



# REGULATORY SERVICES COMMITTEE

12 March 2015

# REPORT

**Subject Heading:**

P0972.14 – 16 & 18 Prospect Road and  
land rear of, Hornchurch

Demolish 16 and 18 Prospect Road for  
the creation of a new access road to  
provide 9 new detached dwellings and 2  
replacement dwellings (outline  
application) (received 19/08/14)

**Ward**

Emerson Park

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

## SUMMARY

This report concerns an outline planning application to demolish 16 and 18 Prospect Road for the creation of a new access road to provide nine new detached dwellings and two replacement dwellings. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

This application was previously considered by Committee on 2 October 2014, where it was deferred to enable staff to seek to obtain details of the construction methodology in advance, to control the construction hours and to agree the phasing of the development. The report is now brought back to Members, updated to reflect the outcome of these negotiations with the applicant.

The application is recommended for approval subject to prior completion of a S106 Legal 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. The applicable fee is based on an internal gross floor area of (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m<sup>2</sup> which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

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 Planning Obligations Supplementary Planning Document and Policy DC72.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the 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 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. Approval of details – The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the appearance of the buildings and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

**Reason:** The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. Time limit for details - Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

3. Time limit for commencement - The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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

6. 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 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.

7. Cycle storage - Prior to completion of the development 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 prior to first occupation of the development for residential purposes 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. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

**Reason:** To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

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 9.00am and 5.00pm Monday to Friday, and between 9.00am 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 methodology - Before development is commenced, a demolition method statement and a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority 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.
  - j) delivery locations.
  - k) advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.
  - l) lighting.
  - m) A programme and timetable detailing the various stages of the proposed works for the demolition of No.'s 16 and 18 Prospect Road and the construction of the replacement dwellings.

And the development shall be carried out in accordance with the approved demolition method statement and construction management plan.

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

11. Waste materials – No waste materials shall be burnt on site of the development hereby approved.

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

12. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or alterations shall take

place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, 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.

13. Boundary 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 and the approved boundary screening measures shall be implemented prior to first occupation of the development for residential purposes 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.

14. External lighting – No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development hereby approved and permanently maintained in accordance with the approved details.

**Reason:** In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

15. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

16. Vehicle Access - 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:** 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.

17. Parking Management Scheme - Prior to first occupation of the dwellings hereby permitted, a parking management scheme showing how the car parking spaces for the dwellings (in accordance with the proposed site plan on Drawing No. L01 Revision A) will be provided and secured for use solely by residents of the proposed dwellings, shall be submitted to and approved by the Local Planning Authority. The parking management scheme shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

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. Wheel washing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided 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 within the application site at relevant entrances to the site throughout the duration of construction works on site.

**Reason:** 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. Site levels - Prior to the commencement of the development, a drawing showing the existing and proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To protect neighbouring amenity.

21. Soil contamination - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

**Reason:** To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

22. 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.

23. Archaeology - A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programmed set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the result and archive deposition has been secured.



**Reason:** Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the Borough and in PPS5/NPPF.

24. Use of garages – 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) the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

**Reason:** To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

25. Secured by Design - 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, the development shall be carried out in accordance with the agreed details.

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

26. Biodiversity/Protected Species: The applicant shall submit with the application for reserved matters – Landscaping - further survey information as indicated in the Summary of their submitted report “Update Extended Phase 1 Habitat Survey” dated 2/9/13. Any mitigation measures identified shall be put in place prior to the commencement of the development.

**Reason:** To ensure that appropriate mitigation measures are included in respect of flora and fauna.

27. Flank windows - 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 plan,) 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.

28. Obscure/fixed glazing - The proposed windows at first floor in the flank elevations of the proposed dwellings (Type A and B) shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

29. 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

30. Lifetime Homes - No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

**Reason:** To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

31. Road Noise Assessment - Prior to the commencement of any development, an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road 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 relation to community noise and PS8233:1999. 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 in accordance with the NPPF and the Noise Policy Statement for England (NPSE).

32. Replacement dwellings - The replacement dwellings at No.'s 16 and 18 Prospect Road shall be constructed prior to the construction of the new dwellings to the rear of the application site.

**Reason:** To protect neighbouring amenity.

#### INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £24,618. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

4. The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

5. 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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

7. Temporary use of the public highway - The developer 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

8. Surface Water Drainage – With regard to surface water drainage it is the responsibility of a 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 groundwater. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

9. 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.

#### Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

**REPORT DETAIL**

## **1. Call in**

- 1.1 Councillor Ramsey requested this application be called in to committee, on the grounds of its impact on neighbours and the streetscene.
- 1.2 Councillor Wise requested this application be called in to committee, as the previous proposal had issues regarding overcrowding and insufficient pedestrian access to the site via the access road and this requires a more detailed review.
- 1.3 Councillor Ower requested this application to be called in to committee, due to the previous planning history for the site, the closeness to the Green Belt and possible traffic problems.

## **2. Background**

- 2.1 This application was previously considered by Committee on 2 October 2014, where it was deferred to enable staff to seek to negotiate the following:
  - Provision of details of full methodology for demolition and reconstruction of the 2 frontage bungalows and for suitable planning conditions to be identified.
  - Reduce construction hours to 9am – 5pm maximum to provide some respite for the elderly attached neighbours.
  - That the 2 new frontage bungalows be completely built before any of the rest of the development and that a programme for this be secured.
- 2.2 The report is brought back before the committee as the agent has confirmed in writing that they are unable to provide the additional information regarding the construction methodology. The letter has been summarised as follows:
  - The additional information can only be provided once a suitable client to take the project to the construction phase, with input from their main contractor, and the structure of the proposed dwellings has been determined and resolved to a detailed design level.
  - The application is for outline permission and condition 10 already covers construction methodology, so the agent does not consider that the requested information will protect neighbours any further between the approval of the outline planning application and the final construction period and there is no need to submit it at approval stage.
  - Producing this information at outline application stage puts the economic viability of the project in jeopardy for the client. Depending on the outcome of the reserved matters required, the determination of the conditions and a building regulations application, the construction methodology is likely to change before the full construction drawings are completed.
  - With reference to point m of condition 10, it is impossible to put a timetable on the reconstruction of the replacement dwellings without knowing the ground conditions and proposed foundation types in the first instance. It is unreasonable to expect a construction package of drawings to be prepared in order to provide a timetable, which either the client or any future

developer, would be forced to adhere to without having any form of planning permission in place at this stage.

- For an outline application, the client has kept the amount of reserved matters to a minimum by submitting a substantially designed scheme to address any concerns of the Local Authority or neighbours.
- The protection of neighbouring amenity during the construction period is already safeguarded by the proposed conditions and other legislation such as the Party Wall Act.

### **3. Site Description:**

- 3.1 Prospect Road is a residential cul-de-sac located to the north of the A127. The application site comprises the dwellings at No. 16 and No.18 Prospect Road, their rear gardens and land to the rear of Prospect Road formerly comprising of residential properties entitled "The Bowery" and "Sunset". The south western side of the application site fronts onto the Southend Arterial Road (A127). Ground levels fall from the highway of Prospect Road towards the south/south-east of the site. Just beyond the site boundary to the A127 there is a sharp drop in ground levels covered by some tree/shrub planting. The application site has an area of 0.43 hectares. To the rear part of the site, the eastern boundary adjoins an area of Metropolitan Green Belt, which consists of an open playing field.

### **4. Description of development:**

- 4.1 The application is to demolish 16 and 18 Prospect Road and replace them with narrower, one storey properties for the creation of a new access road through to the rear land for the creation of nine, two storey detached properties. The application is for outline permission seeking approval for access, layout and scale. Appearance and landscaping are reserved matters.
- 4.2 The site would be laid out with the replacement bungalows fronting onto Prospect Road frontage and the new houses located to the south/south-west of, and fronting onto, the new 5.2m wide access road which would extend from Prospect Road to the south/south-east. The access road is a combined carriageway and footpath.
- 4.3 The two replacement bungalows would, as currently, be attached to the remaining part of their respective semi-detached pairs, i.e., No.'s 14 and 20 Prospect Road. They would be narrower (at 4.2m wide) and deeper (14.85m deep) than the existing semi-detached bungalows, nonetheless they would have the same matching roof form (the highest ridge height would remain at 6.1m above ground level), eaves levels and materials as the remaining semi-detached properties. Two parking spaces would be provided for each replacement bungalow - one to the front garden area and one at the end of each rear garden area.
- 4.4 Each of the nine new houses would be detached with its own rear amenity area and parking provision for two vehicles, either in an integral garage or on hardstanding adjacent to the property. There would be 4-bedroom properties of two types A and B; the main difference being that A would be provided with

an integral garage and B with an attached garage (with the exception of two dwellings which would each have two off street parking spaces). All the properties would have a similar appearance.

- 4.5 There would be 3, Type A houses. They would be a maximum of 7.7m wide, 13.1m deep and have gabled pitched roofs with a ridge height of 8m above ground level.
- 4.6 There would be 6, Type B houses. They would each be a maximum 10.4m wide (including the attached garage), 10.6m deep and have gabled pitched roofs with a ridge height of 8m above ground level.

5. **Relevant History:**

P1119.13 – Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings – outline – Refused. Dismissed on appeal.

P0087.11 – Outline application for demolition of No.'s 16 & 18 Prospect Road together with "Sunset" and "The Bowery" and the erection of 11 dwellings with associated access and parking - Refused. Dismissed on appeal.

P1627.09 - Outline application for demolition of No.18 Prospect Road and the erection of 14 dwellings with associated access and parking –Refused. Dismissed on appeal.

P1829.07 – Proposed development to provide 16 dwellings -Refused.

6. **Consultations/Representations:**

- 6.1 The occupiers of 58 neighbouring properties were notified of this proposal. A letter of objection was received from Councillor Glanville with detailed comments that have been summarised as follows: Detrimental impact on the character and appearance of the streetscene, the effect of the proposed alterations on the amenity of the occupiers of No.'s 14 and 20 Prospect Road and the visual impact of replacement bungalows.

Twenty seven letters of objection were (including one from the Emerson Park & Ardleigh Green Residents' Association) with detailed comments that have been summarised as follows:

- Proximity of the new dwellings to neighbouring properties.
- Overlooking and loss of privacy.
- Vehicular and pedestrian access.
- There is not a hospital within 1 kilometre of the application site.
- The proposed development would appear out of character in the surrounding area.
- The site is unsuitable for the proposed development of this size.
- The proximity of the access road to the replacement dwellings.
- Impact on wildlife.
- The proposal will appear dominant and visually intrusive.
- Noise, dust, disruption and pollution.

- Impact on local services.
- The safe removal of asbestos roofs of the two semi-derelict properties on the site (entitled the Bowery & Sunset).
- Objects to the demolition of the existing bungalows and the proposed development due to the impact on the occupiers of the adjoining dwellings (including No.'s 14 and 20 Prospect Road), neighbouring occupiers and the appearance of the streetscene.
- Highway and pedestrian safety.
- It was suggested that the applicant should approach the Motel owners to see if they would grant him permission to have a road built across his land into the Motel's access to the A127 road, so the existing bungalows would not need to be demolished.
- The visual impact of the access road.
- Would prefer bungalows to be built instead of houses.
- Parking, traffic and congestion.
- The removal of two oak trees on the site, which have Tree Preservation Orders.
- Disruption.
- Access for emergency vehicles.
- The area is already overpopulated with new buildings and people.
- The proposed development would overshadow the existing mostly low level residences in Prospect Road.
- Transport links are poor.
- There are no shops nearby.
- Party wall agreements and works/conditions to protect No.'s 14 and 20 Prospect Road during construction.
- Impact on amenity and human rights.
- The proposal is contrary to Policy DC61 of the LDF.
- Reference was made to the previous planning and appeal decisions.
- Loss of light.
- This application is very similar to the previously refused application, P1119.13

- 6.2 In response to the above, each planning application is determined on its individual planning merits. Comments regarding party wall agreements and asbestos are not planning considerations and are building control matters. A section 106 agreement would be entered into in the event that planning permission is granted, which would secure a financial contribution towards local infrastructure. There are no trees with Tree Preservation Orders on the application site. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. The remaining issues are addressed in the following sections of this report.
- 6.3 The London Fire Brigade Water Team – consideration has been given to the provision of fire hydrants and it will be necessary for one new private fire hydrant to be installed in the position marked by the red x on the enclosed plan. The hydrant should be numbered P106284.
- 6.4 London Fire and Emergency Planning Authority – The access road should be a minimum of 3.7m in width between kerbs and capable of supporting a pump



appliance with a minimum carrying capacity of 14 tonnes. The turning facility should be of a sufficient size to allow a pump appliance to manoeuvre.

- 6.5 The Highways Authority has no objection to the proposals. Request conditions regarding pedestrian visibility splays, vehicle access, wheel washing and various informatives.
- 6.6 Environmental Health – Recommend conditions regarding soil contamination, a full air quality assessment, a demolition method statement/construction management plan, waste materials and a road noise assessment if minded to grant planning permission.
- 6.7 English Heritage – Recommend a condition regarding archaeology if minded to grant planning permission.
- 6.8 Designing Out Crime Officer – Recommends a condition and an informative if minded to grant planning permission.
- 6.9 Transport for London – No objection. Details of cycle storage should be secured by condition. Recommends a condition regarding parking facilities being equipped with Electrical Vehicle Charging points. Given the size of the scheme and the planning history for the site, Staff consider that it is not reasonable to condition electrical charging points, as this condition was not placed on the previous application P1119.13.

## 7. **Relevant policies:**

- 7.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable housing), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in new developments), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.
- 7.2 Policies 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 3.13 (Affordable housing thresholds), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

## 8. **Staff comments:**

8.1 This proposal follows a previous application P1119.13 to demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and two replacement dwellings (outline application), which was brought to the 19<sup>th</sup> December 2013 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

- 1) The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road with two long, narrow properties in the place of the properties to be demolished, resulting in a form of residential development which is out of character in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and LDF Development Control Policies DPD.
- 2) The need for such an excessively narrow and contrived bungalow design in order to enable access to the site demonstrates that the proposal represents an unacceptably cramped overdevelopment of the site, detrimental to the character and amenity of the locality and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 3) In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

8.2 Although this application was subsequently dismissed on appeal, this was solely in respect of the absence of a completed legal agreement. The Inspector did not agree with the first and second reasons for refusal and concluded the proposal would have an acceptable local impact. The appeal decision for application P1119.13 is a material consideration for this application. This proposal is the same as the previously refused scheme.

8.3 The main issues in this case are the principle of development, density and site layout, design/impact on streetscene, impact on amenity, highway/parking issues and other issues.

### 8.4 **Principle of Development**

8.4.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is on land which is not designated land in the LDF, such as its use for housing would be acceptable and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks to increase London's housing supply. In addition, the principle of development was deemed to be acceptable for the previous application, P1119.13.

## **8.5 Density and site layout**

- 8.5.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.43 hectares and the proposal is for 11 dwellings (including the replacement properties). The proposed density is therefore 25.6 units per hectare which falls below the guidance range. However, the provision of the access road reduces the area available for development such that the density of the land specifically developed is likely to be somewhat higher. Nonetheless density is only one indicator and the main consideration is whether the proposal provides a high quality of design and layout.
- 8.5.2 The London Plan indicates at Policy 3.5 that for four bed houses for six people should have a minimum gross internal floor area of 107 square metres. The proposed four bed houses would have a gross internal floor area of 146 square metres (type A) and 145 square metres (type B). A one bed unit for two people should be a minimum of 50 square metres. All units would be in excess of the minimum internal space standards.
- 8.5.3 In respect of the site layout, the new driveway access would extend from the existing southern edge of Prospect Road and extend southwards between the replacement bungalows and then south-east parallel to the rear boundaries of No.'s 20, 22 and 24 Prospect Road. The proposed detached houses would be located to the south/south-western side of the proposed driveway and it is considered that this would provide an acceptable arrangement with parking to the front and integral garages and amenity space provided to the rear of each property.
- 8.5.4 Six of the properties would front directly onto the access drive with two fronting onto the spur section at the south-eastern corner. The south-eastern corner has a less formal arrangement which is often the case at the end of cul-de-sacs where arrangements reflect the shape of the land available. Staff consider that the properties are reasonably well spaced and that they do not appear cramped. In any event, this would be a "buyer beware" situation where prospective purchasers would be aware of the layout/outlook before making their decision.
- 8.5.5 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. The proposed separate amenity spaces for each property at a minimum of 59 square metres for the bungalows and well over 100 square metres for the new houses are considered to provide an acceptable level of amenity space.

## **8.6 Design/impact on street/Garden scene**

- 8.6.1 The application would comprise the demolition of No.'s 16 and 18 Prospect Road. While the dwellings appear to be in a structurally sound condition, they are not of any particular architectural or historic merit and no in principle

objection is therefore raised to their demolition. There is no objection in principle to the demolition of The Bowery and Sunset properties.

8.6.2 Members will be aware that the decision to refuse the previous application turned primarily on the removal of the pair of dwellings and the acceptability of the resulting bungalows on the character of the streetscene and the locality.

8.6.3 The Inspector (for P1119.13) noted that the character of Prospect Road is not limited to one particular type of dwelling. Although the rhythm of this group of bungalows would be altered, the symmetry retained within the immediate group of No.'s 14 to 20 would not cause the dwellings to appear out of place when considered as part of the wider street scene. The Inspector further considered that, the adherence within the proposed design to the existing bungalows' roof ridge heights, and the incorporation of features similar to those on surrounding dwellings, such as window and roof gable design, would result in dwellings that would appear similar to those of their immediate neighbours. The Inspector concluded that despite their narrower width, the proposed bungalows would not stand out as being inappropriate or out of place in a row of otherwise heterogeneous dwellings, as a result of their appearance.

8.6.4 The appeal decision (for P1119.13) stated that the front building lines of the bungalows would be the same as others in the area, and the creation of the access road would result in a more spacious area between No.'s 16 and 18, compared with the relatively narrow spacing between the existing bungalows surrounding the site. Therefore, despite the narrower width of the plots compared with their neighbours, the Inspector considered that the impression of spaciousness currently enjoyed from the street would not be harmed. In any case, the arrangement of the two proposed bungalows and the access road would not represent such a departure from the established pattern of development that significant harm to local character would result.

8.6.5 Having regard to the views expressed by the Inspector, which constitutes a material planning consideration, Staff consider that this is no material justification for refusal of the development based on the demolition of the existing bungalows and the impact of the replacement bungalows on the street scene and local character. The layout, siting and scale of the proposed two storey dwellings were deemed to be acceptable for the previous application and no issues were raised in these respects in the appeal decision for application P1119.13. As these aspects are not materially changed from the previous application and there has been no material change in policy or site circumstances, these are again considered to be acceptable.

8.6.6 Landscaping is a reserved matter. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.

8.6.7 Appearance is a reserved matter. The agent has provided scaled elevations of the dwellings. It is deemed possible to construct dwellings that would be appropriate.

8.7 **Impact on amenity**

- 8.7.1 The nearest affected properties are No.'s 12 and 18 Prospect Road and beyond them, those to the southern side of Prospect Road from No.'s 2 to 28 (evens). Staff consider that, while the new two storey properties would be visible to the occupiers of the existing frontage properties, at a minimum distance of approximately 19 metres away there would not be any significant loss of light or privacy or overlooking between the new and existing properties. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy.
- 8.7.2 Staff further consider that the proposed development would also not suffer from a reduced level of residential amenity due to the orientation and relative positioning in relation to existing residential development and each other. Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree. It is noted that no issues were raised regarding the impact of the proposal on neighbouring amenity for the previous application, P1119.13 or in the appeal decision.
- 8.7.3 It is noted that Members deferred this application from an earlier committee in order to obtain information in advance about the proposed construction methodology; to reduce permitted construction times and to control the phasing of construction. The applicant has declined to provide a construction methodology in advance for reasons set out in paragraph 2.2 of this report. The applicant also advises, for reasons set out in paragraph 2.2, that the timing of the construction of the two houses cannot be established at this stage.
- 8.7.4 Staff note the concerns raised with regard to the impact of the development on neighbouring amenity through the construction works. It is not judged that the impacts are of such magnitude in this case that they would amount to material grounds for refusal of this application. It is considered that the impact of construction can be acceptably mitigated through the submission of a construction method statement, which can be required through planning condition in advance of any of the works commencing. It is not common practice to receive the details of construction methodology prior to issuing consent in this case, notwithstanding the nature of the development and its particular relationship to the neighbouring properties, which involves demolition of 16 and 18 Prospect Road, it is judged to be a reasonable to require construction methodology to be submitted and agreed prior to commencement and that construction to be carried out in accordance with the agreed requirements. The hours of working planning condition has also been amended by Staff to reflect the reduced hours previously requested by Members. Such condition is considered reasonable in light of the nature of the development proposed and relationship with neighbouring houses. The local planning authority is required to consider planning conditions that could mitigate adverse impacts before refusing planning permission. In this case a number of conditions are recommended in order to mitigate adverse impacts including a construction methodology condition to mitigate the adverse impact of noise and disturbance through the construction phase. There are few examples of a sole or principal reason for refusal based on the impact of

noise and disturbance during construction. It was contemplated in relation to the proposed expansion of City Airport but in that case construction noise would be continued into the night and last for several years. Construction noise as a principal basis for refusing planning permission is wholly exceptional and in this is not exceptional in that the construction phase is unlikely to go on for years and conditions control the times when construction is permitted (there is no night-time construction) and the method of construction is agreed prior to commencement to minimise adverse impact of construction noise.

8.7.5 The affects of the development in particular in terms of adverse noise and disturbance during construction on the residents of the dwellings adjoining the proposed bungalows at the frontage of the site on Prospect Road have been raised in the context of protections provided under the Human Rights Act 1998 (the 1998 Act). The 1998 Act incorporated in UK law protocols under the European Convention of Human Rights (the Convention). The relevant Articles of the Convention referred to members are Articles 1 and 8. Article 1 recognises the right to peaceful enjoyment of property and possessions and article 8 recognises and article 8 recognises the right to respect for private and family life. Articles 1 and 8 are qualified rights rather than absolute rights which means that interference with these rights is permissible subject to various qualifications. These qualifications include requirements that any interference must be in accordance with the law, be necessary in a democratic society that is, it meets a social need and is proportionate. Further it must be related to one or more of the permissible aims set out in the relevant Articles. Protection under these Articles may extend to corporate bodies as well as to individuals. It has to be borne in mind that the rights under the Articles of the European Convention of Human Rights are not just the rights of an individual but they recognise that everyone's rights should be properly protected. This means that one individual's right need to be balanced against the rights of another. In this case the applicant's property rights need to be balance against the rights of neighbouring residents affected by noise and disturbance during the construction phase of the development.

8.7.6 Article 1 recognises the right to peaceful enjoyment of property and possessions. Article 8 recognises that everyone has the right to respect for his private and family life. These rights are qualified (or limited) and interference with such a right may be justified where it can be shown that it is in the public or general interest and it is a proportionate interference given the intended aim. Peaceful enjoyment of land is protected in common law in an action in nuisance and may also be protected under public law for example section 60 of the Control of Pollution Act 1974, under which the local authority can serve a notice imposing requirements as to amongst other things the way works are to be carried out. The local planning authority may also impose planning conditions and planning conditions have been proposed to address and mitigate the effects of noise and disturbance during the construction phase. There is no interference by a public authority in relation to the exercise of Article 8 rights when it is in accordance with laws necessary in a democratic society, in the interest of national security, in the interests of public safety or economic well being, for the protection of health and morals, prevention of crime and disorder or for the protection of the rights and freedoms of others.

In this case the impact of the construction noise on the immediate residents needs to be balanced against the right and freedom of the applicant's property rights and freedom to seek to develop his land. The Local Planning Authority are required to consider any mitigation of adverse impacts from noise and disturbance during the construction phase by the imposition of planning conditions to control those impacts before considering development proposals. There is a broad range of controls on the adverse impact of noise outside the Planning Acts including under the Control of Pollution Act 1974 and the requirements under Building Regulations and Party Wall legislation which would further control adverse impacts.

- 8.7.6 It is considered reasonable to place a condition requiring that the replacement dwellings at No.'s 16 and 18 Prospect Road shall be constructed prior to the construction of the new dwellings to the rear of the application site to protect the amenity of neighbouring houses.

## **8.8 Highway/parking issues**

- 8.8.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. Two parking spaces are proposed to each of the nine new houses and the replacement one-bedroom bungalows. This would be acceptable.
- 8.8.2 In respect of access, the proposed development would take access from Prospect Road. The Fire Brigade are satisfied with the proposed access.
- 8.8.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.
- 8.8.4 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.

## **8.9 Other Issues**

- 8.9.1 A Noise Exposure Assessment has been submitted with the planning application. A full assessment is requested to devise a suitable scheme for sound insulation against traffic noise through a suitably-worded condition.
- 8.9.2 The application site lies within an Archaeological Priority Area. It is unclear from the submitted material whether there have been modern impacts on buried potential. In view of the scale of the proposals, there may be an impact on hitherto undiscovered archaeological remains. A suitable condition would be attached to any grant of planning permission in relation to the need for further archaeological investigation.
- 8.9.3 The agent has submitted a Phase 1 Habitat Survey with the application. It is considered that there are further requirements in terms of further surveys with regard to trees (retention or removal) and mitigation measures for protected species together with other landscaping requirements which could usefully be submitted with the reserved matters application which relates solely to

Landscaping. A suitable condition will be attached to any grant of outline planning permission requiring further information/details to be submitted in line with the summary contained in the Phase 1 Survey.

- 8.9.4 While the site lies adjacent to an area of Metropolitan Green Belt, it forms part of the existing urban area and, in line with previous Planning Inspector's decisions (including application P1119.13), it is concluded that this development would not adversely impact on the openness of the adjoining Metropolitan Green Belt as it would be viewed in the context of the urban area.

## **9. The Mayor's Community Infrastructure Levy**

- 9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. A CIL form was submitted with the application. The applicable fee is based on an internal gross floor area of (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m<sup>2</sup> which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

## **10. Planning Obligations**

- 10.1 A Section 106 Legal Agreement is required to secure a financial contribution of £54,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.
- 10.2 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".
- 10.3 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.

## 11. **Affordable Housing**

11.1 The proposed density is below the range for the area which results in nine additional units being just below the trigger point for affordable housing (ten or more units). Staff consider that if smaller units or semi-detached pairs were provided, that this would increase the density and number of units, nonetheless this is not the scheme for consideration. Staff consider that the proposed form of development and the size of the units are not unacceptable of themselves and that, as such, it would not be possible to add further similar-sized units without the development appearing cramped. No issues were previously raised in respect of affordable housing for the previous application, P1119.13.

11.2 An area of land has been excluded from the application site. Staff consider that this could support either one or possibly two additional detached properties of the same scale to those proposed. If this site comes forward for development as a second phase, the number of additional properties would in total meet the trigger point for the provision of affordable housing and any application for this adjoining site would therefore be subject to an affordable housing contribution.

## 12. **Conclusion**

12.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £54,000 towards infrastructure improvements. Staff do not consider that there are material grounds for refusal based on the impact of construction works on neighbouring residential amenity.

12.2 The proposal is the same as that previously refused under application P1119.13. Although dismissed on appeal this decision was solely on the grounds of the lack of a S106 Agreement, with the Inspector raising no objection to any other aspect of the development. This is a material consideration. Accordingly, subject to the completion of a legal agreement, the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.



## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required for the drafting of a 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 Resources implications and risks:**

None.

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity.

**BACKGROUND PAPERS**

Application forms and plans received 19/08/2014.