



# REGULATORY SERVICES COMMITTEE

22 October 2015

# REPORT

**Subject Heading:**

P0886.15 Angel Way Retail Park, Angel Way, Romford

New mixed use development of 350 residential units, a 63 bedroom hotel, ground floor mixed retail, basement car parking and a new public square at Angel Way Retail Park, Angel Way, Romford RM1 1JH. Minor-material amendment to P2246.07 involving the substitution of revised plans.

Romford Town

**Ward:**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

Not relevant

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

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

## SUMMARY

This is an application made under S73 of the Town and Country Planning Act 1990 for a new planning permission for the development granted under P2246.07 as varied by non-material amendments N0047.14 and N0024.15. It proposes to make minor material amendments to the approved drawings concerning the configuration of the underground car parking areas, parts of the internal layout and external detailing, including a small increase in height of one of the lower blocks and lift overruns. Under S73 only the question of the conditions subject to which planning permission should be granted, can be considered as the principle of the development has already been accepted. The proposed changes to the approved drawings are considered to be minor and are judged to be acceptable.

The existing planning permission is subject to a S106 planning obligation that secures affordable housing and other infrastructure and environmental contributions, including for education and highways, totalling over £1.9 million. As the approval of this proposal would result in a new planning permission a revised obligation is required. Subject to the prior completion of a new S106 planning obligation to secure affordable housing and the same contributions (indexed from the date of the original obligation) as set out in the original obligation the grant of a new planning permission is recommended subject to the same planning conditions, with some updating including the amendments approved under N0047.15 and N0024.15.

## RECOMMENDATIONS

1. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - 31 of the residential units to be affordable in accordance with the details approved under S106BA of the Town and Country Planning Act 1990 on 18<sup>th</sup> June 2015.
  - A financial contribution of £1,628,712 (subject to final indexation) to be used for educational purposes to be paid in three instalments. 33% upon the occupation of the 66<sup>th</sup> market unit; 33% upon the occupation of the 131<sup>st</sup> and 34% upon the occupation of the 197<sup>th</sup> market unit. Market

units to be defined as all residential units other than the 31 affordable units referred to above.

- A highways contribution of £186,468 (subject to final indexation) for defined highways works in the vicinity of the site.
- Romford Ring Road contribution up to a maximum of £372,936 (subject to final indexation) to fund a scheme of mitigation against the impact of the development on the ring road. The exact sum to be determined in accordance with a modelling exercise to be undertaken by the Council upon the commencement of the development. Such scheme to be approved by the Council). Payment upon first occupation or within 6 months of receipt of the modelling results.
- A town centre environmental improvements contribution of £211,330 (subject to final indexation) towards improvements to the town centre by the Council, including pavement improvements in North Street and environmental improvements to Market Square. Payment to be made in two stages, 50% upon occupation of the 86<sup>th</sup> open market unit and 50% upon occupation of the 173<sup>rd</sup> open market unit.
- Provision of police office
- A training and recruitment scheme.
- TV reception study and remediation works
- Submission of landscape management plan.
- Provision of a piece of public art in an agreed location.
- Restriction on resident parking permits.
- Public access paths
- The terms of payment of the contributions and other provisions to be as set out in the planning obligation dated 19<sup>th</sup> November 2009 as modified by resolution of the Regulatory Services Committee on 18<sup>th</sup> June 2015. All contributions to be indexed from the date of the original UU to the date of signing the new agreement.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to the completion of the obligation irrespective of whether it is completed.

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

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

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

2. *Landscaping* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, 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 their protection in the course of development, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme. 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.

3. *River Rom naturalisation* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, details of works, including details of all proposed planting, to achieve the naturalisation of that part of the western bank of the River Rom which lies within the site shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the works have been carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the naturalisation works proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document policies DC58 and DC59. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

4. *Light spillage* - There shall be no light spill which exceeds a lux level of 2 at any time from new external artificial lighting into the watercourse of the River Rom or the adjacent river corridor habitat within the site.

Reason: To minimise the impact from light spillage on the River Rom wildlife corridor in accordance with policies DC56, DC58 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

5. *Surface drainage* - No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to demonstrate that that surface water discharge from the development would not increase the risk of flooding in the locality. The submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

6. *Foul water drainage* - No development shall take place until a scheme of foul water drainage has been submitted to and approved in writing by the local planning authority.

Reason: Insufficient information has been supplied with the application to demonstrate how the foul water drainage would be undertaken. The submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with Development Control Policies Development Plan Document Policy DC51.

7. *Materials* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

8. *Access & Cycle paths* - The development hereby permitted shall not be occupied until all vehicular accesses and pedestrian and cycle paths shown on the approved plans have been constructed and made available for use in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that the site is fully accessible prior to occupation to comply with London Plan Policies 6.3, 6.13 and 7.14 and Development Control Policies Development Plan Document Policy CP10.

9. *Cycle storage* - The development hereby permitted shall not be occupied until all the bicycle racks shown on drawings Nos 2503/AP/09A and 2503/AP/10B and the 150 residential car-parking spaces and the 30 hotel car-parking spaces shown on drawing No 2503/AP/09A have been constructed and made available for use. Thereafter the bicycle racks and car-parking spaces shall be kept available at all times for the parking of bicycles and cars respectively.

Reason: In order to ensure that there is adequate cycle storage provision in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with London Plan Policies 6.3, 6.13 and 7.14 and Development Control Policies Development Plan Document Policy CP10.

10. *Parking management* - The development hereby permitted shall not be occupied until a parking management strategy and allocation scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall become operational on the commencement of the hotel or residential use, whichever is the earlier.

Reason: To ensure that adequate provision of parking for the whole development is provided in accordance with Development Control Policies Development Plan Document Policy DC33.

11. *Storage and electric charging* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, details of the following facilities to be provided within the development shall be submitted to and approved in writing by the local planning authority:

- (a) electric charging points to be provided in the basement car park;
- (b) secure containers, including refrigerated units, for the storage of deliveries to residential properties;
- (c) facilities for the storage of waste and recyclable materials.

Reason: In order to ensure that the development adequately incorporates measures to allow use of electric vehicles by occupiers in accordance with London Plan policy 5.7.

12. *Secured by design* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref

2503/PH01A, details shall be submitted to and approved in writing by the local planning authority showing how the principles and practices of the Secured By Design Award including the Park Mark Safer Parking accreditation have been incorporated into the development. These details shall include measures for site security, CCTV and security lighting for the development including the basement parking area. Development shall be carried out in accordance with the details thus approved.

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.

13. *Construction works* - 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.

14. *Wheel washing* - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

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

c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.

- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to 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. No development shall take place until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details and retained throughout the course of the construction works.

15. *Construction methodology* - No development shall take place until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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.

16. *Noise* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, a scheme for protecting the residential units hereby permitted from road traffic noise and from noise arising from the retail floor-space hereby permitted shall be submitted to and approved in writing by the local planning authority. None of the residential units hereby permitted shall be occupied until the scheme has been carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to the likely road noise impact on the development. The submission of details prior to commencement will ensure that the amenities of future residents will be protected in accordance with Development Control Policies Development Plan Document policies CP15, DC55 and DC61.

17. *Energy Strategy* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, an updated energy strategy based on the commitments in the Mendick Waring Energy Strategy Report (June 2008) and including details of a renewable energy system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the renewable energy system has been installed in accordance with the approved details and brought into operation.

Reason: The energy strategy submitted with the original planning application needs to be updated in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document and London Plan Policy 5.2.

18. *Contamination* - No development shall take place until there has been submitted to and approved in writing by the local planning authority:

(a) A Phase I (Desktop Study) Report documenting the history of the site and its surrounding area and the likelihood of contaminant(s), their type and extent, and incorporating a Site Conceptual Model;

and, if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors:

(b) A Phase II (Site Investigation) Report. The Phase II Report will be based on an intrusive site investigation and will include an updated Site Conceptual Model showing all the potential pollutant linkages and an assessment of risk to identified receptors;

and, if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation:

(c) A Remediation Scheme, which shall be fully implemented as approved. Any variation to the scheme shall be submitted to and approved in writing by the local planning authority in advance of works being undertaken. The development hereby permitted shall not be occupied until a Validation Report demonstrating that the Remediation Scheme has been fully implemented has been submitted to and approved in writing by the local planning authority.

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or is of a different type to those included in the contamination proposals, then revised remediation proposals shall be submitted to and approved in writing by the local planning authority and shall be carried out as approved.

If during development works contaminants are found in areas of the site previously expected to be clean, then their remediation shall be carried out in line with the agreed Remediation Scheme.

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.

20. *Retail floorspace* - No individual unit within the retail floor-space hereby permitted shall exceed 750sqm gross floor area.

Reason: In order to ensure that such uses are compatible with the core and fringe retail areas of the town centre, in accordance with Development Control Policies Development Plan Document Policy DC15.

21. *Non-retail floorspace* - At no time shall units in A4 and A5 use occupy more than 10% of the retail floor-space hereby permitted<sup>16</sup>, nor shall such units occupy more than 10% of the frontage of that retail floor-space.

Reason: In the interests of residential amenity, the function of the town centre, in accordance with Policies DC15 and DC 61 of the LDF.

22. *Window display* - Except for the police office shown on drawing No 2503/AP/10B, a window display shall be provided at all times in each of the ground-floor windows serving the retail floor-space hereby permitted.

Reason: In order to ensure that the development contributes to the creation of an active frontage within the town centre, in accordance with Development Control Policies Development Plan Document policy DC15 and ROMSSA1 of Romford Area Action Plan.

23. *Trading hours* - Each retail unit facing St Edward's Way shall have an entrance onto St Edward's Way which shall be open for public use during trading hours.

Reason: In order to ensure that this part of the development has an active frontage facing onto the public highway

24. *Opening hours* - Except for the police office shown on application drawing No 2503/AP/10B, no unit within the retail floor-space hereby permitted shall be open to customers outside the following hours: 0700 to midnight on Mondays to Saturdays, and 0800 to 2300 on Sundays.

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

25. *Deliveries* - No deliveries to the hotel or to any unit within the retail floor-space hereby permitted to the north-east of the River Rom shall take place outside the hours of 0700 to 2200 on Mondays to Saturdays and 0800 to 1400 on Sundays.

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

26. *Deliveries (southwest of Rom)* - None of the retail floor-space hereby permitted to the south-west of the River Rom shall be occupied until details of the hours during which deliveries to it may take place have been submitted to and approved in writing by the local planning authority. Thereafter deliveries shall not take place outside the hours specified in the details thus approved.

Reason: Insufficient information has been supplied with the application of the proposed delivery times for this part of the development. The agreement of delivery hours is considered necessary in order to protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

27. *Vehicle turntable* - The development hereby permitted shall not be occupied until details of the delivery vehicle turntable shown on application drawing No 2503/AP/10B and a scheme for its maintenance have been submitted to and approved in writing by the local planning authority, and the turntable has been installed in accordance with the approved details. The turntable shall thereafter be kept operational at all times when deliveries to the premises are permitted and shall be maintained in accordance with the approved maintenance scheme.

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

28. *Lifetime homes* - At least 35 of the residential units hereby permitted shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

- 29 *Travel Plan* - The development hereby permitted shall not be occupied until a travel plan covering both the proposed residential and commercial uses of the site has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to be put into place to encourage sustainable modes of travel to the site, such as walking, cycling, use of public transport and car sharing and shall include provisions for future monitoring and review. The travel plan shall be implemented in accordance with the details thus approved.

Reason: Insufficient information has been supplied with the application of the measures to be put in place to help reduce carbon dioxide emissions and provide alternatives to the car. The agreement of details prior to occupation will ensure that appropriate measures are in place in accordance with London Plan Policies 6.3, 6.13 and 7.14 and Development Control Policies Development Plan Document Policy CP10.

#### Informatives

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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. *Planning Obligations* - The planning obligation required has 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.
3. *Designing out crime* - In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site comprises land between St Edwards Way and Angel Way previously occupied by the Decathlon retail warehouse and associated parking. The site amounts to 0.95 hectares and takes access from Angel Way via the North Street roundabout. The River Rom runs through the site in an open culvert. Ground works as part of the development of the site for residential and commercial purposes are currently underway

### 2. **Description of Proposal**

- 2.1 The development granted under P2246.07 comprises the complete redevelopment of the site on both sides of the River Rom to provide 350 new flats, a 63 bed hotel with ground floor mixed retail and other commercial units. The development will be accommodated in three groups of buildings, the largest on the St Edwards Way and Angel Way frontages (Phase 2C). This building is arranged around a central courtyard and includes a sixteen storey tower block close to the roundabout.
- 2.2 Basement car parking would be provided on a single level under the main buildings for both the flats and hotel. A turntable was approved to enable delivery vehicles to be turned within the site with access from Angel Way via the North Street roundabout. The two other buildings also have A1-A5 uses on the ground floor with residential above. These buildings are nine (Phase 2B) and five (Phase 2A) storeys high respectively.
- 2.3 This application is made under S73 of the Town and Country Planning Act 1990 and seeks a new planning permission for the development with amendments to the approved plans as minor material amendments.
- 2.4 The minor alterations proposed comprise:
- Reconfiguration of the basement car parking over two levels to provide 180 parking spaces, including 20 disabled as previously (Phase 2C);
  - Relocation of turntable and access ramp to basement on Angel Way frontage (Phase 2C);
  - Changes to internal ground floor layout to provide for residential storage (Phases 2A & 2B);
  - Minor external changes to meet Building Regulation, Secured by Design and Lifetime Homes requirements (Phases 2A & 2B);
  - Lift over-run above building (Phases 2A & 2B);
  - Increase in building height by under 0.5m to allow for thickness of roof insulation and compensatory increase in height of ground floor retail (Phases 2A).

- Omission of flues (Phase 2B);
- Roof parapet and guardings amended to meet Building Regulations (Phase 2B);
- Revisions to correct discrepancies between drawings (Phase 2B);
- Revised balcony detail(Phase 2B );
- Relocation of support columns to address structural integrity (Phases 2A & 2B).

### 3.0 **Relevant History**

- 3.1 P2246.07 - New mixed use development of 350 residential units, 63 bed Hotel, ground floor mixed retail, basement car parking and new public square - approved on appeal.
- 3.2 P0574.14 - Extension of Time limit of P2246.07 - withdrawn.
- 3.3 N0047.14 - Include phasing plan to the list of approved documents (GML drawing 2503/PH01A) and vary the wording of conditions 2, 3, 7, 11, 12, 16, 17, 18, 29, to enable the discharge of these conditions in phases (parts) - approved.
- 3.4 N0024.15 - Non material amendment to P2246.07 - To include a condition listing the approved drawings as the enclosed list of drawings - approved.

### 4. **Consultations/Representations**

- 4.1 The application was advertised by way of site notices and one representation has been received. This raises objections on the grounds of design and car parking provision.
- 4.2 London Fire Brigade Water Team - no objections.
- 4.3 Thames Water - no objections.
- 4.4 The Metropolitan Police Designing Out Crime Officer - changes should be made to details submitted by way of condition discharge.
- 4.5 Essex and Suffolk Water - no objections.
- 4.6 Public Protection - no objections, request conditions covering, air quality, land contamination, construction, noise during works and noise insulation.
- 4.7 Streetcare (Highways) - no objections.
- 4.8 Environment Agency - no comments.
- 4.9 Greater London Authority - no comments.

## 5. **Relevant Policies**

- 5.1 LDF Core Strategy and Development Control Policies Development Plan Document:- CP1 (Housing Supply); CP2 (Sustainable Communities); CP3 (Places to Work); CP4 (Town Centres); CP10 (Sustainable Transport); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC14 (Hotels); DC15 (Locating Retail and Service Development), DC21 (Major Development and Open Space, Recreation and Leisure), DC23 (Food, Drink and the Evening Economy), DC25 (Public Art), DC26 (Location of Community Facilities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Management), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC57 (River Restoration), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC66 (Tall Buildings and Structures) and DC72 (Planning Obligations).
- 5.2 Romford Area Action Plan:- Site specific allocation ROMSSA1 (Angel Way), ROM4 (Pedestrian Links), ROM 8 (Day and Evening Economy), ROM11 (Retail Fringe), ROM14 (Housing Supply), ROM17 (Greening Romford), ROM18 (River Rom), ROM19 (Tall Buildings), ROM20 (Urban Design), ROM21 (Public Spaces).
- 5.3 London Plan:- 2.15 (Town Centres); 3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.5 Quality design of housing development; 3.8 (Housing choice); 4.7 (Retail and town centre development); 5.3 (Sustainable design and construction); 5.12 (Flood risk management); 7.3 (Designing out crime); 8.3 (Community infrastructure Levy).
- 5.5 Government Guidance: - National Planning Policy Framework and National Planning Practice Guidance

## 6. **Staff Comments**

Principle of the development

- 6.1 The principle of residential and commercial development on the site is established by Policy ROMSSA1 of the Romford Area Action Plan. The scale and form of the redevelopment has already been approved through the grant of planning permission under P2246.07. The issues for consideration are whether the proposed changes to the approved plans would be acceptable as minor material amendments to the plans already approved.

Impact of the proposed changes

- 6.2 The proposed changes would be minor and relate mainly to the internal layout and elevation changes. The overall appearance of the development would remain essentially the same as already approved and the changes would not have any significant visual impact. The main change would be to the basement

car parking which would be extended over two levels, and the relocation of the turntable and access ramp. These would be material but in the context of the overall scheme staff consider that they are minor. The changes to the car parking would provide the same number of spaces and would not be visible from outside of the site. The relocation of the ramp and turntable would be visible, but the overall impact would not be significant. There are no objections to the changes on highway grounds. The proposed changes would not have any significant additional impacts on adjoining occupiers.

- 6.3 The elevational and other changes are shown on revised plans which would be substituted for the existing approved plans listed under N0024.15. These changes are considered to be minor and would not significantly change the overall appearance of the development and not result in any significant additional impacts on adjoining occupiers. The internal changes would be minor and enable a more efficient use of the floorspace.

#### Other conditions

- 6.4 The development has already commenced so there is no requirement for a commencement condition. Some of the original conditions have been discharged, such as archaeology, and are no longer required, others have been part discharged subject to implementation so are recommended to be retained. The phasing conditions approved under N0047.14 have also been included.
- 6.5 Some of the other conditions have been updated, including reasons in accordance with recent legislation changes.

#### Planning obligations and Mayoral CIL implications

- 6.6 The original planning permission was granted prior to the introduction of Mayoral CIL so as this is an application under S73 the development is not liable for any CIL payment.
- 6.7 The application includes new residential accommodation which will have an impact on the demand for school spaces within Havering. The existing planning obligation already includes an education contribution the payment of which is currently phased and split between primary and secondary education. However, current policy no longer splits contributions and it is recommended that the new obligation does not make a distinction between primary and secondary, whilst retaining the phasing of payments in view of the number of residential units. The overall sum has been increased in line with indexation since the original obligation.
- 6.7 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.

- 6.8 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. These include contributions towards town centre improvements (Policy CP4) and road and transport improvements (Policy DC32). Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. 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.
- 6.9 The obligations within the 2009 unilateral undertaking are considered necessary to make the development acceptable in planning terms and would comply with Regulation 122. The contributions have all been increased in line with indexation since the 2009 undertaking.
- 6.10 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation.
- 6.11 With regards to affordable housing at the 15<sup>th</sup> June 2015 meeting of the committee members agreed to a variation of the original obligation. In view of the conclusions of a viability appraisal which had been independently assessed it was agreed to reduce the provision to 31 units (8.9%) from the original 87 units (25%). A variation to the original S106 planning obligation is currently being completed. The terms of this variation would be included in the new S106 agreement.

## 7. **Conclusions**

- 7.1 The principle of the redevelopment of the site for residential and commercial uses is set out in the Romford Area Action Plan. The scale and scope of the redevelopment was approved through planning permission P2246.07. This application is for the same development, but with some minor, but material changes to the approved drawings.
- 7.2 The proposed changes would not result in any additional significant impact on the area or on the amenities of adjoining occupiers.
- 7.3 The proposed changes would, therefore, be in accordance with the relevant development plan policies and subject to the prior completion of a planning obligation to secure contributions as set out in the recommendation, the proposals are considered acceptable and the grant of a revised planning permission is recommended accordingly.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** None

**Legal implications and risks:** Legal resources will be required for the drafting of a planning obligation. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

**Human Resources implications and risks:** None

**Equalities implications and risks:** The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

1. Application form and plans received on 17-06- 2015