



REGULATORY SERVICES COMMITTEE

30 July 2015

REPORT

Subject Heading:

**P0382.15: Briar Road Shop Site,
Romford**

Demolition of existing buildings and redevelopment to provide a three-storey block comprising 36no. residential units and 2no. commercial units (198m² in total) with use classes A1/A2; a terrace of 10no. houses; new highways and associated planting, landscaping, servicing and car parking. (Application received 23 March 2015)

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Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework**

Financial summary:

None

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

- | | |
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| 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 proposal is for the demolition of the existing buildings and the redevelopment of the site to create 46no. affordable residential units and 2no. commercial units, with new access roads, associated planting, landscaping, servicing and car parking.

The development will comprise of 36no. flats and 2no.commercial units in a three-storey block to the south of the site and a terrace row of 10no houses to the north.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

The application site is Council owned land.

On balance the proposal is considered to be acceptable in all material respects, but as the development would give rise to a demand for school places a contribution of £6,000 per dwelling is deemed necessary to make the development acceptable. As the application is made by the Council this would need to be secured by a unilateral undertaking rather than legal agreement. Subject to the prior completion of such an undertaking it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

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 £40,580.00 subject to indexation. This is based on the creation of 2,029 square metres of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £276,000 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 unilateral undertaking to the date of receipt by the Council.

That the Head of Regulatory Services be authorised to grant planning permission upon the completion of the unilateral undertaking 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 Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 86no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the

building(s) are submitted to and approved in writing by the Local Planning Authority and 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 works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

6. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

8. Contaminated Land (1)

The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and likelihood of contaminants, their type and extent incorporating a site conceptual model.

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

c) 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.

d) 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

e) 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.

9. Contaminated Land (2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

10. Noise Insulation (Flats)

The flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

11. Noise Insulation (Houses)

The houses shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

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

12. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am 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.

13. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme

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.

14. Highway Stopping Up

Prior to the commencement of development an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as Highway Authority and development shall not commence until and unless a stopping up order is confirmed by the Council as highway authority or the Secretary of State (on appeal) as appropriate.

Reason: Submission of this detail prior to commencement will protect highway safety and ensure that all legislative provisions are followed and that the

development accords with the Development Control Policies Development Plan Document Policies DC32, DC33, DC34, DC35, DC36 and DC61.

15. New Areas of Highway

The development hereby approved shall not commence until the detailed design of the prospective highways and alterations to the existing highway have been submitted to and agreed in writing by the Local Planning Authority in conjunction with the Highway Authority. The highway works shall then be carried in accordance with the agreed details prior to the final occupation of the development hereby approved.

Reason: Reason: Insufficient information has been supplied with the application to judge the full impact arising from the proposed development in respect of the public highway. Submission of this detail prior to occupation will protect highway safety and ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32, DC33, DC34, DC35, DC36 and DC61.

16. Wheel Washing

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

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down 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.

17. Boundary Screening/ Fencing

The development hereby permitted shall be constructed in accordance with the approved measures for boundary screening and screen walling, as detailed in the submitted Landscape Plan (Drawing No. 14139_PL05 Revision B) unless otherwise agreed in writing by the Local Planning Authority, and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

18. Secure 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.

19. Construction Methodology

Before development is commenced, a scheme shall be 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 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 Authorities;
- 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.

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.

20. Hard Surfacing

The access drive, car park and vehicle turning areas shall be surfaced in accordance with the approved surfacing materials as detailed in the submitted external materials schedule, unless otherwise agreed in writing by the Local Planning Authority. Once constructed, the extended part of the access road and vehicle turning area shall be kept permanently free of any obstruction (with the exception of the car parking areas shown on the plans) to prevent their use for anything but turning and access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

21. Sustainable Homes

No occupation of the development shall take place until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Also before the proposed development is occupied 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 DC49 Sustainable Design and Construction and Policies 5.1, 5.2 and 5.3 of the London Plan.

22. Renewable Energy and Low Carbon

The renewable energy / low carbon system shall be installed in strict accordance with the agreed details and shall be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policies 5.1, 5.2, 5.3 and 5.7 of the London Plan.

23. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the 10no. houses 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.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. 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 £40,580.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. Changes to the public highway (including permanent or temporary access)

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 new or amended access as 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. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

4. Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and 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. Please note that unauthorised work on the highway is an offence.

5. Temporary use of the public highway

The developer is advised that if 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. Please note that unauthorised use of the highway for construction works is an offence.

6. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. Background

- 1.1 The application was deferred at the Committee meeting on 18 June 2015 in order for staff to clarify the current position on the potential inclusion of a GP surgery in the scheme.
- 1.2 Staff can report that this matter was given consideration throughout the design process as a result of the initial local resident and member consultations. Indeed, to facilitate and explore this possibility, the Council spoke directly to a representative of the Clinical Commissioning Groups (CCGs) which commission most of the hospital and community NHS services in the local areas for which they are responsible.
- 1.3 Commissioning involves deciding what services are needed, and ensuring that they are provided. CCGs are overseen by NHS England, which retains responsibility for commissioning primary care services such as GP and dental services, as well as some specialised hospital services. It should be noted that all GP practices now belong to a CCG.
- 1.4 Group Director, Joy Hollister led on these discussions which yielded no clear commitment from the CCG to invest in a new GP facility within the proposed Briar Road development.
- 1.5 Staff can report that this remains the current position and it was confirmed most recently on the 24 June 2015 that the CCG are developing an options paper on the need and potential scale of a GP surgery and are exploring the potential and viability of other locations. There are no set timescales for this work to be completed, or decision to be taken.
- 1.6 The view of the Council is to maintain an 'open door' approach with regard to the provision of a GP surgery on the Briar Road development and this will be led by the demand and requirements of the CCG, should this occur.
- 1.7 Members should be aware that despite the desire from some local residents to have a GP surgery on the Briar Road development, the Council has no powers to insist this should happen, and have expressed throughout the progression of the scheme a willingness to facilitate the provision of a GP surgery only if there was a specific demand and need from the CCG.
- 1.8 Finally, Staff can report that as the scheme progresses it will be the Council's intention to monitor demand for the proposed commercial units, and would welcome expressions of interest from all potential users, including the CCG.

- 1.9 An additional arising matter relates to the contribution of £6,000 per dwelling towards school places. It was previously reported to Committee that the financial contribution would be secured by condition, however following recent legal advice this approach has been changed and the contribution would now need to be secured by way of unilateral undertaking owing to the applicant owning the land.

2. Site Description

- 2.1 The application relates to the Briar Road Shop site and surrounding land, located on the north side of Briar Road and to the south of Barberry Close. The site forms part of the wider Briar Road Estate and comprises several vacant residential blocks and partially vacant commercial units, the Betty Whiting Community Centre as well as associated service roads, car parking spaces and public open space.
- 2.2 The site is bounded by Briar Road which arches around the western and southern sections of the plot giving the site an extensive road frontage. The northern site boundary is shared with the rear gardens of residential properties at Barberry Close and is overlooked from the west by four-storey residential blocks at Barberry Close and Briar Road.
- 2.3 The triangular shaped site is relatively flat and covers an area of 7,900m² (0.79 ha).

3. Description of Proposal

- 3.1 The proposal is for the demolition of the existing buildings and the redevelopment of the site to create 46no. affordable residential units and 2no. commercial units, with new access roads, associated planting, landscaping, servicing and car parking.
- 3.2 The development would comprise a three-storey block consisting of 36no. residential units of which 3no. would be one-bedroom flats and 33no. would be two-bedroom flats. At ground floor level the block would also include 2no. commercial units consisting of 198m² of A1/A2 use class floorspace. The building will incorporate a contemporary flat roof design with a height of approximately 10 metres.
- 3.3 The block would be positioned in the southern part of the site and would be laid out in a snaking 'ribbon' style arrangement involving adjoining linked wings forming several focal points from views within and outside of the site. The layout would create a central courtyard area of semi-public and communal amenity space. The 2no. commercial units would be located at the southern tip of the site offering a prominent frontage onto Briar Road.
- 3.4 A two-storey terrace row consisting of 10no. houses would be constructed to the north of the site, backing onto the rear gardens of the existing terrace

row at No.s 16 to 38 Barberry Close. The terrace would comprise a mix of 6no. two-bedroom houses and 4no. three-bedroom houses. The row would be staggered with projecting sections at each end and would incorporate a hipped pitched roof design with a ridge height of 9.9 metres in the central section rising to 10.8 metres for the staggered end sections. Each dwelling would have a private rear garden area of approximately 50m².

- 3.5 It is proposed that the scheme will provide 100% affordable residential accommodation with the flats for affordable rent and houses for a shared ownership scheme. All dwellings will have a dual aspect and will be designed to the London Plan minimum internal spacing standards and Lifetime Homes Standard.
- 3.6 The surrounding access and servicing roads within the site would be reconfigured accordingly with associated landscaping, planting and communal amenity space used to soften the extent of the hardstanding. The existing main vehicular access points from Briar Road would be retained and 86no. off street car parking spaces provided within the site. The car parking provision would be arranged along the new access roads as well as in a dedicated car parking area to the front of No.s 52 to 74 Barberry Close.
- 3.7 A series of externally accessed internal refuse stores would be provided within the flatted block and placed in locations close to each of the main entrances. Each of the dwellings in the terrace row would be served by an enclosed bin store adjacent to the front door. An enclosed commercial refuse store would be provided to the rear of the shop units.
- 3.8 Secure cycle storage providing space for up to 36no. cycles would be provided in an enclosed cycle store located to the rear of the proposed commercial units. A secure storage shed would be provided in the rear garden of each of the terraced houses.

4. Relevant History

- 4.1 P0060.09 - Change of use from A1 (retail) to A5 (hot food takeaway) and associated ducting – Approved

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 165 properties and 2 letters of objection has been received. The comments can be summarised as follows:
 - The proposed building works combined with other schemes in the area would further reduce the existing resident's location enjoyment and their personal space.
 - The building works will cause further noise and disturbance.
 - Loss of public green space.

- Without the open grass areas which give relief to the area, the space for residents to walk and sit gives more likelihood of problems such as antisocial behaviour, noise and disturbance.
- The amount of hardstanding is excessive, especially when considering the other developments in the area which have also been built on open space.
- There is an existing parking problem in the area and the new properties will only increase this difficulty.

5.2 The following consultation responses have been received:

- National Grid – no objection, however due to the proximity to National Grid apparatus the developer should contact the National Grid prior to any works commencing.
- Essex and Suffolk Water – no objection.
- Greater London Archaeological Advisory Service (GLAAS) – no objection.
- Regeneration & Partnerships – no comments.
- Designing Out Crime Officer – no objection, recommend a condition relating to the development achieving Secured by Design principles.
- Environmental Health – no objection, recommended conditions in relation to contaminated land and noise insulation.
- Local Highway Authority – no objection, recommended several conditions as the scheme requires large areas of existing public highway to be stopped up to facilitate the development and so it is important to ensure that the new highways are provided to adoptable standards with the aim of them being dedicated as public highway when the scheme has been complete.

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC26 (Location of Community Facilities), DC27 (Provision of Community Facilities), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Other relevant documents include the Residential Design SPD, Landscaping SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.

- 6.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 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, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

Principle of Development

- 7.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 7.3 The proposal is for the redevelopment of a mixed use residential and commercial site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan. The redevelopment of the site would result in the loss of a community facility with the demolition of the Betty Whiting community centre. The community centre was formally decommissioned on 31 March 2015 and in accordance with policy DC27 suitable alternative provision has been made through the recent refurbishment and extension of the Betty Strathern Centre, located some 150 metres to the north of the application site.
- 7.4 The proposal is considered to be policy compliant in land use terms and its continued use for mixed residential and commercial purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 7.5 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.6 The proposal would provide 46no. residential units consisting of 36no. flats and 10no. houses at a density equivalent to approximately 58 dwellings per hectare. This complies with the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location.
- 7.7 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards.
- 7.8 For one-bedroom flats for two people the spacing requirement is set at 50 square metres. For two-bedroom flats the minimum standard is set at 61 square metres for three occupants and 70 square metres for four occupants. For two-bedroom houses it is 87 square metres and for three-bedroom houses the minimum internal spacing should be 87 square metres for four persons and 96 square metres for five persons.
- 7.9 In both the flatted block and the terrace row of houses the proposal would provide residential units with varying floor space sizes all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. Given this factor it is considered that the proposed development would be in accordance with Policy 3.5 of the London Plan and the flats and houses would provide an acceptable amount of space for day to day living.
- 7.10 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.11 In the flatted block external balcony areas accessed directly from the living rooms with an area ranging from between 6.5 square metres and 8 square metres would be provided for each of the flats forming the first and second floors. The ground floor flats would be provided with external terrace areas including hedging and fencing to offer an extra degree of privacy and security.
- 7.12 An area of approximately 140 square metres within the central courtyard area of the flatted block would be landscaped and set out as communal shared amenity space, offering varying levels of privacy to users depending on which part they use. With the provision of the balconies and terrace areas as well as the communal garden it is considered that occupants of the

proposed flats would have access to a reasonable provision of outdoor amenity space.

- 7.13 Each of the 10no. houses in the proposed terrace row would have a private rear garden area of approximately 50m².
- 7.14 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of both the flats and houses. All of the proposed dwellings would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.
- 7.15 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has raised no specific objections to the proposal, subject to planning conditions. The proposal is considered to respond in principle to the requirements of the NPPF, Policy 7.3 of the London Plan and LDF Policy DC63. Staff are satisfied that reasonable measures have been undertaken to make the development as safe as possible and recommend conditions relating to Secured by Design and other community safety measures.
- 7.16 The development is designed to Lifetime Homes standard and the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

Design/Impact on Streetscene

- 7.17 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 7.18 The main impact in terms of the streetscene at Briar Road relates to the character and appearance of the three-storey block comprising 36no. flats and 2no. commercial units in comparison to the existing three-storey building. The application site occupies a prominent location, with an extensive frontage onto Briar Road along the western and southern boundaries.
- 7.19 As with the existing building the proposed block would cover the majority of the site frontage, but would shift the built development closer to Briar Road, albeit for a partial step-in to allow spacing for an additional parking area. The proposed block would be similar in terms of the height and massing and given the existing site circumstances and immediately adjacent buildings it is not considered that a building of the scale proposed would unduly harm views into the site from Briar Road. It is also noted that the design of the building includes elements that break down its perceived bulk, for example the stepped ridge height of the interlinking wing sections, the proposed

window heights and proportions, front elevation detailing and the inclusion of partially enclosed balconies. These elements are judged to avoid the proposed building having an overly dominant appearance in this setting.

- 7.20 The existing building effectively turns it back on the prominent Briar Road frontage contributing little in terms of an active frontage or design quality. In comparison, it is considered that the proposed scheme would address this issue positively.
- 7.21 In a broader sense the proposal would replace an outdated and rundown block with a building comprising a contemporary flat roof design which would serve to revitalise the general character and appearance of the area and add a greater degree of quality to the built environment within this section of Briar Road. With regard to the more immediate context, the increased proximity of the proposed block to the boundary with Briar Road would replace a relatively poor rear servicing area and car park with an active frontage consisting of front garden areas and pedestrian access paths into the new block set to the refreshed backdrop of the modern building.
- 7.22 The proposed commercial units would be located at the southern tip of the site and would be afforded greater prominence in terms of the relationship with Briar Road. The current building is arranged so that the commercial units face into a pedestrianized courtyard. Whilst the new layout would alter this arrangement considerably it is considered that the positioning of the commercial units would still enable any future shops or services to perform a functional and inclusive role for the surrounding residential community.
- 7.23 The proposed terrace row of 10 no two-storey houses would replace a vacant two-storey residential block located perpendicular to the western site boundary.
- 7.24 To some extent this element of the proposal would mirror the appearance of the existing adjacent terrace row at No.s 16 to 38 Barberry Close, particularly in terms of the scale, massing and positioning. As a result the relatively open aspect from the rear gardens of the Barberry Close houses would be reduced to some degree. However, the proposed terrace row building would be set well within the site boundaries and located some 19 metres from the rear of the adjacent houses. The proposed new terrace block would therefore be well spaced between the neighbouring buildings and would not unduly encroach on the setting of the rear gardens. In this respect it is considered that the siting and appearance of the terrace would be sympathetic to its immediate surroundings and would serve to maintain and enhance the character of the streetscene from Briar Road and the rear garden setting at Barberry Close.
- 7.25 On balance it is considered that the proposed development would serve to regenerate a run down and neglected site, thereby enhancing the character and appearance of the surrounding area. The scale and bulk of the

proposed buildings would also sit comfortably within this setting given the height and scale of the existing residential blocks adjacent to the site.

- 7.26 As such it is considered that the proposed development would be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

Impact on Amenity

- 7.27 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 7.28 The main consideration in terms of residential amenity relates to the impact on the occupants of the various flats overlooking the site at No.s 37 to 119 Briar Road (located to the east of the proposed residential and commercial block), No.s 1 to 12 Veronica Close (located to south of the proposed residential and commercial block), No.s 73 to 83 Waverley Crescent (located to the west of the terraced row), No.s 16 to 38 Barberry Close (located to the north of the terraced row) and No.s 40 to 98 Barberry Close (located to the east of the terraced row).
- 7.29 At the closest point the eastern side elevation of the commercial unit and flatted block would be situated approximately 15 metres from overlooking windows at 49 to 59 Briar Road. Along other sections of the new building the distance would increase with the proposed block generally positioned some 20 metres from the existing flats to the east.
- 7.30 The eastern elevation of the new block would contain habitable room windows as well as the partially enclosed external balcony areas. In comparison to the existing arrangements this would bring the building considerably closer to the front elevation of the flats at Briar Road than the current relationship. As a result this element of the scheme presents some concerns in relation to overlooking and privacy. Whilst Members may wish to consider the acceptability of this relationship, Staff have taken into consideration that a road and public right of way will run between the adjacent buildings. This means that residents with an outlook onto the road would expect to experience a degree of overlooking when compared to say rear windows that overlook an area of private amenity space. On balance, the separation distances across a public road are considered to be sufficient so as not to result in a detrimental loss of privacy or overlooking to the existing or proposed flats.
- 7.31 The southernmost section of the commercial unit and flatted block would be positioned some 16.5 metres at an oblique angle from the closest point of

the residential block at No.s 1 to 12 Veronica Close, located on the opposite side of Briar Road. Again, given that this relationship is across a public road the separation distances are considered to be acceptable in this instance.

- 7.32 The proposed terraced row element of the development would be positioned approximately 19 metres at the closest point from the rear of the dwellings at 16 to 38 Barberr Close. These distances are considered to be acceptable in order to maintain outlook and privacy between the new residential block and the neighbouring residents. As such it is not considered that the proposed development will result in any undue impact on the privacy of the occupants of the dwellings at Barberr Close.
- 7.33 The terrace row would be two storeys in height and would be set in from the boundary with the neighbouring properties at both adjacent parts of Barberr Close and has a staggered building line, which offsets its overall bulk and massing. The eastern side elevation of the terrace row would be largely blank containing a ground floor secondary living room window and a first floor secondary bedroom window some 23 metres from the front elevation of 88 to 98 Barberr Close.
- 7.34 Having regard to these factors, it is considered that the scale, height and bulk of the proposed building would be suitable and would not unduly impact on the rear of the properties at 16 to 38 Barberr Close or the frontage of dwellings at 88 to 98 Barberr Close by way of overbearing impact, overshadowing or a loss of daylight.
- 7.35 The western side elevation of the terrace row would be positioned some 28 metres from the rear of houses at No.s 73 to 83 Waverley Crescent. This distance is considered to be acceptable and would maintain a good degree of outlook for the neighbouring residents to the west of the site.
- 7.36 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

Environmental Issues

- 7.37 Environmental Protection have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended that a precautionary standard condition in relation to contaminated land is included.
- 7.38 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.39 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Trees

- 7.40 There are a number of trees sited in various locations within the site, none of which are protected by Tree Preservation Orders. The accompanying Arboricultural Survey Report has identified the majority of the trees as not worthy of retention. Given the positioning of the proposed buildings and the reconfiguration of the access roads and parking areas the majority of these trees will be lost as a result of the development. The Arboricultural Survey Report recognises that a small proportion of the trees contribute to the landscape character of the site and as such a comprehensive tree planting scheme for the site will be required as part of the landscaping condition.

Parking and Highway Issues

- 7.41 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 1b meaning that the site is classified as having relatively poor access to public transport. Therefore residential development in this location is required to provide a high car parking provision of 2-1.5 spaces per unit.
- 7.42 The proposal can demonstrate a total of 86 no. off-street car parking spaces (including 7 no. dedicated disabled user bays) within the site to cater for the proposed 46 no. residential units and 2 no. commercial units. The car parking provision would be arranged along the reconfigured access roads as well as in a dedicated car parking areas including one to the front of No.s 52 to 74 Barberry Close. The existing main vehicular access points into the site from Briar Road would be retained and reconfigured.
- 7.43 A series of externally accessed internal refuse stores would be provided within the flatted block and placed in locations close to each of the main entrances. Each of the dwellings in the terrace row would be served by an enclosed bin store adjacent to the front door. An enclosed commercial refuse store would be provided to the rear of the shop units.
- 7.44 Secure cycle storage providing space for up to 36no. cycles would be provided in an enclosed cycle store located to the rear of the proposed commercial units. A secure storage shed would be provided in the rear garden of each of the terraced houses.
- 7.45 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Briar Road.
- 7.46 It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/ servicing issues.

Affordable Housing

- 7.47 It is proposed that the scheme will provide 100% affordable residential accommodation with the 36no. flats for affordable rent and 10no. houses for a shared ownership scheme.

Mayoral Community Infrastructure Levy

- 7.48 The proposed development will create 46.no new residential units and 2no. commercial units with 2,029 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £40,580.00 subject to indexation based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 7.49 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) 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.
- 7.50 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.
- 7.51 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.
- 7.52 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs 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.
- 7.53 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.

7.54 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 years 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.

7.55 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.

7.56 The proposed new dwellings would result in an additional local infrastructure demand such that a financial contribution is needed in accordance with policy DC72. There would be a net addition of 46 units and a charge of £276000.00 is considered necessary to make the development acceptable in accordance with the policy which would need to be secured by way of unilateral undertaking owing to the applicant owning the land.

8. Conclusion

8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.

8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the unilateral undertaking.

Legal implications and risks:

The planning merits of the application are considered separately to the Council's interests as landowner and applicant.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 23 March 2015.