



REGULATORY SERVICES COMMITTEE

25 June 2015

REPORT

Subject Heading:

P1346.14 Land at 215-227 St Marys Lane, Upminster.

Erection of 8no. new dwellings

Ward

Upminster

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Policy context:

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

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

This application is for the redevelopment of land previously occupied by Upminster police station for eight new three and four bed dwellings. Seven would front onto St. Marys Lane and one onto St. Lawrence Road. Car parking would be provided in a rear parking area accessed off St. Lawrence Road. The proposed redevelopment would be acceptable in principle result in the effective use of brownfield land within the urban area. As a matter of judgement Staff consider that the proposed new dwellings would achieve a satisfactory transition between the adjoining buildings and the scale of development to the west and east of the site. The scale of the development is also considered acceptable and would have an overall positive impact on the character and appearance of the area. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 planning 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 £17,480 subject to indexation. This is based on the creation of 874 m² of new gross internal floor space.
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 until the car 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. *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: 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.

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 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.

9. *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.

10. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, 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* – 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

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; 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.

14. *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: 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. *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.

16. *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) 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.

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.

17. *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.

18. *No additional flank windows* - 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), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted unless specific 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 order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

19. *Pedestrian visibility splays* – Pedestrian visibility splays shall be provided on either side of the access points onto the public highway of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splay shall be permanently retained and kept free from 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.

20. *Archaeology* - a) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and

approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority.

b) If heritage assets of archaeological interest are identified by the evaluation under part a), then before development commences the applicant shall secure the implementation of a programme archaeological investigation in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part b).

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under Part b) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

21. *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 James Cole by e-mail and telephone on 23rd March and 17th April. The revisions involved design and layout changes to unit 8 and units 2 & 3. The amendments were subsequently submitted on 17th 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 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.
7. *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 £17,480 (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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is an area of vacant land previously occupied by Upminster police station. It amounts to 0.18 hectares and lies on the north side of St Marys Lane. The immediate surroundings are mixed in terms of land uses and building styles, with the site lying between commercial properties to the west and residential properties to the east. It also has a frontage onto St Lawrence Road which is a residential street comprising a mix of semi-detached and terraced housing. The former police station was located towards the southern boundary of the site with access from St. Lawrence Road to a car park to the rear.
- 1.2 There is a surfaced seating area to the front of the site at the eastern end which forms part of the public highway. This area would not be affected by the development. There is also a bus stop on the pavement at the eastern end which would also be unaffected.

2. Description of Proposal

- 2.1 The application proposes the erection of eight dwellings comprising a single detached property on St. Lawrence Road and seven properties fronting St. Marys Lane. There would be two detached four-bed properties and three pairs of semi-detached three-bed properties. All would have rear amenity and parking spaces. There would be sixteen spaces in total in the rear parking court, with six pairs in tandem. Unit 8 in St. Lawrence Road with have a single space to the front.
- 2.2 The proposed garden areas of units 4-7 would back onto a rear access track behind 54-60 St. Lawrence Road. The remaining units would back on to the rear parking court. There would be only pedestrian access to the front of the properties which would be set back from the highway. Units 1 and 4-7 would follow the building line of the former police station with units 2 & 3 set further forward. A paved path within the application site is proposed across the St. Marys Lane frontage to provide access from the rear parking court between units 3 and 4 to the fronts of the proposed dwellings.
- 2.3 Landscaping is proposed along the site boundaries, including the retention of some existing trees.

3. **History**

- 3.1 P0598.12 - Erection of a 40 bed residential care home for the elderly, associated amenity space, access, parking and a reconfigured public seating area - refused & appeal dismissed.

4. **Consultation/Representations**

Representations

- 4.1 The application was publicised by way of neighbour notification and eight letters of representation have been received. Most support the principle of the development but the following issues are raised:

- Overlooking of adjoining properties due to three storeys;
- Concerns about adequacy of parking, especially tandem bays;
- Overdevelopment;
- Design issues – out of keeping with the area;
- Impact during construction;
- Good for the area but units should be re-aligned to that of the original police station;
- Dwelling in St. Lawrence Road should be omitted;
- Traffic impact and disturbance
- Parking in rear garden environment;
- Concerns about the way the original buildings were demolished;
- Design is generally in keeping with the area.

Consultations

- 4.2 Environment Agency – No objections.
- 4.3 Thames Water – No comments.
- 4.4 Public Protection - Contaminated land and construction management plan conditions requested.
- 4.5 Streetcare (Highways) – No objections, but request conditions covering pedestrian visibility splays, vehicle cleaning and access details.
- 4.6 Essex and Suffolk Water – No objections.
- 4.7 Streetcare (Refuse) – No objections, new residents will need to leave waste sacks at boundary of properties.
- 4.8 English Heritage (Archaeology) – Requests archaeological condition.

5. **Relevant Policy**

- 5.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17

(Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); 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).

- 5.2 In addition the Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs); the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD.
- 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 site lies within the existing urban area of Upminster just outside of the designated town centre. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development outside town centres and the Green Belt, non-designated land should be prioritised for housing. The site is on land which is not designated land in the LDF; therefore, its use for housing would be acceptable in principle. The site is also considered to be previously developed (brownfield) land and the re-use of such land would meet one of the core sustainability principles of the NPPF. The residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets.
- 6.2 The NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development. The relevant policies for the supply of housing set out in the LDF and the London Plan are considered to be up to date and the application should, therefore, be determined in accordance with the relevant policies of the development plan.
- 6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF planning

permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. This is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants. The main issues are whether the new dwellings would be acceptable in terms of the character and appearance of the area, have an acceptable impact on nearby residential properties and be acceptable in terms of parking and highways issues.

Density/layout

- 6.4 The density of the residential element would be 45 units per hectare or 233 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The site lies within PTAL Zone 3-4 as defined in policy DC2 of the LDF Core Strategy and Development Control Policies DPD. This gives an indicative density of 30-65 units per hectare or 150-200 habitable rooms per hectare for detached and semi-detached development. The Housing SPG gives a higher density range for PTAL 4. The proposal conforms to the guidance and is considered acceptable in terms of density. The unit sizes would also meet the minimum space standards set out in the London Plan, Table 3.3.
- 6.5 An additional consideration is that the type and size of new housing needed to meet housing need should make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF.
- 6.6 However, whilst meeting the density guidance indicates that the development would be broadly acceptable, account also needs to be taken of the character of the local area and whether the scale of the development is appropriate in terms of its appearance in the local context. The conclusions reached by the appeal inspector are relevant in this regard. Account also needs to be taken of any adverse impact on the amenity of nearby occupiers. These issues are addressed below.
- 6.7 Each of the proposed dwellings would have rear amenity areas which are both usable and private. Whilst smaller than gardens of existing properties nearby, the proposed amenity areas are considered to be acceptable in terms of Policy DC61 and the Residential Design SPD. The relationship between the proposed dwellings is also judged to be acceptable.

Design/Impact on the streetscene

- 6.8 Along the St. Marys Lane frontage the site marks a transition between the commercial buildings in the town centre to the west and the smaller scale domestic properties lying to the east. In order to be acceptable the development needs to respect both of these characteristics. To the west

and opposite the site are buildings that form part of the town centre. These include a retail food store (opposite) with roof level car park and smaller retail units with flats above. These buildings are flat roofed and have a 2.5-3 storey scale. The residential units opposite and to the east are two storey. The site also has a frontage to St. Lawrence Road which is residential comprising a mix of semi-detached and terraced two-storey dwellings. The residential development to the east of the site in St Marys Lane is also predominantly two-storey, only interrupted by the Clockhouse and the adjoining flatted development.

- 6.9 In St. Lawrence Road the single dwelling proposed would fill part of the gap between existing dwellings that was previously the vehicular access to the police station. The properties are mainly semi-detached or terraced. The proposed new single dwelling would have a similar ridge height to the dwellings adjoining and whilst detached would have a similar general appearance to other properties in the road. The partial infilling of the gap between dwellings would have an overall positive impact on the character and appearance of the area.
- 6.10 The appeal inspector for the 2012 application for a care home on the site paid particular attention to the need to respect the change in scale and character of the buildings in St Marys Lane. The St. Lawrence Road frontage would have provided access and parking for the care home so would have been largely unchanged. The inspector considered that the proposed building should respect the scale and character of adjoining development. The proposed development would have been significantly higher than adjoining buildings and as a single building the inspector concluded that it would have appeared unacceptably dominant in the streetscene. The appeal was dismissed.
- 6.11 The National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context.
- 6.12 This application seeks to address these issues by proposing a smaller scale residential development of individual new buildings that are of similar scale to those adjoining. The proposed buildings are two and a half-storey and whilst higher than the dwellings to the east are judged to mark an acceptable transition between them and the higher town centre buildings to the west. A range of house styles is proposed which is in keeping with this part of St. Marys Lane and would help to maintain the visual character of the area. The frontage is on a bend in St. Marys Lane where properties are generally staggered and the setting of one pair of dwellings further forward is not considered to materially affect the character of the streetscene. As a matter of judgement Staff consider that in terms of their design and

appearance the new dwellings would be acceptable in the streetscene and improve the overall character and appearance of the area.

- 6.13 This impact will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members judge that the proposal would be harmful to the streetscene and character of the area, this could amount to a material objection to the application.

Impact on amenity

- 6.14 The main potential impacts would be on the amenities of adjoining residents to the north in St. Lawrence Road and the dwelling immediately to the east of the site. None of the rear gardens would back directly onto those of properties in St. Lawrence Road due to the rear access track to nos. 54-60 and the location of the proposed parking area. The back to back distance between units 4-7 and 54-60 St. Lawrence Road would be 30 metres. The parking area is proposed between unit 8 and unit 1 which would have a back-to-back distance of 33 metres. The separation of the proposed new dwellings from existing properties would ensure that there would not be any material overlooking of rear gardens areas. There would also be an acceptable relationship between proposed unit 1 and no. 229 St. Marys Lane.

- 6.15 The rear parking court lies in the rear garden environment of a number of existing properties and there is the potential for some noise and disturbance. However, given the scale of the development and the number of cars involved any disturbance is judged unlikely to be significant. The spaces are closest to the rear of the gardens which would limit any adverse impact. Fencing along the boundaries would limit noise and any potential headlight glare. The layout of the development has been design so that there would be no material overlooking of any rear gardens areas.

Parking and Highway Issues

- 6.16 The proposed access is in a similar location to the existing and no objections have been raised by the highway authority (Streetcare) for the level of use proposed. There would be 17 parking spaces, sixteen in the rear parking court and one to the front of unit 8. The spaces would be arranged in a parking court to the rear of the frontage development. Twelve of the spaces would be arranged in tandem pairs and whilst this is not an ideal arrangement the pairs would be allocated to individual dwellings. Future occupiers would be aware of the arrangement when purchasing the properties. There are no objections to the arrangement in highway terms.
- 6.17 For residential development the density matrix in LDF Policy DC2 indicates that 2-1.5 spaces per unit would be acceptable and the London Plan in Table 6.2 indicates up to 1.5 spaces per unit for new dwellings. The development would meet these standards. No objections are raised by the

Highway Authority to the proposed parking provision. Given the accessibility of the site to local services and public transport staff consider that the site is in a sustainable location and the proposed level of car parking would be acceptable.

Other Issues

- 6.18 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. A condition is recommended to address 'Secured by Design' issues and the lighting of car parking areas.
- 6.19 The site frontage lies within an Archaeological Priority Area identified under LDF Policy DC70 where important archaeology can be expected. The former English Heritage (now Historic England) has been consulted and recommends an appropriate condition.

Infrastructure Impact of the Development

- 6.20 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.
- 6.21 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.
- 6.22 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.
- 6.23 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.
- 6.24 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.

- 6.25 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.
- 6.26 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.
- 6.27 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 £48,000 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 former police station was demolished over three years ago and CIL is chargeable on the total new floorspace. This amounts to 874 m² and at £20 per square metre the CIL liability is £17,480.

8. Conclusions

- 8.1 The site lies within the existing urban area of Upminster just outside of the designated town centre. The site is not designated for any other purpose in the LDF and residential redevelopment is considered acceptable in

principle. The provision of eight additional units would help to meet Havering's housing needs.

8.2 The proposal would increase the developed area of the site compared with the former use and the development would be more prominent in the streetscene. However, the scale would be significantly less than the care home development refused permission in 2012 and dismissed at appeal. The scale of the development is considered acceptable and would have an overall positive impact on the character and appearance of the area. It would bring about the effective re-use of a brownfield site in accordance with the guidance in the NPPF.

8.3 Staff consider that, as a matter of judgement the proposed new dwellings would achieve a satisfactory transition between the adjoining buildings and the scale of development to the west and east of the site. The new dwellings would also have an acceptable impact on the character and appearance of the area. There would be no material adverse impacts on the amenities of adjoining residents. The proposed is therefore, judged to be acceptable and the grant of planning permission is recommended accordingly 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.

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 23rd October 2014 and revised plans received 17th April 2015.