



Application Reference:	P0887.24
Location:	67-71 Victoria Road, Romford
Ward	St Albans
Description:	“Full planning application for demolition of the existing buildings and the redevelopment of the site to provide a mix of residential units (Use Class C3), including access works, car and cycle parking, refuse storage and amenity space.
Case Officer:	Habib Neshat
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria

1 BACKGROUND

- 1.1 The application follows a number of schemes which have all been refused with respect to overall massing, scale, the adverse impact upon the amenities of the adjoining occupiers and the highways conditions. The most recent refusal has been subject to a planning inspectorate scrutiny on an appeal. The inspector’s comments in the determination of the current application are a material consideration. In summary the appeal inspector considered the refused scheme, in terms of its, bulk, scale, design, as well its impact upon highways conditions, and living conditions for the future occupiers of the site were acceptable. However, the appeal was dismissed on the adverse impact upon the amenities of the adjoining occupiers, in particular with respect to the loss of unacceptable degree of sunlight to the rear garden 1 Corbridge Mews. The current scheme has sought to address the concern raised by the inspector.

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 Given the shops are outside the designated shopping centre, there could be no objection raised to the loss of retail / commercial building in this location. The proposed scheme would be in line with general policies in the Local Plan, the London Plan and the National Planning Policy Framework with respect to the provision of much needed housing in a sustainable location. By taking into consideration the comments raised by the inspectorate, on balance, subject to appropriate conditions, it is considered that the proposal would have an acceptable impact upon the highways condition, the character and appearance of the area and the amenities of the adjoining occupiers.

3 RECOMMENDATION

- 3.1 That the Committee resolve to grant planning permission subject to the following terms of legal agreement and conditions;

That the Committee resolve to approve reserved matters subject to:

The completion legal agreement to secure the following planning obligations: “

- To ensure the future occupiers of the site would not be able to acquire Residential Parking Permit in the Controlled Parking Zone.
- A financial contribution (to be agreed) to be paid by the developer to the Council to reimburse the Council’s legal costs associated with the preparation of the planning obligation and a further financial obligation (to be agreed) to be paid to reimburse the Council’s administrative costs associated with monitoring compliance with the obligation terms.

The following conditions;

1. Time for commencement
2. Scheme to be carried out in accordance to plans
3. No additional windows on the flank elevation facing Jane Court / and the windows shall be constructed as specified on the drawings hereby approved.
4. Materials
5. Car parking to be provided according to plan
6. Landscaping
7. Trees on the boundary of the site to be protected
8. Boundary treatment (walls and fences) surrounding the site.
9. Refuse and recycling
10. Cycle storage

11. Hours of construction
12. Construction management
13. Sustainable drainage, including; Surface water management
14. Electric Charging
15. Secure by design
16. Boiler
17. Water efficiency
18. External lighting
19. Energy to secure reduction in CO2
20. Ecological enhancement scheme.
21. Inclusive design in terms of access;
22. Maximising the use of PV
23. Air Source Heat Pump (ASHP Feasibility)
24. Noise – from plant and machinery.
25. Noise The building(s) shall be so constructed as to provide sound insulation
26. Land contamination;
27. Archaeology

4. Site and Surroundings

- 4.1 The application site comprises a relatively narrow and deep plot. It is located at the junction of Victoria Road where it meets Mercury Gardens.
- 4.2 To the west the site is bound by Romford Ring Road – Mercury Gardens. To the east there is a more recent development incorporating blocks of flats; Corbridge Mews and Jane Court Flats together with its associated access. To the rear the site is bound by the elevated section of the railway lines running from Romford to Gidea Park/Emerson Park.
- 4.3 Mercury Gardens, dates from circa 1960s and contains many new buildings with taller development compared with the Victoria Road, with lower density and comprising a mixture of flatted development as well as traditional two storey buildings.
- 4.4 The buildings on the application site are currently low key in terms of their volume and are used for commercial purposes. One of the buildings is being used as a wedding shop the other an aquatic centre. Both shops have been running for a considerable period of time and are particularly popular among the local residents and wider area.

- 4.5 The application buildings originally formed a pair of two storey semi-detached buildings, with a gap in between. However, the corner building has been cut in half (to accommodate the construction of Mercury Gardens). Further, the pair of the semi-detached buildings have been linked together at the first floor level, thereby creating an under-croft which allow access to the original rear gardens. The area to the back is entirely covered in hard surface and is primary used for car parking purposes. There is a deep single storey rear addition to the building used for the aquatic centre.
- 4.6 There is a small grassed area separating the building from Mercury Gardens, which slopes down below the railway bridge towards the end of the site.
- 4.7 The application site lies approximately 0.5 mile from Romford town centre a short walk to Romford Station.
- 4.8 The area surrounding the site is in a mix of residential and commercial uses. The prevailing residential typology is 1930s semi-detached terraces, though there are significant number of newer flatted developments including three to four storey apartment blocks in particular larger buildings facing Mercury Gardens.
- 4.9 The site has a Public Transport Accessibility Level (PTAL) of 6B, with access to bus routes and train services to Central London (Elizabeth Line), Liverpool Street, Shenfield and Upminster are available from Romford Station.
- 4.10 The current shops are not within a designated shopping centre in the local plan. The application site does not fall within a conservation area, there are no listed buildings on or near the site and there are also no Trees. Generally the surrounding roads are subject to parking restrictions including residential control parking Zone 2.

5 PROPOSAL AND LOCATION DETAILS

- 5.1 The proposal is to demolish all building and to redevelop the site to provide new dwellings comprising two separate blocks;
- To the front of the site facing Victoria Road, a block of flats, three storey high, comprising 6 x 2 bed dwelling.
 - The area between the blocks incorporates communal amenity space. There is also communal amenity space to the rear of the proposed rear block backing onto the railway embankment.
 - A terrace of three storey buildings, to the rear, comprising 1 x 2 bed house and 2 x 3 bed houses

- Each of the proposed terrace houses would benefit from rear garden. The proposed flat block would include balconies and terraces.
- Refuse and recycling and cycle storage would be provided to the front part of the site, along the boundary with the adjoining building.
- The proposal would include one disabled parking space, with vehicular access from Victoria Road through the ground floor (under-croft) of the proposed front block.
- Provision of 18 secure cycle parking spaces for residents including space for large cycles and additional visitor parking for 2 cycles;
- The proposed buildings would incorporate Sustainable design features through provision of green roof, Sustainable Urban Drainage Systems (SuDs) and roof-top PV panels and Air Source Heat Pumps (ASHPs).

5.2 There would be no on-site service provision. All services would be provided from the road - including servicing with respect to refuse / recycling.

6. **Planning History**

- 6.1 The site (including the main buildings) has been subject to a number of recent pre-application discussions and planning applications. The planning applications have all been refused. There has been a prior approval scheme for the conversion of the existing buildings into flats comprising 9 units (permitted development).
- 6.2 Planning application (Ref; P0970.22) was refused on 06-01-23 for "demolition of the existing buildings and redevelopment of the site to provide a 15 residential units (Use Class C3), including access works, and provision of car and cycle parking, refuse storage and amenity space." The scheme was refused by reason of its scale, bulk, height and the proximity to the shared boundaries and the impact upon highways condition as well as causing adverse impact upon the amenities of the adjoining occupiers.
- 6.3 Planning application, Ref; P0487.23- for demolition of the existing buildings and redevelopment of the site to provide a mix of residential units (C3) including access works, car and cycle parking, refuse storage and amenity space was refused on 22/05/2023. The subsequent appeal Ref; 23/3324488- to this scheme was Dismissed on 13/03/2023.
- 6.4 The appeal was dismissed because of the identified harm on the living conditions of occupants of No. 1 Corbridge Mews. This was due to the loss of sunlight and overshadowing to the rear garden of this house. The Inspector

found the scheme to be acceptable on all other matters that LB Havering had raised objection against.

A summary of the Inspector's findings includes the following:

- The scale and massing were considered to be acceptable;
- The design incorporating brickwork and articulation of brickwork was accepted;
- The materials and colour palette were accepted;
- No adverse impact upon the character and appearance of the area was found when considering the massing, bulk and variation in mass of the rear terrace building;
- The height of the brickwork to the top floor of the terrace building and its relationship with the dormer windows adds an element of interest and would not cause harm;
- The roof form and variation of roof form to the rear terrace was accepted;
- Elevations, including flank walls, when viewed in the context of the area as a whole would not cause harm;
- The servicing arrangement for refuse and recycling as well as car parking arrangement was considered acceptable.
- The living conditions of all proposed units were found acceptable in terms of light, outlook and privacy;
- Unacceptable harm would not be caused to living conditions in relation to daylight, sunlight and privacy of rooms of surrounding dwellings with respect to Jane Court and two properties at Corbridge Mews;
- However, the scheme was refused on the basis of unacceptable harm due to the loss of sunlight and overshadowing that would be caused to the rear garden of 1 Corbridge Mews — this is the ground upheld and ultimately led the Inspector

7 CONSULTATION RESPONSE

LOCAL REPRESENTATION

- 7.1 70 letters of notifications were sent to the adjoining occupiers. Neighbour notification letters were sent to nearby properties. One objection has been received, concerning the lack of car parking spaces, in particular with respect to family housing provision in the scheme.
- 7.2 A representation has been received from the Romford Civic Society, objecting for the following reasons: By virtue of its bulk and massing the proposed front

apartment block has a negative impact on the streetscene of Victoria Road and the ring road and is excessive in comparison with the existing properties adjacent to it in Victoria Road. The scheme has a comparatively low Urban Greening Score. The scheme proposes no Biodiversity gain. Should the scheme be approved, then particular care should be taken with detailing and quality of materials and finishes on the edge of the site - pathways, path edges, walls and adjacent areas etc. and also with the detail and suitability of planting. The Society welcomes the provision of terraced dwellings at the rear of the site

Councillor Call-In

7.3 Councillor Judith Holt has called-in the application for the following reasons;

1. The impact on the immediate neighbourhood would remain negative. In terms of siting, 67-71 Victoria Road lies on a fairly narrow strip of land which tapers to the rear, with the busy ring-road, Mercury Gardens, to one side, and the houses and low-rise flats of Corbridge Mews to the other. The existing building on site is two-storey : two shops with some low-ceilinged small rooms above. There is a small car park to the rear. Altering these, extending backwards and replacing the shops with a block of six flats, three houses, vehicular access, parking, cycle storage, four small gardens and refuse disposal areas, with the buildings rising to three storeys at each end, is still over-development.
2. There would continue to be a great change in design, layout and external appearance, the final result of which would not be conducive with the area (see point 1 above);
3. There would still be loss of light and privacy plus an overbearing impact on the neighbouring flats and houses in Corbridge Mews, plus the block of shops and flats opposite on the corner of Victoria Road;
4. In terms of infrastructure, there is a lack of parking; only one space is provided for six flats and three houses, and this is for a Blue Badge holder. Parking is already very pressurised in neighbouring Corbridge Mews, Albert Road, King Edward, Hearn and Alexandra Roads, with only resident and pay-and-display bays. Most people today have cars; the notion of "car-free developments" is a fantasy;
5. From a Heritage view point, 67-71 Victoria Road is a quirky, characterful building, very much in the style of "Old Romford". It will be detrimental to lose yet another long-established building of character to more bland-looking flats.

Internal and External Consultation:

- 7.5 Thames Water; there are public sewage within 15m, hence any piling work should be subject to condition. The surface water treatment shall be in accordance to London Plan policy SI13 sustainable drainage. The developer should ensure the discharge to public sewage. With regards to water supply this comes under Essex and Suffolk water company.
- 7.6 Anglican Water company; not within our jurisdiction
- 7.7 Lead Local Flood Authority - Drainage - no objection rec.

Environmental health -

Scheme acceptable subject to conditions with respect to air quality , contaminated land and noise.

Historic England;

- 7.8 There is a potential for historically valued artefacts due to a possible settlement here and hence, condition is recommended with respect to Written Statement of Investigation and if the Stage I WSI identified potential historic remains, then a Stage II WSI should be required through appropriately worded condition.

Waste and Recycling -

- 7.9 Please ensure there is sufficient numbers of refuse and recycling bins at this site, suitable storage areas, and that the collection crew access requirements are adhered to in particular with the distance to the bin store. Bins are not provided by Havering Council, nor is Havering Council liable for them. Bins need to be purchased and maintained privately. Please adhere to the attached guidance.
- 7.10 **Highways** -Car free scheme acceptable. There would be potential issue with servicing the flats, as it would be very close to the busy junction.
- 7.11 Fire Brigade (water) - no additional hydrants required,
- 7.12 **MET Police** - request condition relating to community safety/secure by design standards
- 7.13 **Network Rail;**
- There may be hidden railway infrastructure. The developer to contact Network Rail prior to any works. Mitigating measure to ensure; no damage to stability of the railway structure, no glare to drivers' vision, no effect upon human health

from high powered power line, possible interference with electronic equipment, and to ensure secure access for future works to the railway lines including the provision of new fence.

7.14 **Transport for London** (TfL) raises no objection

7.15 **Place Services** - landscaping and trees; There would be impact upon the roots of the trees outside the site, these would need further pruning as a result of the development. There is not sufficient details with respect to landscaping. Whilst there are 15 new trees suggested, there is no information with respect to the species or how these could be accommodated.

8 MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration are:

- The principle of development
- Scale, height, bulk and design
- Quality of the proposed accommodation
- Parking and Highways Issues
- Housing Mix - size
- Affordable Housing
- Impact on Neighbouring Amenity
- Environment Issues
- Sustainability
- Flooding and Drainage
- Community Infrastructure Levy

8. The principle of development -

8.1 The site is currently in commercial use. Both units are trading for retail purposes. The shops appear to be quite popular with residents. With previous applications, there were a significant number of objections with respect to the loss of the retail units. However, the site is not located within a designated shopping centre in the Local Plan. Hence, there would be no policy grounds for their protection.

8.4 Neither the local plan nor the London plan specifically offer any protection with respect to the loss of the retail units. Hence, whilst the shops may be popular, there are no sound planning grounds to resist the loss of retail units

8.5 Further policies 3 and 4 of the adopted Local Plan, aims to maximise the potential for housing supply (market and affordable). To this end, given there are no policy grounds to resist the loss of retail, the site is considered suitable for housing, in support of the aims and objectives of strategy to maximise the supply of housing - albeit- the development would need to be subject to compliance with other relevant policies of the development plan.

9 Mix of dwelling unit - size;

9.1 Policy 5 states, the Council will support development proposals that provide a mix of dwelling types, sizes and tenures. All housing schemes should include a proportion of family sized homes and reflect the recommended housing mix identified in Table 4 of the Plan unless it can be robustly demonstrated that a variation to the mix in Table 4 is justified having regard to individual site circumstances including location, site constraints, viability and the achievement of mixed and balanced communities.

9.2 The proposed scheme would provide 2 three bedroom houses with the remainder 2 bedroom dwelling. The mix of dwelling would not strictly comply with the provision of 64% 3 bedroom family accommodation. However, given the location of the site, and further the provision of significant number of 2 bedroom dwellings, mix of dwelling units are considered acceptable.

10. Layout, scale, bulk and Design

10.1 In principle, the strategy to provide two blocks with associated car parking space and amenity space in between is considered acceptable subject to an appropriate scale and massing.

10.2 The scheme would provide part 2 part three 3-storey town houses to the rear, thereby providing much needed family housing in the area.

10.3 To the front the proposed block would be three storey high with modern design features which is generally considered appropriate given the three storey blocks on the east of the site.

10.4 The application site is located on the corner junction between Victoria Road and Mercury Gardens, in a highly prominent position. The fact that the site is slightly elevated from street level adds to its prominence.

- 10.5 The surrounding area contains a wide range of building designs of various scales and mass. On the north-west corner of the junction between Victoria Road and Mercury Gardens is a rather large block of flats which follows the curvature of the corner. This block has various four storey and three storey sections. Opposite the appeal site are two storey properties of a similar scale to those on the application site, and a purpose-built block of flats with two and three storey sections and roof level accommodation.
- 10.6 On the other section of Victoria Road, west of the junction leading to Romford Town Centre, are a range of buildings and uses including three and four storey buildings which include commercial units and residential flats. To the east the adjacent Corbridge Mews development contains 3no. three storey residential blocks on the Victoria Road frontage which drop to two storeys as they extend deeper into the site, where there are two storey dwellings along the rear, parallel with the railway line. The proposed development would take on a similar form and siting whereby a three storey block fronts onto Victoria Road and dwelling-houses are situated at the rear. The proposed site plan shows how the block of flats would follow a similar building line to the adjacent Jane Court, and the dwelling-houses would follow a similar building line to the dwellings to the rear of Corbridge Mews.
- 10.7 Given the context of the surrounding built environment, the scale and mass of the proposed development would not appear as particularly dominant, and would not cause harm to the character and appearance of the area. Furthermore, the design approach, incorporating recessed balconies with palette of materials and colours would ensure a high-quality scheme. Appropriate conditions are recommended to ensure sufficient reveals to the windows and doors as well as materials used in external finishes would be achieved.
- 10.8 The councils were particularly concerned with respect to the design of the rear block. In particular with roof form incorporating partially crown roof and the blank flank elevation fronting Mercury Garden. However, the appeal inspector with respect to this feature explained, “although such a feature is not readily apparent in the surrounding area, there are hipped roof properties in close proximity and a significant variation of roof forms in the wider surroundings. Therefore, whilst it would be an apparent different roof form, for these reasons, it would not cause harm.” With respect to the largely blank side elevation facing towards Mercury Gardens, explained; “ the side elevation would rarely be viewed in isolation, with most views also encompassing the more detailed front elevation or the proposed block of flats. Therefore, having regard to the scheme as a whole and its context, this would not cause harm.”

The inspector who considered the appeal scheme explained, “The proposed development therefore would not cause harm to the character and appearance of the area. It would comply with Policies 7 and 26 of the Havering Local Plan (2021) and Policy D6 of the London Plan (2021). Collectively, these policies require, amongst other things, that residential development is of high-quality design, respects and complements the distinctive qualities, identity and character of the site and the local area; provides creative and site-specific design solutions; and responds to distinctive local building forms and patterns of development having regard to the established scale, mass, building lines and heights of the surrounding physical context. The proposed development would also comply with the requirement of the Framework that developments are of high-quality design, sympathetic to local character.

11 Quality of the housing provision

- 11.1 Policy D6 of the London Plan stresses that, housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. And that the qualitative aspects of a development are key to ensuring successful sustainable housing.
- 11.2 The dwellings are provided with balconies, private garden and communal amenity space -albeit, there is no provision for child play space. All dwellings would comply with internal space standard. The flats would either comply with Part M4(2) or M4(3)of the standard of mobility with respect to building control regulation.
- 11.3 With respect to the refused scheme there was a concern with respect to levels of outlook and privacy for the future occupants of the units in particular with units 4 and 5.
- 11.4 In terms of privacy, the window to bedroom 2 of unit 4 would be positioned on the side elevation adjacent to the access leading to the three dwellinghouses to the rear of the site. Since the original decision, the appellant has introduced some defensible planting and part obscured/part tinted glazing to the fenestration. The inspector who considered the appeal, explained “It is not wholly uncommon in dense urban environments that habitable rooms of dwellings are in close

proximity to footpaths and passers-by. The addition of planting and part obscured/part tinted glazing would also serve to mitigate the impact”.

- 11.5 Having regard to unit 5, the Council considered that there would be unacceptable outlook from the main bedroom. The scheme has subsequently amended the layout so that the main bedroom is at the front of the property and the smaller second bedroom is at the side. The window to the second bedroom would be very close to the boundary wall, a distance of 0.9m. The plans show, however, that only the lower half of the window would face directly towards the boundary wall, with the upper half being unaffected.
- 11.6 Having regard to this arrangement, the appeal inspector concluded that the proposed development would provide acceptable living conditions for future occupants in terms of light, outlook and privacy. It would comply with Policy 7 of the Havering Local Plan (2021) which seeks, amongst other things, to ensure developments achieve a high standard of amenity. The proposed development would also comply with the requirement of the Framework that developments seek to ensure a high standard of amenity for future users.

12 Impact on Neighbouring Amenity

- 12.1 Policy 7 states the council will not support applications where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, vibrations and disturbance.

Noise

- 12.2 This site is in commercial use. However, it appears that it has never given any significant concern in terms of its noise impact upon the amenities of the adjoining occupiers from the operation use of the site. The use of the site for residential purposes along with restriction in the number of car parking spaces would mean that there would be no significant noise issues.

Daylight / sunlight

- 12.3 With respect to the appeal scheme, the council was concerned that there would be loss of daylight / sunlight to the windows of Jane Court as well as the sunlight to the rear garden of 1 Corebridge Mews.
- 12.4 With respect to Corebridge mews, the appeal scheme would have resulted in over 60% of loss of sunlight to Window R2/10 with over 60%

loss of VSC with the average sun on ground to the garden being significantly impacted, reducing from 61% to 25%. The inspector came to the conclusion that the window to room identified as R2/10 is a secondary window and hence the overall light to the room would remain acceptable, but the reduction of sunlight to the garden was significant with severe impact and hence the refusal of the scheme.

- 12.5 The revised scheme has resulted the reduction of the height of the end terrace house adjacent to number 1 Corbridge Mews. The reduction has significantly improved the loss of sunlight to the neighbouring to a degree that there would no longer be a technical loss. Nevertheless there would be still remain minor to moderate adverse impact to southwest side window which would be the currently primary source of daylight, and minor to moderate adverse impact to sunlight at one room (but not clear if this is a living area).
- 12.6 With respect to the loss of daylight and sunlight to Jane Court the council found that there were significant daylight/sunlight impacts to 7-10 Jane in particular with respect to a number of rooms, in particular the R5/20 with over 60% loss of VSC to Jane Court.
- 12.7 The inspector who considered the scheme, explained the following; Having regard to the small kitchens, my attention is drawn to the Mayor of London Housing Supplementary Planning Guidance (2016) which sets out that there is no statutory definition for kitchens to be counted as a habitable room, nor is there any statutory size threshold. It identifies that many boroughs, however, include a figure of between 13 and 15 square metres, and that any kitchen above that minimum is usually counted as a habitable room. In the Jane Court properties, the evidence shows that the kitchens are well-below this threshold. I therefore do not consider that the impact on them is unacceptable, as these are not primary habitable rooms. The Council's assessment draws specifically on the impact in relation to units 7 to 10. There are 6 windows that are affected by the proposed development. Four of these are kitchen windows which I have considered above. The other two are bedroom windows to the main bedroom and are identified as rooms R5/20 and R5/21. In each case the window is a bay window with three faces W5/W6/W7. The report acknowledges that there would be a reduction in daylight and sunlight to these rooms as a result of the development. Having regard to the overall layout of the units and the findings of the report, I consider that the units

would retain acceptable levels of daylight and sunlight. Having regard to the language in Policy 7 of the local plan, whilst there would be a minor element of harm, for the reasons given, it would not be of a level that would constitute unacceptable harm

- 12.8 However, the loss of daylight and sunlight to the scheme, has been further considered by the Council's consultant (British Research Establishment - BRE) funded by the applicant with the following conclusion;

7-10 Jane Court;

Minor adverse impact to annual sunlight to one room and major adverse impact to winter sunlight at five rooms, overall this could be considered a moderate adverse impact to sunlight.

Major adverse impact to sunlight to the open space between the Jane Court and the application site. . However, it would appear that the open space is used for drying washing but does not appear to be an amenity area of any quality (lack of benches or paraphernalia one would expect to see).

1-6 June Court

Up to moderate or major adverse impact to daylight to three rooms labelled as kitchens.

Therefore, there still remains a degree of concern with respect to loss of amenity to the occupiers of Jane Court.

A significant issue which need to be taken into account relates to site layout / orientation of Jane Court development. From a daylighting / sunlight standpoint it is possible to reduce the standards if the adjoining land has been positioned too close to the boundary, and oriented in a manner that relies upon receiving light from that land. The BRE guidance suggests, *"A well-designed building will stand a reasonable distance back from the boundaries so as to enable future nearby developments to enjoy a similar access to daylight. By doing so it will also keep its own natural light when the adjoining land is developed."*

In this case the adjoining land i.e. Jane Court has been developed in a manner which relies on the light from the application site, thereby justifying the lowering of the standards, in the light of other benefits

which the development would entail. Further it should be noted that the inspector only refused the scheme on grounds of loss of sunlight to adjoining garden of number one Corbridge Mews and considered the impact with respect to Jane Court to be acceptable. . The bulk, scale and proximity of the current scheme in relation to Jane Court is identical to the refused scheme, except for reduction of height of one part of the rear block by one storey. Hence, it is concluded that the situation is no different to what an Inspector has recently considered acceptable.

Privacy;

- 12.5 There would be a degree of overlooking from the flank windows of the rear wing of the proposed application building and the flank elevation of adjoining block (13m distance) which is not considered acceptable without any mitigating measures. The current scheme has ensured that the windows on the flank elevation facing Jane Court incorporate fixed obscured glazing to the lower part of the window to ensure there would be no loss of privacy.
- 12.6 Given the above, it is considered that overall, the scheme would to a certain degree adversely impact upon the living condition of the existing adjoining occupiers of the site. However, given the analysis above, and in particular the resulting benefits, on balance, it is judged that the benefit of the proposed scheme would outweigh the harm it would cause.

13 The highway impact

- 13.1 The site has a very good PTAL rating (6B), with direct access to the buses and train station in close vicinity as well as access to range of shops and entertainment uses. Hence, the site is located within sustainable location where a car free scheme would be acceptable. The proposal would provide one car parking space designated for people with impaired mobility which meets the standards set out in London Plan.
- 13.2 The applicant has agreed to sign a section 106 agreement to ensure that the future occupiers of the site would not be legible a Residential Parking Permit. The Unilateral Undertaking is currently being scrutinized by the LPA's legal team to ensure its effectiveness.

Servicing;

- 13.3 The proposal would provide dedicated spaces for refuse and recycling storage within the ground floor. However, on the day of refuse collection the refuse bins would have to be brought to the front of the building on Victoria Road frontage. The proposal would provide sufficient number of cycle storage in accordance to the London Plan Standards. Whilst concern has been raised in relation to the position of the site on a junction and servicing of the site, the inspector considered such arrangement in dense urban areas are considered acceptable.
- 13.4 It is now considered that the issue with respect to impact upon highways condition would largely be mitigated should there be no flaws with the Unilateral Undertaking.

14 Other issues;

Flood Risk & Drainage

- 14.1 The site is located within Flood Zone 1 (defined as indicating a 0.1% chance of annual flooding from rivers or seas), therefore no flood risk assessment was required to be submitted with the application.
- 14.2 The application includes study with respect to Sustainable Urban Drainage Strategy, which by implementing the drainage strategies, it can be concluded that the proposed development could be safely carried out without increasing the risk of flooding to itself or the surrounding area, aiming to meet policy SI13 of the London Plan.

Land Contamination

- 14.3 A Phase 1 Desk Study Report has been submitted with the application to explain the anticipated ground conditions of the site. The site and surrounding land were historically used for manufacturing and gravel extraction. Like many similar brownfield sites, the application might contain contaminants.
- 14.4 Potential pathways through which contaminants might travel are identified, along with potential receptors - the impacts on whom are predicted to have a low to medium risk. The report recommends that a Phase 2 ground investigation be undertaken to better understand the ground conditions and identify any mitigation measures to further reduce

the risk of harm from contaminants during construction and operation of the site.

- 14.5 Subject to appropriate conditions (as recommended by LB Havering Public Protection Officers), the issue with Land Contaminations would be mitigated. .

Energy Efficiency

- 14.6 Information provided would address the issue with energy efficiency. The information provided would suggest incorporating mechanism such as air heat source pump, passive cooling including formation of balconies to combat overheating, introduction of solar panel and other measures to achieve 70% reduction in CO2 emission to comply with the London Plan policies. Given this is not a major scheme there would be no requirement for carbon offset contribution.

Ecology and Biodiversity

- 14.7 The applicant has submitted a study which evaluates the ecological value of the site and provided advice as how appropriate measure to be taken to safeguard the ecological value of the site.
- 14.8 The submitted study suggests the current site has a low quality ecological value. If the application were to be granted for approval conditions could be recommended for the completion of an Arboricultural Method statement and a detailed landscape plan with supporting strategy, prepared by a qualified Landscape Architect requiring; biodiversity enhancement measures to be incorporated into the landscaping scheme in order to maximise the ecological value of the site and that that the vegetation and building clearance need to be undertaken outside of the nesting season (generally taken to be March to September).

Air quality

- 14.9 An Air Quality Report (including air pollution impact) has been submitted with the application. The Environment Protection officers have examined the report and are satisfied that subject to conditions the proposal would be acceptable.
- 14.10 It is considered that through appropriate measures including the provision of suitable boilers the proposed development would not have significant negative effects on the environment.

Trees and landscaping

- 14.11 Currently the site is generally covered by hard surfacing and does not benefit from any trees. However, there are trees on the adjacent public land which may be affected during the construction works. Hence, appropriate conditions are necessary to the protection of the trees. The proposal provides pockets of soft landscaping patches throughout the site. A landscaping scheme would be required to ensure an appropriate landscape scheme is achieved.
- 14.12 **The Urban Green Factor (UGF)** score of 0.34 has improved, but would still remain below the London Plan minimum guidance for a minimum score of 0.4. However, the London Plan (Policy G5) only requires all major developments to include urban greening as a fundamental element of site and building design.

15 EQUALITIES AND DIVERSITY

- 15.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.2 For the purposes of this obligation the term protected Characteristics includes: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 15.3 In recommending the application for approval, officers have had regard to the requirements of the Act and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty.

16 CIL and other Financial and Mitigation measures

- 16.2 The net additional floor space would be 367m². The development would be liable for a Mayoral CIL at the rate of £25 per square metre amounting to £9,175 and Havering CIL at rate of £125 per square metre amounting to £45,875
- 16.3 Given the CIL position there would be no longer any requirement for education contribution.
- 16.4 The proposed development would be car free, for which a legal agreement would be required to ensure the future occupiers of the site would not be able to use the parking spaces within the Residential Parking Zone. The application would be obliged to contribute to the drafting of the legal agreement as well as its monitoring cost.
- 16.5 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.

Other matters;

- 17.1 On the 12th December 2024, the Government published the Housing Delivery Test result for 2023. The Housing Delivery Test Result for Havering for 2023 is 61%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies.
- 17.2 In terms of housing supply, based on the latest 2024 Housing Trajectory, Havering is able to demonstrate 3.4 years supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply. The Inspector's report concluded:
- "85. Ordinarily, the demonstration of a 5-year supply of deliverable housing land is a prerequisite of a sound plan in terms of the need to deliver a wide choice of homes. However, in the circumstances of this Plan, where the housing requirement has increased at a late stage in the examination, I ultimately conclude that the Plan, as proposed to be modified, is sound in this regard subject to an immediate review.

86. This is a pragmatic approach which is consistent with the findings of the Dacorum judgement. It aims to ensure that an adopted plan is put in place in the interim period before the update is adopted and the 5-year housing land supply situation is established.”

- 17.3 The Council is committed to an update of the Local Plan and this is set out in the Council’s Local Development Scheme. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the “Presumption” due to housing supply is applied.
- 17.4 The Presumption refers to the tilted balance set out in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged.
- 17.5 Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

17 Conclusions

- 17.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 17.2 The outcome of the Framework paragraph 11 d) process above indicates that the decision should be taken in accordance with the development plan.
- 17.3 The proposed development would result in an increase in the Council's overall housing number and would be in a sustainable location on previously developed land. When combined with the Council being

unable to demonstrate a five-year housing land supply, collectively, this matter carries significant weight in favour of the proposed development.

- 17.4 It is considered that on balance, the harm that has been identified that would be caused to the living conditions of occupants of existing residential properties would outweigh the benefits associated with the proposed development.