



REGULATORY SERVICES COMMITTEE

29 January 2015

REPORT

Subject Heading:

P1054.13 - Land north of 8 Jackson Close, Hornchurch - The erection of 6 no. dwellings (received 21/08/13, revisions received on 10/12/13, 03/12/14 and 22/12/14)

Ward:

Squirrels Heath

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to Council owned undeveloped land. The application proposes the erection of 6 no. 4 bed dwellings. Staff consider the proposal to be

acceptable. The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 137.5m² per dwelling and amounts to £16,500.

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

- A financial contribution of £36,000 to be used towards infrastructure costs associated with the development in accordance with the Planning obligation SPD.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 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.

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 12 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6. Landscape Belt: Before the building(s) hereby permitted is first occupied, provision shall be made for a Landscaping belt adjacent the A127 as per the specifications stated on drawing 8930-1000 Revision L. 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: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

8. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

9. Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

10. Construction Method Statement: Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

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

11. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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

13. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously

have been submitted to and 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

14. Air quality assessment: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
 - b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
 - c) The air quality assessment shall predict air quality with the development in place (with development).
 - d) The air quality assessment should also consider the following information:
 - A description containing information relevant to the air quality assessment.
 - The policy context for the assessment- national, regional and local policies should be taken into account.
 - Description of the relevant air quality standards and objectives.
 - The basis for determining the significance of impacts.
 - Details of assessment methods.
 - Model verification.
 - Identification of sensitive locations.
 - Description of baseline conditions.
 - Assessment of impacts.
 - Description of the construction and demolition phase, impacts/mitigation.
 - Mitigation measures.
 - Assessment of energy centres, stack heights and emissions.
 - Summary of the assessment of results.

For further guidance see the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

15. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D

and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings shall take place for Plot 6 unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

16. Permitted Development rights: Notwithstanding the provisions of Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) (as amended) (or any order revoking and re-enacting that Order with or without modification) no extensions shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

17. Screen fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

18. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: In the interest of residential amenity.

19. Vehicle cleansing: 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.

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: In order to 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

20. Levels: Prior to the commencement of the development details of the existing and proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

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

Reason: To prevent noise nuisance to adjoining properties.

22. Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Rd upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise.

INFORMATIVES

1. Fee Informative:

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. 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.

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. 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).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 825m² which, at £20 per m², equates to a Mayoral CIL payment of £16,500 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is an empty piece of land which is located at the end of Jackson Close, abutting the A127 to the northeast, allotment gardens to the northwest, residential dwellings to the southwest and The Campion School to the southeast. The ground increases gradually in height from southwest to northeast. The site has an overall area of approximately 2515m².

- 1.2 Residential development in the vicinity is characterised by 2-storey residential dwellings which have a brick finish.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 6 no. dwellings with associated parking and amenity. The proposed dwellings would consist of 3 no. semi-detached pairs which could be seen as an extension of the properties along Jackson Close. The proposed dwellings would have a staggered front building line with the first semi-detached pair set back approximately 2.2m from the front building line of No. 8 Jackson Close and the remaining pairs set back approximately 4.4m and 2.3m respectively from the front building line of that of the preceding semi-detached pair.
- 2.2 The dwellings would measure 22m in width and 21.5m in depth. They would each have a gable ended dual pitched roof and would measure 5.5m to the eaves and 9.7m to the ridge height. The dwellings would be located towards the middle of the site and will be set approximately 3m off the closest boundary.
- 2.3 The proposed dwellings would consist of a kitchen/dining room, living room and wc at ground floor; three bedrooms, a bathroom and an en-suite bathroom at first floor and a bedroom and en-suite bathroom in the loft space.
- 2.4 There would be a bin collection point along the access road, approximately 35m from the front of the furthest proposed dwelling and 16m from the edge of the highway.
- 2.5 The development proposes an extension of Jackson Close in order to provide access to the new dwellings. Parking provision for 12 vehicles, 2 for each dwelling, would be provided on a hardstanding to the front of the proposed dwellings.
- 2.6 The dwellings would have a northwest-southeast orientation with garden spaces towards the rear (southeast), measuring approximately 228m² for plot 1, 186m² for plot 2, 182m² for plot 3, 165m² for plot 4, 179m² for plot 5 and 187m² for plot 6.

3. History

- 3.1 No recent, relevant planning history.

4. Consultation/Representations

- 4.1 Notification letters were sent to 13 neighbouring properties and 5 letters of objections were received (2 of which are from the same person) raising the following concerns:

- Not enough parking in Jackson Close

- Disruption and noise during construction period
 - Road not wide enough for construction vehicles
 - Highway safety concerns
 - Possibility of parking in the close would restrict access to emergency vehicles.
- 4.2 The Council's Environmental Health Service requested a full air quality assessment, road noise assessment, sound insulation and construction hours conditions.
- 4.3 The Highway Authority has raised no objection to the proposal.
- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.5 The London Fire and Emergency Planning Authority have raised no objection to the proposal provided that the parking facility to the front of plot 6 is enlarged to form a turning head for a pump appliance and indicated as a no parking area.
- 4.6 Transport for London has not raised an objection to the proposal however they have suggested that the Local Authority consider whether the level of sound insulation and mitigation of air pollution proposed is appropriate to ensure an acceptable level of amenity for future residents.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered

by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 *Principle of Development*

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113m² for a 4-bed 6-person dwelling. The proposed dwellings have individual internal floor space of 137.5m² which is in line with the recommended guidance and considered acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 *Site Layout / Amenity Space*

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 Amenity space would mainly be provided with garden spaces towards the rear (southeast), measuring approximately with garden spaces towards the rear (southeast), measuring approximately 228m² for plot 1, 186m² for plot 2, 182m² for plot 3, 165m² for plot 4, 179m² for plot 5 and 187m² for plot 6. The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not

detract from the surrounding area. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare (PTAL 1-2). The proposal would result in a density of approximately 24 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

6.3.5 In terms of the general site layout, the proposed dwellings would have sufficient spacing towards the front with generous amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would form an extension of the properties along Jackson Close with a side-to-side separation distance of 6m between no. 8 Jackson Close and the closest proposed dwelling. The proposal would also have sufficient separation distances between the 3. No pairs of semi-detached dwellings and is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 *Impact on Local Character and Street Scene*

6.4.1 Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would result in an extension of Jackson Close in order to provide an access road to the proposed development. The proposed dwelling are considered to be acceptable within the Jackson Close streetscene as they would be seen as an extension of the building line of the dwellings situated on the south-eastern side of Jackson Close. Although slightly higher, the proposed dwellings are of similar design to those situated in Jackson Close.

6.4.3 In terms of design and visual appearance, Staff are of the opinion that the development of the proposed semi-detached dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable

design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 *Impact on Amenity*

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The proposed development is only bordered by residential properties to the southwest. The nearest residential property is situated at No. 8 Jackson Close. Although the proposed dwelling adjacent No. 8 Jackson Close would extend approximately 4m beyond the rear building line of this neighbouring dwelling any potential impact is mitigated by the 6m separation distance between these two dwellings and the favourable southern orientation of the rear garden of No. 8 Jackson Close. Any potential impact in term of loss of light is therefore considered acceptable. Although there would be some loss of outlook to No. 8 Jackson Close, Staff do not consider it to be unacceptable.
- 6.5.3 In terms of overlooking, no impact would result as there are no windows proposed to the flank elevations of the new dwellings.
- 6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 6 No. dwellings would not give rise to an unacceptable level of vehicular activity given that the properties to the southwest of Jackson Close are well set back from the road and that the new development would be an extension of the road and the properties along Jackson Close.
- 6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 6 no. dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.
- 6.5.6 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the close proximity of plot 6 to No. 8 Jackson Close, Staff are of the opinion that all permitted development rights for extensions to plot 6 should be removed in order to safeguard the amenities of neighbouring occupiers.
- 6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 12 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The Highways Authority has not raised an objection to the proposed development.

6.6.2 The London Fire and Emergency Planning Authority have raised no objection to the proposal provided that the parking facility to the front of plot 6 is enlarged to form a turning head for a pump appliance and indicated as a no parking area. Staff are of the opinion that pump appliances will be able to access the site in forward gear and given the short distance into the site would be able to back out again.

6.6.3 A condition would be added to provide storage for 2 No. cycle spaces per dwelling in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 137.5m² which equates to a Mayoral CIL payment of £16,500.

6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £36,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

6.8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in

accordance with the development plan, unless material considerations indicate otherwise”.

6.8.3 The proposal is liable to a contribution of £36,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

6.9 *Other Issues*

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. There would be a bin collection point along the access road, approximately 35m from the front of the furthest proposed dwelling and 16m from the edge of the highway. The bin collection point is within an acceptable distance from the highway and the front of the dwellings in order for refuse collection to take place. Staff consider the refuse arrangements to be acceptable, without a vehicle having to enter into the site to collect it.

6.9.2 Neighbouring objections relating to noise and disturbance during the construction period and construction vehicles accessing the site are not material planning considerations.

6.9.3 Given the close proximity of the development a major road (A127) Environmental Health has requested a full air quality assessment to be undertaken prior to the commencement of any works.

6.9.4 Although the close proximity of the development to the A127 would result in some noise impact to the occupiers of the new development, Staff are of the opinion that this would not be sufficient justification for the refusal of the development as it would be a buyer beware situation. Also any potential noise impact would be sufficiently mitigated by a landscape belt along the boundary with the A127, full details of which to be required by condition. Environmental Health has requested an assessment to be undertaken of road noise emanating from Southend Arterial Road (A127) upon the development, which can also be secured by condition.

7. **Conclusion**

- 7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive. Staff also consider any potential impact on neighbouring amenity and the refuse arrangements to be acceptable. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal Implications and risks:

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

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

1. Application forms and plans received 21/08/13, revision received on 10/12/13, 03/12/14 and 22/12/14.