



REGULATORY SERVICES COMMITTEE

19 February 2015

REPORT

Subject Heading:

P1717.14 - 2-6 Fitzilian Avenue, Romford

Demolish existing garage buildings and erect 8 apartments (3 storey) and 1 no. 3 storey detached house (received 17/12/14, revision received on 09/01/15 and 04/02/15)

Ward:

Harold Wood

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 433100

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 planning application relates to the demolition of existing garage workshop buildings and the construction of a 3 storey building for the purpose of 8 no. flats and 1 no. detached house.

The committee resolved to approve the application at its meeting on 14 November 2013 however the applicant has made various amendments to the scheme which requires a further Committee approval. A summary of the changes proposed and assessment are covered in the following report.

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 455.5m² (724.2m² minus existing floor area of 268.7m²) and amounts to £9110.

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 £54,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document..
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

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 as shown on drawing No. RM/01B 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. 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.

7. 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.

8. 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.

9. 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.

10. Vehicle access: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each parking area.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

11. 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.

12. 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

13. 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”), no extensions, roof extensions, roof alterations or outbuildings to the detached dwelling 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.

14. 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.

15. 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.

16 Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

17. Risk and Contamination Assessment, Part 2: (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

18. Pedestrian Visibility Splay: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

19. Balcony screen: Before the building(s) hereby permitted is first occupied, provision shall be made for a balcony screening as indicated on drawing no's. RM/03A, RM/04A, RM/05A, RM/06A and thereafter this provision shall be made permanently available, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent undue overlooking of adjoining properties.

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 11 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 455.5m² (724.2m² minus existing floor area of 268.7m²) which, at £20 per m², equates to a Mayoral CIL payment of £9,110 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the corner of Fitzilian Avenue and Athelstan Road. The site is currently used as a garage and consists of several buildings.
- 1.2 The application site comprises 0.1ha with the plot itself measuring (at its maximum) 35.4m wide by 40.4m deep. The site is relatively level with the exception of a drop down on Fitzilian Avenue from west to east.
- 1.3 The site is situated within a mixed use commercial and residential area with the majority of adjacent commercial units comprising ground floor shop units with residential units above.

2. Description of Proposal

- 2.1 This planning application relates to the demolition of the existing garage buildings and construction of 8 apartments (3-storey) and 1 no. 3 storey detached house.

- 2.2 The proposal would comprise 1 no. one bedroom flat, 3 no. two bedroom flats, 4 no. three bedroom flats and 1 no. four bedroom house. Access into the development would be taken from Athelstan Road. The development would provide parking on a hardstanding to the front of the development along Athelstan Road and Fitzilian Avenue and to the rear at a rate of 1 space per flat, two spaces for the house and two visitor spaces.
- 2.3 Cycle and refuse storage will be provided to the rear of the property.

3. History

- 3.1 P1117.97 - Demolition of property - Approved with Conditions
- 3.2 P1185.07 - Proposed construction of three two bed flats - Refused and Dismissed on Appeal
- 3.3 P0819.13 - Demolish existing garage buildings and erect 8 apartments (3 storey) and 1 no. 3 storey detached house - Approved

4. Consultation/Representations

- 4.1 Notification letters were sent to 77 neighbouring properties and 1 letter of objections was received raising concerns regarding the improper removal of the old fuel tanks.
- 4.2 The Council's Environmental Health Service requested a contamination condition in the event of an approval.
- 4.3 The Highway Authority has raised no objection to the proposal however requested conditions for visibility splays, vehicle access and vehicle cleansing in the event of an approval.
- 4.4 The London Fire and Emergency Planning Authority have raised no objection to the proposal.

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 more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Background

- 6.2.1 A previous application for the same amount of units was granted permission under P0819.13 by the Regulatory Services Committee on 14 November 2013.

- 6.2.2 The main differences to the current proposal are: the introduction of a 2m separation distance between the proposed development and No.8 Fitzilian Avenue, some modifications to the external design, an increase in parking along Athelstan Road, revised cycle and refuse store layout, revised amenity space layout and revisions to the internal floor layout.

6.3 Principle of Development

- 6.3.1 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.

- 6.3.2 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 50m² for a 1-bed 2-person flat, 61m² for a 2-bed 3-person flat, 74m² for a 3-bed 4-person flat and 106m² for a 4-bed 5-person three storey house. Apart from the 3- bed-4-person flat which at 73.2m² is only marginally below the requirement, the proposed flats and detached house are in line with these minimum guidelines and considered acceptable.

6.4 Site Layout / Amenity Space

- 6.4.1 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.

6.4.2 Limited amenity space is provided to the rear of the development in the form of a communal garden. The ground floor flats would also have patio areas to the rear of the buildings. Balconies are provided to the rear of the building for some of the 1st and 2nd floor units. Staff do not consider the amenity space to be unacceptable given the site constraints. The amenity space provided would in fact be in excess of that which was approved under P0819.13.

6.4.3 The residential density range for this site is 50 - 80 units per hectare and 200-250 rooms per hectare (PTAL 3-4). The proposal would result in a density of approximately 90 units per hectare and 180 rooms per hectare. Although the no of units per hectare is in excess of the recommended range consideration should be given to the site constraints and the proposal being for flatted development.

6.4.4 In terms of site layout, the proposed development has a similar footprint to the existing commercial structures on the site. Development would mostly be situated close to the building lines of Fitzilian and Athelstan Road with a relatively spacious area left to the rear of the proposed buildings. Staff therefore consider the development to be acceptable in term of layout and would not be an overdevelopment of the site.

6.5 *Impact on Local Character and Street Scene*

6.5.1 The proposal consist of two, 3 storey buildings. The bigger of the buildings would consist of 8 flats and is set 2m off the existing 3-storey building on Fitzilian Avenue and wraps around the corner of Fitzilian Avenue and Athelstan Road. The design of the main building aims to match the fenestration of the existing 3 storey structure on Fitzilian Avenue in order to minimise the potential impact on the streetscene from a visual point of view. The 3 storey design is broken up on the return elevation fronting Athelstan Road by vertical glass panels which serve the main staircase to the flats at ground, first and second floors. The proposal follows the existing building lines along Fitzilian Avenue, with the return elevation slightly set forward of the building line along Athelstan Road. Staff do not consider the slight forward projection unacceptable given that the building would still be well set back from Athelstan Road.

6.5.2 Staff consider the potential impact on Fitzilian Avenue to be acceptable as the design principle mostly mirrors that of the existing 3-storey building along this road. The deviation from the design at ground floor is considered acceptable and not considered harmful when viewed from Fitzilian Avenue.

- 6.5.3 The main return elevation along Athelstan Road is also considered acceptable as it is similar in height to the residential properties along this road. Although the proposed development would have more of a visual presence on this corner location compared to the existing single storey development on the site, Staff do not consider it to result in an unacceptable impact given the similar building along Fitzilian Avenue as well as another flatted development across the road from Fitzilian Avenue.
- 6.5.4 A smaller 3 storey detached residential building is proposed to the side of 52 Athelstan Road. This structure would have similar design characteristics to the main flatted development and would be separated from the main development by a 4.9m wide access road. Staff consider this detached dwelling to be acceptable within the streetscene as it will be seen in relation to the main building proposed and given the similar design characteristics. The detached building would also be lower than that of the flatted development and the semi-detached house at 52 Athelstan Road.
- 6.5.5 In conclusion Staff do not consider the proposal to be out of keeping in this location and the surrounding area and will in fact be a visual improvement to the existing garage buildings and workshops on site.

6.6 *Impact on Amenity*

- 6.6.1 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.
- 6.6.2 Staff do not consider the proposed development to have an unacceptable impact on neighbouring amenity. Windows and a balcony to the rear elevation of the proposed building along Fitzilian Avenue would overlook commercial premises and a residential garage site to the east and southeast. The only potential impact would be to No. 52 Athelstan Road which is situated to the south of this building. Any potential impact to this dwellings rear garden is considered acceptable as there is a back to side separation distance of approximately 28m. It should also be noted that most of the views would be blocked by the return elevation along Athelstan Road.
- 6.6.3 Views from the rear elevation of the return elevation along Athelstan Road are also considered acceptable as it would overlook ground floor buildings to the rear of commercial premises situated to the east and a garage court to the southeast. The closest residential premises to the east are flats with a back to back distance of approximately 29m. The balconies have been designed in such a way that any views to the south would be blocked by a 1.8m high screen to mitigate overlooking the rear garden of No. 52 Athelstan Road.

6.6.4 Any overlooking as a result of the detached dwelling would be similar to that of the return elevation mentioned previously and is considered acceptable.

6.6.5 In term of outlook and loss of light, Staff do not consider the proposal to have an unacceptable impact as it would not project forward of the front building line or beyond the rear building line of the adjacent building along Fitzilian Avenue. Any impact on No. 52 Athelstan Road is also considered acceptable as the rear projection would be in line with this neighbour's rear building line with a separation distance of 2.2m between the rear projection and this neighbouring dwelling. The favourable orientation of this residential property to the south of the development is further mitigating circumstances to any potential impact on loss of light.

6.7 *Highways / Parking Issues*

6.7.1 Car parking is proposed across the development at a rate of 1 space per unit for the flats, two spaces for the detached dwelling and two visitor spaces. The site is located within PTAL Zone 3-4, where 1.5-1 parking spaces are anticipated per unit for flats and 2-1.5 spaces per dwelling. The proposal therefore complies with policy guidance and is considered acceptable.

6.7.2 The proposal includes cycle storage provision. A condition will be attached in the event of an approval to provide details of the cycle storage.

6.8 *The Mayor's Community Infrastructure Levy*

6.8.1 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 455.5m² (724.2m² minus existing floor area of 268.7m²) which, at £20 per m², equates to a Mayoral CIL payment of £9,110 (subject to indexation).

6.9. *Planning Obligations*

6.9.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £54,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

6.9.2 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”.

6.9.3 The proposal is liable to a contribution of £54,000 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.

6.10 *Other Issues*

6.10.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of secure by design conditions.

10.2 A refuse area has been provided to the rear of the property. A condition will be imposed to provide detail of the refuse and recycling arrangements.

11. **Conclusion**

11.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. Parking and amenity provision are considered acceptable. It is recommended that planning permission be granted, subject to the completion of the relevant legal agreement

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None

BACKGROUND PAPERS

1. Application forms and plans received on 17/12/14, revision received on 09/01/15 and 04/02/15.