frontage and part of the Eden Hall Road frontage is a 1.8 metre wooden fence which encloses the external seating and garden area for the first floor residential accommodation. There is some vegetation, including a conifer hedge in the east part of the site and along part of the Hilldene Avenue frontage.
- 1.3 To the north, west and east of the development site the locality is primarily residential, principally comprising two storey terraced housing. Further to the east is the Harold Hill Minor District Centre which includes retail and other commercial units. Further to the east is the site of the Hilldene North development which comprises 100 new dwellings. The main part of the development on Bridgwater Road to provide affordable housing is substantially completed. The other two sites still remain to be redeveloped.

## 2. **Description of proposal**

- 2.1 This is a full application for the redevelopment of the site following the demolition of all existing buildings and structures. The development comprises 25 new dwelling units: 8 three-bed and 3 two-bed houses; 2 three-bed and 5 two-bed maisonettes and 2 two-bed and 5 one-bed flats. These would be arranged around all three street frontages. The houses in a terrace of eight along Bridgwater Road; a semi-detached pair on the eastern edge of the site in Hilldene Avenue and a single unit attached to the adjoining three-storey block. All the houses would be two-storey. The maisonettes would be in a single 2-3 storey block fronting onto Edenhall Road and Hilldene Road. The new dwellings would reflect the existing building line of houses adjoining the site.
- 2.2 The development would step up from two-storeys to three along the Hilldene Road frontage in stages culminating with a gable ended elevation on the corner itself. The block would continue northwards along Edenhall Road towards the corner with Bridgwater Road. There would be a gap between the block and the end of the terrace. The form of the development is similar to that recently permitted for phase two (Plot A) of the Hilldene North scheme further to the east along Hilldene Avenue.
- 2.3 Parking for the houses would be to the front of the properties and that for the maisonettes in a rear courtyard. Access to the courtyard would be under the block from Edenhall Road. Car parking for the houses would be provided to the front with each having two off-street spaces. Within the courtyard there would be 24 spaces: 2 each for the three-bed units and 16 for the remaining 12 flats. There would be cycle and bin storage in the courtyard.
- 2.4 The materials to be used would be brick (light brown) under pitched tiled roofs. The windows and balustrades would be in painted aluminium or other agreed materials. Landscaping is proposed along the street frontages and within the parking courtyard.

2.5 All of the dwellings would be constructed to lifetime homes standards and would be capable of adaption for wheel chair users. The scheme has been designed to meet Secured by Design standards and Code for Sustainable Homes Level 4.

2.6 All of the houses would have private rear and front amenity space. The flats and maisonettes would have some amenity space to the front and a communal area to the rear. Some of the units would also have balconies.

### 3. **Relevant History**

None

### 4. **Consultation/Representations**

4.1 The application has been advertised on site and in the local press as major development and notification letters sent to 91 neighbouring occupiers. There have been 40 representations in response and two petitions 242 with signatures. The following matters are raised:

- No more new housing required in Harold Hill would prefer the public house to be kept as there are few in the area or other places to socialise in;
- Inadequate parking proposed so would lead to increased parking congestion in the area;
- Public house is an integral part of the community and should be retained;
- Overshadowing of adjoining properties would make them difficult to sell;
- Security issues for neighbours as development would make rear boundaries more vulnerable;
- Reduction in house values would result;
- Would impact on local services e.g. GPs, school places;
- Loss of character building and local history;
- No social housing should be provided;
- Four storeys is too much should be three max;
- Overlooking of existing properties, especially from balconies;
- Construction noise;
- Lack of A3 or A4 use in area so public house should be retained or converted to A3;
- Loss of sun light, overshadowing and rights to light issues.
- Petitions oppose the loss of PH and object to the scale of the redevelopment.

4.2 StreetCare – no objections subject to conditions covering pedestrian visibility splays, a traffic light system to control access to parking court, vehicle cleansing and highways agreements.

4.3 Public Protection - requests condition on noise insulation.

4.4 Essex and Suffolk Water - no objections.

4.5 Thames Water – no objections in terms of sewerage capacity.

4.6 London Fire Brigade – no response.

## 5. **Relevant Policy**

5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 ((Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (Affordable Housing); DC7 (Lifetime Homes and Mobility Housing); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC70 (Archaeology and Ancient Monuments); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).

5.2 Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs); Residential Design (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD and Sustainable Design and Construction SPD are also material considerations.

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self-sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan.

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

## 6. **Staff Comments**

6.1 This is a brownfield site within a residential area that is not designated for any other purpose and the preferred use is for housing. There are no policies for the protection of public houses and the Pompadours is not a

designated community asset. Therefore there are no objections in principle to a residential redevelopment.

#### Density and layout

- 6.2 In accordance with Policy DC2 the site is classified as 'rest of borough, as it has a low PTAL value of 1-2 being outside of the defined area on the proposals map. A density range of 30-50 dwellings per hectare is indicated as appropriate outside of the defined PTAL areas. The application site has an area of 0.3 hectare and proposes 25 new dwellings. This equates to a development density of 83 units per hectare, which is above the range specified in Policy DC2. The London Plan in Policy 3.4 and Table 3.2 give a higher density of up to 65 units per hectare. However, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties.
- 6.3 It is also relevant to have regard to the recent planning permission granted recently as part of the Hilldene North development. For that proposal a similar density was judged to be acceptable as it was part of a wider regeneration programme that allowed for higher densities. Account was also taken of the proximity to the Harold Hill Minor District Centre and to other community facilities, giving good access to local services, including good levels of access to local bus routes. Whilst not part of a wider programme the site has similar accessibility to local services.
- 6.4 In terms of housing mix, this is for one, two and three-bed properties which would meet the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.
- 6.5 In respect of site layout, the development would be similar to the scheme at Hilldene North. That scheme also provides for perimeter development in a similar manner with development fronting onto the highway with the majority of the car parking in a courtyard behind. This is also similar to the perimeter development fronting onto other roads elsewhere in the area so would help to maintain the general character of the area.
- 6.6 The layout is reasonably spacious and whilst the development would be set much further forward within the site than the Pompadours the new buildings would respect the building lines of existing houses. The development would, therefore, respect the existing residential character of the wider area.. Overall the built coverage of the site would be much greater than at present, but given its location with the established residential area and the wide open landscaped area of Hilldene Avenue it is considered that the overall height and degree of prominence of the proposed buildings would not appear overly dominant or intrusive in the local streetscene.
- 6.7 The majority of trees will be removed from the site. However, the landscaping proposals indicate that this will be compensated for by the

planting of trees in the front garden areas in Bridgewater Road and Hilldene Avenue. There would also be planting in the rear courtyard areas.

- 6.8 In terms of amenity space provision, each of the dwellings has its own private rear garden area. These vary in size and depth but typically are between 4.5m and 6m in depth with the smallest garden being 32 square metres. The gardens for the dwellings are well configured, private and useable and are considered not to be materially different from those approved at Hilldene North and would accord with the principles of the Residential Design SPD.
- 6.9 The flats have a communal landscaped setting and each of the flats has a balcony of at least 1.2m in depth, which is less than the 1.5 metres recommended in the Residential Design SPD. However, there would be landscaped areas to the front which would provide a level of amenity, although the areas would not be private. Additionally, there are communal amenity areas to the rear. There are play facilities being provided elsewhere in the Hilldene North development and the site is also within an 800m radius of Central Park, where the Council is upgrading the play facilities there and where there is a significant area of public open space. Whether the amenity space provision is acceptable will be a matter of judgement for members, but overall Staff consider that the provision would be acceptable bearing in mind the wider provision and that accepted at developments nearby.
- 6.10 The Borough Crime Prevention Design Advisor has been consulted during the design process and reasonable measures have been incorporated to make the development as safe as possible. It is however recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 6.11 The development is designed to Lifetime Homes standard and also meets the minimum floorspace standards of the London Plan. The units would also be capable of easy adaption for wheelchair users. These provisions would accord with LDF Policy DC7 and London Plan policies 3.5 and 3.8.

#### Design and visual impact

- 6.12 In terms of scale and massing, the site contains an element of three storey housing, although this is limited to the corner of Hilldene Avenue and Edenhall Road. The three storey scale of the development is considered to be compatible with local character as the width of the carriageway is wider on this corner which is suited to a larger scale of development. The development would step up in stages from the existing two-storey scale housing so that there would be a gradual transition to the high element such that staff consider that that the scale and massing of the proposed buildings would not appear intrusive or overbearing.
- 6.13 There are no objections in principle to the varying scale and bulk of the buildings which would provide visual interest in the streetscene, whilst



respecting local character. The three-storey element would read as a separate corner building. When considering similar proposals as part of the Hilldene North development the issue of the impact of three-storey development was presented to members as being one of judgement which the committee considered to be acceptable. Having regard to these matters Staff consider that the transition in building height does work successfully and is, on balance, acceptable.

- 6.14 Architecturally, the proposed units have adopted a traditional building form. Materials are principally proposed to be a light coloured brick with contrasting grey brick entrance porches and 'slate' roof tiles. This palette of materials is different to the reddish brick which prevails in the locality but it is considered that it would be acceptable and give a modern degree of contrast to the prevailing local housing character. The proposal is considered to have a bold visual impact but with sufficient traditional elements to complement the locality. Staff consider the development need not necessarily fully reflect the height or architecture of surrounding buildings and would have an acceptable visual impact in its own right. Details of materials are given in the application but it is considered that the submission of samples for approval should be required by condition.

#### Impact on Amenity

- 6.15 The application site has a direct boundary with two residential properties. The land adjoining currently comprises the rear garden area of the first floor flat and unused vegetated areas. The proposed new dwellings adjoining would be two-storey and set on the same building line. Staff consider, therefore, that there would be no material adverse impact on the amenities of the occupiers of these properties or any material overlooking issues. The relationship between the existing and proposed dwellings would comply with LDF Policy DC61 and the Residential Design SPD.
- 6.16 Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots. Whilst the siting of a two storey flank wall directly on the rear boundary of proposed dwellings is not ideal, similar relationships have been judged acceptable within nearby developments. There would also be some overlooking of rear gardens from the proposed three-storey development, although this can be partly overcome by the use of obscured glazing and screening panels. In view of these factors staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions such as amount to a material objection to the proposal.

#### Parking and Highway Issues

- 6.17 The proposal provides a total of 42 parking spaces which equates to 1.68 spaces per dwelling. This would meet the LDF parking requirements of 2-

1.5 spaces per dwelling. Most of the parking for the flats would be in a rear courtyard accessed under the flats in Edenhall Road. This access would be single width. Subject to a traffic light control system giving priority to vehicles entering the courtyard being installed, Streetcare (Highway Authority consider the access acceptable. The overall amount and layout of the courtyard parking is also considered to be acceptable. The proposals also make provision for cycle parking, which would be secured by condition.

- 6.18 Pedestrian visibility splays at the entrance also need to be secured and a condition is recommended. The proposal is also considered to make suitable provision for the collection of refuse as the proposed bin storage would be within 25m of the highway. This is within the guidance distance so that refuse vehicles would not need to enter the courtyard where there is restricted turning.

#### Affordable Housing

- 6.19 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would be 12.5 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable with a policy compliant affordable housing payment. The valuation report concludes that the residual land value is less than the benchmark value, thus producing no surplus for planning obligations. However, the valuation has been independently appraised and that appraisal has concluded that the scheme can support some affordable housing as the build costs have been overestimated by between £250,000-£400,000. In response, the applicant has offered a sum of £325,000.
- 6.20 The guidance in the NPPF and National Planning Practice Guidance is that to ensure viability the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standard infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer. Viability will vary with different housing types.
- 6.21 The NPPF also states that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should

not be sought without regard to individual scheme viability. The NPPG sets out guidance on how viability should be assessed. The land value should reflect policy requirements and provide a competitive return to willing developers and landowners. The assessment should also reflect comparable market-based evidence. Such evidence is included in the viability assessment which concludes that the land value assessed meets the criteria above.

- 6.22 On this basis Staff consider that it has been demonstrated that the development cannot provide any on site affordable housing in accordance with LDF and London Plan policies, however, an off-site contribution has been offered which would ensure that the scheme would remain viable. The offer is midway within the range identified in the independent appraisal carried out for the Council and Staff consider that it is acceptable. In accordance with the guidance in the NPPF and NPPG Staff consider that the proposals would be acceptable without the level of affordable housing contribution offered.

#### Infrastructure impact of the development

- 6.23 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.
- 6.24 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.
- 6.25 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.
- 6.26 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.
- 6.22 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.

- 6.23 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.
- 6.24 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 £6,000 per dwelling for educational purposes would be appropriate.
- 6.25 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 24 units and a charge of £144,000 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 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. 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 residential accommodation that forms part of the Pompadours is currently occupied and the building has also been used as a public house. The existing floorspace of 405 square metres can, therefore, be taken into account. The applicable fee is charged at £20 per square metre based on a proposed internal gross floor area of 1,976 square metres less the current floorspace. With this allowance the CIL contribution would be £31,420 subject to indexation.

## 8. Conclusions

- 8.1 The site lies within the urban area and is brownfield land. Its redevelopment of the site for housing is considered acceptable under LDF Policies CP1 and the guidance in the NPPF. The design, scale and layout of the proposed development is judged to be in keeping with the character and appearance of the locality and would provide a suitably high quality living environment. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal does not include any affordable housing; however, a viability appraisal has been submitted which has been subject to independent assessment. As a result a sum of £325,000 has been offered in accordance with LDF Policy DC6 towards off-site provision. This is judged to be an acceptable figure that would enable the proposals to remain viable in accordance with the NPPF.
- 8.3 There would also be a contribution to meet education costs associated with the development in accordance with Policy DC72. These contributions would be secured through a S106 Planning obligation. The proposal is therefore judged to be acceptable, subject to the prior completion of the obligation and conditions, and it is recommended that planning permission is granted accordingly.

## IMPLICATIONS AND RISKS

**Financial Implications and risks:** None

**Legal Implications and risks:** Legal resources will be required to prepare and complete the legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**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 and supporting details and plans received on 02-02-2015 and revised plans received on 22/04/2015 & 29/04/2015