



**REGULATORY
SERVICES
COMMITTEE**

REPORT

27 October 2011

Subject Heading:

**P0063.11 – Former Build Centre,
Rushdon Close, Romford**

**Construction of a five storey flatted
block comprising 18 1 bedroom flats,
18 2 bedroom flats and 10 3 bedroom
flats - amendment of approved
planning permission reference
P0206.10 (Application received 17th
January 2011 and additional plan
received 6th October 2011)**

Report Author and contact details:

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Policy context:

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

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Ensuring a clean, safe and green borough | <input checked="" type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns
and villages | <input type="checkbox"/> |
| Value and enhance the life of our residents | <input type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

Members will recall that planning permission was granted in 2010 for the redevelopment of the application site to provide 74 residential units. This planning permission is currently being implemented on site. Subsequent to the commencement of construction works it became apparent that the approved architect's plans did not accurately reflect the existing change in ground levels on part of the site. As a result of this the flatted block has needed to be redesigned to take account of the levels change. This current application therefore seeks full planning permission for the flatted block in isolation from the remainder of the development. The planning issues include design issues and impact on the street scene and residential amenity. These issues are set out in detail in the report below. Staff consider the application to be acceptable, subject to the satisfactory completion of a legal agreement and the imposition of conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 2nd August 2010 in respect of planning permission P0206.10 by varying the definition of Planning Permission which shall mean either planning permission P0206.10 as originally granted or planning permission P0206.10 as altered by planning permission under reference P0063.11 subject to construction of a maximum of 74 residential units on the application site pursuant to the Planning Permission.

That Staff 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. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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 the LDF Development Control Policies Development Plan Document Policy DC61.

2. Car parking - Before the flats hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained

permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

3. Materials – The development hereby approved shall be constructed using the external materials previously submitted and agreed under condition discharge request application reference Q0192.10 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the building and the character of the immediate area.

4. Landscaping – The hard and soft landscaping shall be completed in accordance with the details previously submitted and approved under condition discharge request application reference Q0192.10. 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development.

5. Refuse and recycling – Refuse and recycling storage shall be implemented in accordance with 10.6919.100 revision A (dated September 2010) as previously submitted and agreed under condition discharge request application reference Q0192.10 unless otherwise agreed in writing by the Local Planning Authority.

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.

6. Cycle storage – Prior to the first occupation of the flats hereby permitted cycle storage provision shall be provided in accordance with drawing number D0100 revision P3 dated February 2010 as previously submitted and agreed under condition discharge request application reference Q0146.10 and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

7. Boundary treatment - The boundary treatment of the development shall be implemented in accordance with drawing numbers 10.6919.100 revision A and 10.6919.101 revision A (both dated September 2010) as previously submitted and agreed under condition discharge request application reference Q0192.10 and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

8. Secure by Design - The development hereby approved shall be implemented in accordance with the Secure by Design application reference SBD.01KD.17.10 and the information submitted and agreed under condition discharge request application reference Q0146.10 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

9. External lighting - The external lighting of the development shall be implemented in accordance with information previously submitted and agreed under condition discharge request application reference Q0038.11 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

10. Hours of construction - No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

11. Code for Sustainable Homes – Prior to the first occupation of the development hereby approved the Final Code Certificate confirming that the development achieves a minimum Code for Sustainable Homes 'Level 3' rating shall be submitted to and approved in writing by the Local Planning Authority.

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

12. Renewable energy system - The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development. Thereafter, it shall be permanently retained.

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

13. Use of roof areas - The roof area of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of neighbouring dwelling.

14. Sound attenuation - The flats hereby permitted 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 in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

INFORMATIVES

1. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP17, DC2, DC3, DC6, DC7, DC11, DC21, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC53, DC55, DC56, DC58, DC59, DC60, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies 3.3, 3.5, 3.7, 3.8, 3.9, 3.11, 5.1, 5.2, 5.3, 5.12, 5.13, 5.21, 6.3, 6.9, 6.10, 6.12, 6.13, 7.1, 7.3, 7.4, 7.6, 7.19 and 7.21 of the London Plan.

Planning Obligations

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 Rushdon Close is situated on the eastern side of Manor Road, a residential street drawn predominantly from two storey semi detached family housing. Rushdon Close itself is a crescent shaped road curving from Manor Road in a northerly direction. The land, which today forms Rushdon Close and the application site, is reputed to have once been railway sidings and a coal yard. Today the land to the north side of Rushdon Close is occupied by a cluster of three storey residential flatted blocks of facing brickwork design with tiled hipped roofs.
- 1.2 The application site is situated on the eastern side of Rushdon Close. This proposal concerns a portion of the larger former builder's merchants site which is currently being redeveloped for residential purposes. The site covers an area of approximately 0.16 hectares within a larger site area associated with planning permission P0206.10 being approximately 0.89 hectares. To the west of the application site is a three-storey office building on land generally 2.5 to 3 metres above the level of the site. The southern site boundary is bounded by the rear gardens of residential properties fronting onto Marwell Close and Francombe Gardens.

2. Description of Proposal

- 2.1 Planning permission has previously been granted under planning reference P0206.10 for the construction of 74 affordable residential units on the wider site. The approved scheme comprised both housing and a single block of five storey flats. This planning permission is currently under construction with the houses due for completion in January 2012 and the flatted block by March 2012. Subsequent to the commencement of the development on site it became apparent that the approved architect's plans did not accurately reflect the existing change in ground levels on part of the site. As a result of this the flatted block has been redesigned to take account of the levels change thus necessitating the submission of a further planning application. This application therefore seeks full planning permission for the flatted block approved under the original scheme in isolation. The block would contain the same number of units as previously approved, namely 18 no. 1 bedroom flats, 18 no. 2 bedroom flats and 10 no. 3 bedroom flats.
- 2.2 The flatted block would remain on the same footprint as previously approved and would be no different in terms of overall width or depth. Ground levels

across the site fall from west to east. In order to deal with this change in levels the flatted block would be higher towards the eastern end of the building. The portion of the site where the flatted block is presently being constructed is set below the adjoining ground level to the west and south by between 2.5 and 3 metres. As per the original approval the north facing façade of the building would have a width of 33.5 metres with a depth of 16.5 metres and the east facing façade of the building would have a width of 42.5 metres and a depth of 15.5 metres. The approved architect's plans indicated the block on a level site with the building having an overall height of 14.6 metres with a flat roof. Given the change in ground levels across the site the block will when completed have a varying overall height of between 15 metres and 16.1 metres. At its greatest height the building will be 16.1 metres at the eastern façade (facing east into the site), a difference of 1.5 metres than previously approved.

- 2.3 In addition to the alterations described above the elevations of the flatted block would also differ slightly from those previously approved in that several windows have been repositioned to address Building Regulation requirements. The submitted plans also indicate that automatic opening vents (AOVs) and lift shaft overrun areas are now proposed to the roof of the building. These were omitted from the approved architect's drawings but are required in order that the building would comply with Building Regulations and fire safety requirements. A total of six AOVs are proposed, three to the northern end of the block and three to the southern end of the block.

3. Relevant History

- 3.1 P0206.10 - Redevelopment to provide 74 affordable residential units, comprising 5 x 4 bed houses, 23 x 3 bed houses, 18 x 1 bed flats, 18 x 2 bed flats and 10 x 3 bed flats, together with associated landscaping, children's play space, refuse stores, access road and parking – Approved August 2010

4. Consultations/Representations

- 4.1 The application has been advertised and neighbour notification letters sent to 231 local addresses with five letters of representation being received. The letters raise objection to the proposal on the following grounds;
- The height of the proposed block being intrusive
 - Overlooking and a loss of privacy
 - Additional noise and disturbance from traffic
 - Increased traffic
 - Disruption during construction
- 4.2 The London Fire Brigade raise no objection subject to the provision of two additional fire hydrants within the wider site.

4.3 The London Fire and Emergency Planning Authority is satisfied with the proposals.

5. Relevant Policies

5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP15 (environmental management), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC11 (non-designated sites), DC21 (major developments and open space), DC29 (educational premises), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC48 (flood risk), DC49 (sustainable design and construction), DC50 (renewable energy), DC51 (water supply and drainage), DC53 (contaminated land), DC55 (noise), DC56 (light), DC58 (biodiversity and geodiversity), DC59 (biodiversity in new developments), DC60 (trees), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations.

5.2 The Supplementary Planning Document for Residential Design is a material consideration as are the Supplementary Planning Documents for Sustainable Design and Construction, Landscaping and for Protecting and Enhancing the Borough's Biodiversity.

5.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of new housing development), 3.7 (large residential developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.11 (affordable housing targets), 5.1 (climate change mitigation), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.3 (assessing effects of development on transport capacity), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.19 (biodiversity and access to nature) and 7.21 (trees and woodlands) of the London Plan are relevant.

5.4 National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3 'Housing', Planning Policy Statement 9 'Biodiversity and Geological Conservation', Planning Policy Guidance Note 13 'Transport', Planning Policy Guidance Note 17 'Planning for open space, sport and recreation', Planning Policy Statement 22 'Renewable Energy', Planning Policy Guidance Note 24 'Planning and Noise' and Planning Policy Statement 25 'Development and Flood Risk' are also relevant. Government guidance relating to highway matters contained within 'Manual for Streets' published by The Department for Transport in 2007 is also considered to be a material consideration.

6. Staff Comments

- 6.1 Planning permission has previously been granted for a housing and flatted residential development on this site. This planning application has been submitted in order to gain permission for changes to the flatted block, which have been necessary in order to deal with the levels changes across the site. The application also seeks permission for the repositioning of several window openings and the inclusion of a number of roof mounted automatic opening vents and two lift over runs. In all other respects the proposed building is to remain as per the approved plans. Given that the application proposes no other changes to the flatted block as previously approved the assessment below will focus solely upon the ground levels issue and the roof mounted smoke vents/lift over runs. The issues arising from this application are design and street scene issues, impact on amenity and highway issues.
- 6.2 Members may recall that the flatted element of the development is formed of a single 'L' shaped block sited adjacent to the western site boundary. The block when completed will be five stories in height with the top floor being recessed. The block is positioned in a manner that it is bounded to the west and south by a retaining wall. The difference in ground level between the site and the top of this retaining wall varies between 2.5 and 3 metres. The change in ground levels in the vicinity and set down of the flatted block into the site will effectively result in the building appearing a storey height lower when viewed from outside of the site once construction is complete. The change in ground levels within the site itself is such that the ground slopes west to east towards the railway line. In order to deal with this change in levels the proposed building has been redesigned in order to step down into the site. The consequence of this is that the block will appear, once construction is complete, 1.5 metres higher (at the tallest point) to the eastern end of the building than previously approved. Essentially this additional height will only be readily apparent from along the internal road within the site. Staff are of the view that despite the necessary changes to the design of the building in order to address the ground level differences that it would remain of an acceptable external appearance. The relationship of the flatted block with the houses previously approved and the presentation of the block to the street scene are also judged to be acceptable.
- 6.3 The western end of the block, nearest to Manor Road, will remain unchanged in terms of overall height and is positioned on the ground level as originally indicated on the approved planning application. This means that the block as viewed from the west outside of the site (i.e. from Manor Road looking along Rushdon Close) will appear the same height as previously approved.
- 6.4 The submitted plans indicate that a number of window openings have been slightly re-positioned from the locations shown on the approved plans. The reasoning behind this is to address Building Regulations requirements. The re-siting of the windows is considered to be of a minor nature and is not

judged to have a materially greater impact on the design of the building nor its external appearance.

- 6.5 The proposed smoke vents and lift over runs are to be sited to the roof of the building. In the case of the smoke vents these are also a Building Regulations requirement. Although the smoke vents and lift over runs are readily evident in plan form staff are of the view that the vents are unlikely to be clearly visible from ground level within the immediate street scene once the flatted block is completed. Given the projection of the proposed vents and lift over runs from the roof of the building it is likely however that they would be visible from vantage points in the wider area. Staff are of the view that the proposed smoke vents and lift over runs would not represent significant additions to the roof area of the building and as such would not be harmful to the design of the block or the wider street scene.
- 6.6 External materials for the flatted block have already been approved through the condition discharge process for the original application and would remain unchanged through this application. As per the original approval the flatted block is to be completed with 10% of the units provided as wheelchair housing and all units meeting Lifetime Homes Standards. The development as a whole is also scheduled to gain Code for Sustainable Homes Level 3.
- 6.7 The flatted block has previously been judged to have an acceptable relationship with adjoining properties. Consideration must be given however to whether the increased height of the block to the eastern end, the repositioned windows and the proposed roof additions would give rise to a greater impact on residential amenity. To the west of the block is a three-storey flat roof office building (nos. 37-39 Manor Road). Staff are of the view that the flatted block would have an acceptable relationship with this building and would not prejudice the redevelopment of this site should it come forward in the future.
- 6.7 To the south of the flatted block is Marwell Close, a residential cul de sac containing four flatted blocks and Francombe Gardens also a residential cul de sac made up of two storey housing. The flatted block is separated from the nearest building in Marwell Close (nos. 33-44) by the proposed amenity deck and a car park serving Marwell Close. The distance between the rear of the flatted block and nos. 33-44 Marwell Close is approximately 29 metres. The distance between the flatted block and the nearest house in Francombe Gardens is also approximately 29 metres. Staff are of the view that the separation of the block to adjoining buildings would ensure that it would not have a harmful impact on amenity. As stated above although the block will appear higher to its eastern end from within the site this change is unlikely to be notable from the south owing to the fact the ground levels within the site are at a lower level.
- 6.8 Having regard to the siting and size of the proposed smoke vents and lift over runs in comparison with the scale and mass of the flatted block as a whole staff are of the view that they would not be harmful to residential amenity.

6.9 The proposal would not result in any highways issues.

7. Conclusion

7.1 This application has been submitted in order to gain permission for changes to the flatted block presently approved under P0206.10. The changes have been necessary during the construction of the block in order to deal with a levels change across the site. The application also seeks permission for a number of roof mounted automatic opening vents (AOVs) and two lift over runs both omitted from the approved plans. Staff are of the view that the changes to the flatted block are acceptable and that the additional height of the building to its eastern end would not be harmful to the street scene. Staff are also of the view that the proposed roof mounted smoke vents and lift over runs would have an acceptable impact on the appearance of the flatted block and would not have an adverse impact on the street scene. The application is not considered to raise any adverse amenity or highway issues. It is recommended that planning permission be granted subject to a deed of variation of a legal agreement together with the imposition of planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The flats are being constructed to meet the Lifetime Homes Standard, which means that they will be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 17th January 2011 and additional plan received on 6th October 2011.