



# REGULATORY SERVICES COMMITTEE

20 August 2015

# REPORT

**Subject Heading:**

P0439.15 - Moreton Bay Industrial Estate,  
Southend Arterial Road, Romford

Demolition of existing industrial units and residential dwelling and change of use of industrial areas to residential. Construction of two blocks comprising a total of 42 flats, including creation of a new access road with associated car parking, cycle and refuse storage. (Received 31/03/15 and revisions received 03/06/15 and 05/08/15)

**Ward:**

Squirrels Heath

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

The proposal is for the demolition of the existing industrial units and residential dwelling and change of use of the industrial area to residential. The proposal would consist of the construction of two blocks comprising a total of 42 flats, including the creation of a new access road with associated car parking, cycle and refuse storage.

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 proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

**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 is based on an internal gross floor area of 1872m<sup>2</sup> (3398m<sup>2</sup> minus existing floor area of 1526m<sup>2</sup>) and amounts to £37,440.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision on site of 15% of the units within the development as affordable housing
- A financial contribution of £252,000 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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

3. 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.

4. 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 52 no. 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.

## 5. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials, which shall match those of the existing 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 external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

## 6. 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.

## 7. Refuse and Recycling

The development hereby permitted shall not be carried out otherwise than in complete accordance with the refuse and recycling storage details as shown on drawing no. L02 Revision A.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

## 8. Cycle Storage

The development hereby permitted shall not be carried out otherwise than in complete accordance with the cycle storage details as shown on drawing no. L02 Revision A.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

## 9. Contaminated Land (1)

(1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority);

a) A Phase II (Site Investigation) Report is required. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions identified in the Desktop Study. 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

**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.

## 10. 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:** 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.

#### 11. Noise Insulation (Flats)

The building(s) 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.

#### 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. 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.

## 15. 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.

## 16. 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:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

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

#### 19. Construction Logistics Plan

No development, including demolition, site clearance, and construction on site, shall take place until a construction logistics plan has been submitted to and approved in writing by the Local Planning Authority in consultation with TFL. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:-

In the interests of highway safety and amenity and in accordance with Policy 6.3 of the London Plan.

#### 20. Hard Surfacing

Before the building(s) hereby permitted is first occupied details of the finishing material to be used in the construction of the access drive, car park and vehicle turning areas, are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials

**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. 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.

#### 22. Bat Endoscope Survey

a) Before development is commenced an endoscope survey of the features identified which could not be fully inspected during the external assessment should be carried out (from an extendable moving platform or scaffolding). If all features are fully accessed and surveyed, and no bats or evidence of bat activity (in the

form of scratch marks, feeding remains, grease marks, urine staining or droppings) are found, then works can commence as planned as no bat roost is present. However, if any areas are inaccessible, evidence of bat activity is identified, or it is not possible to conclusively state that bats are not present then it will be necessary to undertake the bat activity surveys outlined in b).

b) Bat Surveys: Good Practice Guidelines, published by the Bat Conservation Trust (Hundt, 2012), recommends for buildings with high bat roosting potential that at least three nocturnal emergence and/or dawn re-entry surveys be undertaken during the bat activity season to determine the presence/absence of roosting bats within the building. The bat activity season extends from May to September. At least one of the surveys should be a dawn re-entry survey, and at least two of the surveys should be undertaken between mid-May and August. If a roost is discovered during these surveys, a Natural England licence application may be required.

**Reason:** In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

### 23. Obscure with fanlight openings only

The proposed bathroom windows to the flank elevations shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

**Reason:** In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email on 8 May 2015. The revisions involved an increase to the cycle storage provision as requested by TFL. The amendments were subsequently submitted on 3 June 2015.
3. 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 £37,440.00 (this figure may go up or down, 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.

4. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application relates to the Moreton Bay Industrial Estate site and is located on the south-western side of the Southend Arterial Road (A127), approximately 380m to the southeast of Gallows Corner. The site is currently occupied by light industrial units and also an isolated residential property in the centre of the site. Two thirds of the site is covered by hardstanding or buildings.
- 1.2 The site is bounded by residential development on 3 sides with semi-detached bungalows to the southwest, 3-storey flats to the south east and a single residential bungalow (Tara) and 3-storey flats to the north west. The site is bounded by the A127 to the north east.
- 1.3 The square shaped site is relatively flat and covers an area of 4,306m<sup>2</sup> (0.43 ha).

## **2. Description of Proposal**

- 2.1 The proposal is for the demolition of the existing buildings and the redevelopment of the site to create 42no. residential units with a new access road, associated planting, landscaping, servicing and car parking.
- 2.2 The development would comprise of 2 no. L-shaped blocks consisting of 42no. residential units of which 14no. would be one-bedroom flats, 26no. would be two-bedroom flats and 2no. would be three-bedroom flats.
- 2.3 The scale and massing has been articulated as a 3-storey block that steps up from the 2/3 storey properties adjacent along the Southend Arterial Road streetscene, and culminates with a fourth storey at the centre of the site. The buildings will incorporate a contemporary flat roof design with an overall height of approximately 12.5 metres.
- 2.4 The blocks would be set in by 0.6m from the south-eastern flank boundary, 1.5m from the north-western flank boundary and 21.5m from the rear boundary. Amenity space provision is in the form of balconies to each flat and communal amenity areas to the rear of the proposed buildings.
- 2.5 It is proposed that the scheme will provide 15% of the units for affordable purposes. All flats are designed to the London Plan minimum internal spacing standards and Lifetime Homes Standard. The scheme has also been designed to meet Level 4 Code for Sustainable Homes.
- 2.6 The proposal would close the existing 3.no existing vehicular and pedestrian access points off the A127 and extend and widen the existing access road that currently runs from Belgrave Avenue parallel to the A127 all the way to Lucas Court (adjacent development). On-site parking will be provided for 18 no. Vehicles to the front of the site and 34 no. vehicles to the rear.
- 2.7 Refuse storage and secure cycle storage providing space for up to 72no. cycles would be provided in an enclosed building located to the rear of the site.

## **3. Relevant History**

- 3.1 None

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 203 properties and 64 letters of objection have been received. The comments can be summarised as follows:
- Proposed buildings are too high and lack good design.
  - Lack of sufficient amenity space.
  - Road parallel to the A127 is already overused and additional vehicles will cause further congestion and disruption.

- Proposal would cause overlooking to the gardens to the rear of the site.
- Loss of outlook to residential properties to the rear.
- Loss of sunlight, noise and air pollution as a result of the car park close to residential properties.
- Increase of density in a very overpopulated area.
- Parking issues as a result of overspill from the new development will make it more difficult to park on the access road and the single lane will make it difficult to pass.
- Reduce the value of nearby residential properties.
- Ferguson Avenue and Belgrave Avenue are used as a cut through, additional vehicles will make it worse by adding to the existing congestion at the junction of Belgrave Avenue and the A127.
- Development would put a strain on doctors, dentist and other resources.
- Development too large for the area.
- Health and safety concerns as a result of increase emission from vehicles.
- Anti-social behaviour.
- Additional noise associated with the development.
- Will put an additional strain on services (sewerage)
- Loss of trees
- Worried about the refuse arrangement and whether it would be sufficient.

#### 4.2 The following consultation responses have been received:

- Essex and Suffolk Water – no objection.
- Economic Development – no objection.
- 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.
- Transport for London – no objection in principle, requested an increase in the amount of cycle storage provided and a construction logistics plan to be secured via condition. TFL also requires the applicant to enter into a Section 278 Agreement in order to cover the cost for the reinstatement of the footways.

## 5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC32 (The Road Network) 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.

- 5.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD, Planning Obligation SPD (Technical Appendices)
- 5.3 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), 5.13 (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), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 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.

### *6.2 Principle of Development*

- 6.2.1 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.
- 6.2.2 The proposal is for the redevelopment of an industrial and residential site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.
- 6.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its use for residential purposes is therefore regarded as being acceptable in principle.

### *6.3 Density/ Layout*

- 6.3.1 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.

- 6.3.2 The proposal would provide 42no. residential flats at a density equivalent to approximately 97 dwellings per hectare. This is in excess of 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. Although the number of units per hectare is in excess of the recommended range consideration should be given to the site constraints and the proposal being for flatted development, which naturally gives rise to higher density development.
- 6.3.3 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.
- 6.3.4 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 three-bedroom flats the minimum standard is set at 74 square metres for four occupants and 86 square metres for five occupants.
- 6.3.5 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.
- 6.3.6 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.
- 6.3.7 In the flatted blocks external balcony areas accessed directly from the living rooms with an area ranging from between 8 square metres and 10 square metres would be provided for each of the flats forming the first, second third and fourth 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.
- 6.3.8 Two areas of approximately 65 square metres each situated to the rear of each block would be landscaped and set out as communal shared amenity space. An additional green strip of land situated between the car parking spaces and rear boundary wall could also be utilised as an additional amenity area. With the provision of the balconies and terrace areas as well as the communal gardens it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space.
- 6.3.9 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 the flats. All of the proposed flats 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.

6.3.10 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.

6.3.11 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 in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

#### 6.4 *Design/Impact on Streetscene*

6.4.1 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.

6.4.2 The main impact in terms of the streetscene along Southend Arterial Road relates to the character and appearance of the proposed 3 and 4-storey blocks in comparison to the existing 3-storey flatted buildings at Lucas Court to the east of the subject site and recently approved (P1195.14) three-storey flatted building to the west of the application site.

6.4.3 The proposal would be a significant change in overall scale and bulk from the existing single storey industrial building and two-storey residential dwelling on site, however the scale and massing has been articulated as a 3-storey block that steps up from the 2/3 storey properties adjacent and culminates with a 4 storey at the centre of the site. A centrally located access road through to the rear of the site breaks the two blocks reducing the visible mass to the streetscene. The central 4 storey element of the blocks wraps along the service road, the taller section of the block helping to signify the 'node' of the access road. The mass and bulk is further broken up by the provision of balconies to the front and rear of the building. The balconies provide visual interest to the facades creating a vertical emphasis and rhythm to the building and break the horizontal mass of the scheme. These elements are judged to avoid the proposed buildings having an overly dominant appearance in this setting.

6.4.4 In a broader sense the proposal would replace the sprawling and outdated industrial units spread over the site with 2 no. buildings 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 the this section of the Southend Arterial Road.



6.4.5 On balance it is considered that the proposed development would serve to regenerate an outdated industrial area, thereby enhancing the character and appearance of the surrounding area. The scale, bulk, height and massing of both blocks would create prominent features in the streetscene. However, this impact is not considered to be unduly harmful.

6.4.6 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.

## 6.5 *Impact on Amenity*

6.5.1 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.

6.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the various flats overlooking the properties to the rear at No.s 65 to 79 Ferguson Avenue (located to the southwest of the proposed residential blocks).

6.5.3 At the closest point, the rear elevation of the proposed development would be situated approximately 35 metres from overlooking windows at No.s 65 to 79 Ferguson Avenue. The separation distance from the rear of the building to the rear boundary measures approximately 23m. Any impact in terms of overlooking and outlook to these neighbouring properties is considered acceptable given the separation distance.

6.5.4. The proposed development will have a similar front and rear building line when compared to the existing flatted development at Lukas Court (east) and the recently approved flatted development at Tara (west) and would therefore not have an unacceptable impact upon the outlook of these flatted developments. The L-shaped building extending further into the site along the proposed access road is well set off the respective flank boundaries (16.5m at its closest point) and would not result in an unacceptable impact in terms of outlook to the neighbouring properties.

6.5.5 Bathroom windows are proposed to the flank elevations at ground, first and second floors. A condition will be imposed to have these windows obscure glazed and fixed shut with the exception of the fanlight in order to mitigate any impact on overlooking. Flank windows are also proposed to the L-shaped recess which runs along the proposed access way through the middle of the development. Officers do not consider these windows to have an unacceptable impact in terms of overlooking as there is a separation distance of approximately 16.5m between these windows and the respective flank boundaries. Any potential for overlooking would be to shared

communal areas of the neighbouring flats which would have an existing degree of overlooking.

6.5.6 The proposed elevations on either side of the access road have been designed with oriel bays in order to reduce the potential impact for inter-looking.

6.5.7 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.

## 6.6 *Environmental Issues*

6.6.1 Environmental Health has raised no objection to the proposal, however a desktop study has identified that further intrusive investigations need to be completed. On this basis it is recommended that a contamination condition be added in the event of an approval

6.6.2 The site is not located within a Flood Zone and presents no issues in relation to flood risk.

6.6.3 The applicant has submitted a Noise Exposure Assessment which evaluates the potential impact of the Southern Arterial Road on the proposed development. Environmental Health has not raised an objection to the Assessment provided that the implementation of the recommendations made is guaranteed by a condition in the event of an approval.

6.6.4 A daytime bat survey has concluded that building 1 (two storey residential dwelling) has been identified as having moderate to high potential to support roosting bats. The Bat Survey recommends an endoscope survey to be conducted prior to work commencing on site in order to establish the presence/absence of bats. A two stage condition will be added in the event of an approval to require a further assessment and surveys in the event of the confirmation of the presence of bats.

## 6.7 *Parking and Highway Issues*

6.7.1 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 flatted development in this location is required to provide higher car parking provision of 1.5-1 spaces per unit.

6.7.2 The proposal can demonstrate a total of 52 no. off-street car parking spaces (including 5 no. dedicated disabled user bays) within the site to cater for the proposed 46 no. residential flats. The car parking provision would be arranged to the front of the development (18 spaces) and to the rear of the

development (34 spaces). The parking provision would result in a ratio of 1.24 parking spaces per unit which is considered acceptable for a flatted development and in accordance with Policy DC2.

6.7.3 Following consultation with Transport for London and the Highways Authority the applicant has agreed to remove the 3 no. existing vehicular and pedestrian access points off the Southend Arterial Road. It was decided to extend and upgrade the existing road adjacent to the Arterial Road and improve the junction with Belgrave Avenue which should benefit all of the residents that use the access road. The widening of the road would provide a further 15 spaces. Parking and stopping restrictions along the service road are also proposed as part of the application.

6.7.4 A Transport Statement has been submitted with the application. The Transport Assessment makes the following conclusions in terms of the traffic generation and impact on the A127 and Belgrave Avenue:

- The change of use of the site would reduce traffic entering the A127 at Belgrave Avenue by more than half that generated by its current use and entering the A127 directly.
- Traffic on the service road (adjacent A127) would increase. While traffic through the junction of the service road and Belgrave Avenue will increase marginally, the efficiency of the junction would be unaffected. The small amount of additional traffic would have negligible impact on other local roads and junctions.
- Parking demand in the service road may increase marginally with more space provided by widening the carriageway. However, the spaces are located further from the commercial premises than currently. An increase in turning movements in the service road may slightly inconvenience local residents.

6.7.5 Refuse and recycling is provided to the rear of the site, a maximum of 25m from the potential pick up point in line with the refuse guidance. The refuse stores have been combined with cycle storage providing up to 72 spaces. The flat roofed refuse and cycle storage buildings are designed with a sympathetic cladding and green roof to feel architecturally part of the scheme.

6.7.6 Transport for London and 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 Belgrave Avenue.

6.7.7 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.

## 6.8 *Affordable Housing*

6.8.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site

would therefore be 21 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. However, the valuation has been independently appraised and that appraisal has concluded that the scheme can support 30% affordable housing.

6.8.3 Further discussions concluded that the independent appraisal was based on evidence of recent sales within the area which was either in more favourable areas or close to Gidea Park Station. Based on the location of the subject site adjacent the A127 and a lack of comparable market related evidence it was agreed that the provision of 15% affordable housing would be a more reasonable requirement. In accordance with the guidance in the NPPF and NPPG Staff consider that the proposals would be acceptable with the level of affordable housing contribution offered.

## 6.9 *Mayoral Community Infrastructure Levy*

6.9.1 The proposed development will create 42 new residential units with 1,872 square metres of new gross internal floorspace (3,398m<sup>2</sup> minus existing floor area of 1,526m<sup>2</sup>). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £37,440.00 subject to indexation based on the calculation of £20.00 per square metre.

## 6.10 *Infrastructure Impact of Development*

6.10.1 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.

6.10.1 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.

6.10.2 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.

- 6.10.3 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.
- 6.10.4 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.
- 6.10.5 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.
- 6.10.6 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. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 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. The proposal is considered to be acceptable in all material respects.
- 7.3 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 are required through a legal agreement.

### **Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreement.

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

### **Human 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 development also includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 31 March 2015, revision received on 3 June 2015 and 05 August 2015.