



REGULATORY SERVICES COMMITTEE

18 February 2016

REPORT

Subject Heading:

P1419.15 Lexington Way Garage Block
Lexington Way, Cranham, Upminster

Demolition of existing garage court,
erection of 10 no. dwelling houses and
2no. flats with associated hard and soft
landscaping and car parking.

(Received 14-10-2015)

Ward

Cranham

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Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework
National Planning Practice Guidance

London Plan

Financial summary:

Not applicable

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

The application is for the redevelopment of a former garage court which includes an area of open space to provide ten new dwellinghouses and two flats. This is a Council scheme with all the housing being affordable for shared-ownership and the flats for affordable rent. The site lies within the urban area where redevelopment for residential use would be acceptable in principle. The development would also help to meet the Borough's needs for affordable housing. The application also includes the provision of additional car parking for existing residents. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal would give rise to a demand for school places and a contribution of £6,000 per dwelling is deemed necessary to make the development acceptable. As this is a major application the provision of at least 50% of the units as affordable units would also need to be secured. The application is made by the Council so these requirements would need to be secured by a unilateral undertaking rather than legal agreement. Subject to the prior completion of such an undertaking it is recommended that planning permission is granted.

RECOMMENDATIONS

1. That the Committee notes that the development proposed may be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £25,432 subject to indexation. This is based on the creation of 1,271.6m² of new gross internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £72,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan 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 provision on site of a minimum of 50% of the units as affordable housing with the two social rented units to remain as affordable in perpetuity.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

That the Head of Regulatory Services be authorised to grant planning permission upon the completion of the unilateral undertaking 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice), except where otherwise required by other conditions.

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. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking areas shown on drawing 84463/ 110 Rev C for the 12 new dwellings hereby approved have been completed, and thereafter, the areas shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

Reason: To ensure that there are adequate parking facilities to serve the development in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings

has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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 in relation to the residential development hereby permitted until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for those parts of the application site, 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: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. *Refuse and recycling* – Notwithstanding the details shown on drawings 84463/110 Rev C and 84463/204, prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection in accordance with revised details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: The details submitted shown refuse stores in prominent locations to the front of the new dwellings and it is considered that these should be relocated. Submission of details prior to occupation will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. *Cycle storage* - Prior to first occupation 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 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 and in order that the development

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

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the external areas of the development demonstrating how the principles and practices of the Secured by Design scheme within the development site have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

10. *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.

11. *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 within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. 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 washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

12. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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 authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;

h) 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

13. *Pedestrian Visibility Splay* - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of each of the proposed access points or crossovers to the dwellings, 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.

14. *Renewable energy* – A renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

15. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Article 3, Schedule 2, Part 1 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

16. *Vehicle access* – All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway as part of the required by the development shall be entered into prior to the commencement of development.

Reason: The submission of details prior to commencement will protect highway safety and ensure that all legislative provisions are followed to ensure good design and public safety in accordance with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

17. *Accessibility* - The ten new dwellings hereby approved to be constructed on the former garage block part of the site shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

18. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

19. *Access restriction* – Notwithstanding the details shown on drawing 84463/110 Rev C none of the ten dwellings to be constructed on the former garage block part of the site shall be occupied until an access restriction to prevent motor vehicles, including motorcycles, from travelling east/west along the northern and southern perimeter roadways has been erected in accordance with details, including location, that have previously been submitted to and agreed in writing by the local planning authority.

Reason: Insufficient information has been supplied with the application to assess whether the proposed restriction is of the right form and location so as to prevent unauthorised access through the site, whilst at the same time maintaining access to existing garages. A restriction is required to protect the amenities of both existing and future residents in accordance with the Development Control Policies Development Plan Document Policy DC61.

20. *No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 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.

21. *Obscure glazing* - The proposed window on the northern flank elevation of the first floor flat shown on drawing 84463/201 Rev A shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

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

22. *Car parking area* - Notwithstanding the details shown on drawing 84463/110 Rev C, the development hereby permitted shall not be commenced until a revised scheme for the proposed parking area on the Lexington Way frontage of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include hard and soft landscaping details for the area and the locations of the proposed access points from the public highway. The scheme shall include indications of all existing trees and shrubs on the site, and details of those 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: Insufficient information has been supplied with the application to judge the appropriateness of the layout of the proposed parking area including the hard and soft landscaping proposed. The land along the highway frontage, including landscape planting forms part of the public highway and the removal of any parts of this will require the prior agreement of the highway authority before any works are commenced. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

Informatives

1. Statement Required by Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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. *Secured by Design* - 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 can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
3. *Changes to the public highway* - The granting of planning permission 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 a new or amended access is 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. 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 & Engineering on 01708 433750 to commence the relevant approval process. Unauthorised work on the highway is an offence.
4. *Highway legislation* - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or 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.
5. *Temporary use of the highway* - If any 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is made up of two distinct areas of land. The main area comprises a rectangular plot that lies behind the main residential frontages of

Lexington Way and Roseberry Gardens. The second area comprises a surfaced landscaped area along Lexington Way between the residential frontage and the highway. The central rectangular plot comprises garages and an open grassed area, accessed from both Lexington Way and Roseberry Gardens. There is surfaced road around the edge of this plot that provides access to private garages to the rear of the frontage dwellings.

- 1.2 The frontage land comprises two separate surfaced landscaped areas divided by one of the garage accesses. The Lexington Way frontage, which is part of the public highway, comprises a landscaped strip with hedging and a number of mature trees. There is landscape planting within both of the surfaced areas. The larger section lies in front of dwellings in Lexington Way. The smaller section wraps around the junction of Lexington Way and Roseberry Gardens.
- 1.3 The area is residential in character comprising mainly two-storey units, including maisonettes, but with some three-storey flats to the south. There is a large informal grassed recreational area with playground on the south side of Lexington Way.
- 1.4 The total site area is site area is 0.57 hectares, including access routes and landscaping areas. The larger of the two landscaped areas amounts to 0.16 hectares.

2. Description of Proposal

- 2.1 This is a full application for the redevelopment of the site following the demolition of the existing garage buildings. The development proposed is for 12 new dwellings comprising two terraces of two storey dwellings; one of six units and the other of four and a separate building containing two 2-bed flats. The six unit terrace would comprise 5 person three-bed units and the four unit terrace one three-bed 5 person and three two-bed 4 person units. All the terraced houses would be intermediate affordable for shared ownership.
- 2.2 The terraces would be located within the central plot on the site of the former garages and grassed area. The existing access around the perimeter of this area would be retained. The flats would be located on the corner of Lexington Way and Roseberry Gardens on the smaller of the two landscaped areas. The flats would be for social rent.
- 2.3 The new dwellings would be constructed in brick under a pitched tiled roof. All would meet the nationally described internal space standards and would have individual amenity areas, including a balcony for the first floor flat. Each unit would have two car parking spaces with additional visitor spaces.
- 2.4 The main access to the central area development would be from Lexington Way via the existing access. This would be widened closest to the highway, to provide a double vehicle width. At the north end the access would remain single vehicle width. The northern access would be retained to allow access to the existing garages in the rear of properties in Roseberry Gardens. Both access routes would be resurfaced. A barrier would be provided along the perimeter

access road so that occupiers of the new dwellings would need to use the upgraded Lexington Way access. This would also prevent other vehicles and motorcycles from travelling through the site. However, pedestrian access would be available. Turning areas would be provided for service vehicles.

- 2.5 The larger of the two surfaced area on the Lexington Way frontage would be resurfaced and landscaped to provide additional car parking for existing residents. The car parking area would be accessed via a series of cross-overs. The undeveloped part of the smaller surfaced area would be fully landscaped.

3. Relevant History

- 3.1 P1596.14 - Demolition of existing garages to provide 10no. dwellinghouses and 2no.flats with associated car parking and landscaping (outline) - withdrawn

4. Consultations and Representations

- 4.1 The application has been advertised through site and newspaper notices and neighbour notification letters. Nine letters of representation have been received raising the following issues:

- Insufficient car parking;
- Lack of school places in the area;
- Concerns about surface water run-off;
- Concerns about loss of trees;
- Noise and disturbance in rear garden area;
- Widening of access road would not be sufficient and increase use of access would give rise to additional dust and fumes. This would have detrimental impact on enjoyment of rear garden;
- Negative impact on house values;
- Concerns about loss of or restricted access to existing garages and parking in front of existing properties in Lexington Way;
- Access to site to private garages during construction will have adverse impacts given limited availability of parking to front;
- Security concerns given increased activity to the rear of existing gardens;
- CCTV required to monitor communal areas;
- Impact on local services, including doctor's surgeries and schools;
- Increased noise and disturbance to front and rear of properties;
- Loss of communal amenity space.

- 4.2 Streetcare (Highways): no objections subject to conditions regarding pedestrian visibility splays, the applicant entering into the necessary agreements for works to the public highway and vehicle cleansing during construction.

- 4.3 Streetcare (Sustainable drainage) – no objections

- 4.4 London Fire Brigade (Water) - happy for the development to go ahead.

- 4.5 Public Protection (Environmental Health) requests a noise insulation condition. There are no objections on contamination and air quality grounds.
- 4.6 Energy Strategy Team – recommends that energy performance and micro-generation certificates are provided upon completion of the development
- 4.7 Metropolitan Police Designing out Crime Officer has no objections subject to conditions covering boundary treatment, lighting, cycle storage and landscaping. There should be a landscaped area adjacent to units 9 and 12 to provide an area of defensible space or windows fitted at high level.
- 4.8 The main issues raised in representations are addressed within the body of the report in paragraphs 6.12 to 6.20. One of the main concerns about access to existing garages in rear gardens but this is being maintained through the retention of the perimeter roadway. The scheme would provide significant additional frontage parking and each dwelling would have parking spaces in accordance with LDF Policy DC2.
- 4.9 The comments made by the Designing out Crime Officer can be addressed through the proposed landscaping and boundary treatment conditions.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC29 (Educational Premises); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).
- 5.2 In addition the Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs), Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD and Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local

character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan.

- 5.4 The provisions of the National Planning Policy Framework; the National Planning Policy Guidance and the Technical housing standards (nationally described space standard) are also material considerations.

6. Staff comments

Principle of the development

- 6.1 The site comprises mainly open areas, with the only built development being a row of garages along the eastern part of the central plot. The site lies within the urban area and is not allocated for any purpose in the LDF.
- 6.2 Policy CP1 prioritises the redevelopment of brownfield and non-designated sites for housing to help meet housing need. The policy also requires that such sites are used efficiently. On this basis Staff consider that the proposed redevelopment for affordable housing would be acceptable in principle. The main considerations are layout, design, impact on existing occupiers and on the character and appearance of the area.

Density and Layout

- 6.3 The site has a PTAL value of 2 and in accordance with Policy DC2 the site is classified as 'rest of borough'; outside of a defined PTAL area. A density range of 30-50 dwellings per hectare is indicated as appropriate. The application site has an area of 0.57 hectare, which includes a large surfaced landscaped area of 0.16 hectares which it is proposed to be used as a general parking area. If this is excluded from the calculation the proposed density would be about 30 units per hectare which is within the range specified in Policy DC2. A density at the lower end of the range is considered acceptable given the site's location to the rear of existing housing and the applicant's desire to retain access to rear garages.
- 6.4 However, density is only one measure of acceptability and there are other relevant considerations. These include the need to make efficient use of the site taking account of site constraints and the site layout and its impact on the character and appearance of the area. It is also necessary to provide an acceptable level of accommodation for future occupiers.
- 6.5 In this regard all of the proposed dwellings would meet the minimum size standards set out in the Technical housing standards (nationally described space standard) and provide private and usable amenity space in accordance with the Residential Design SPD. Whilst the layout of the amenity areas would be compact there would be no significant overlooking issues. Each dwelling would have two off-street parking spaces and there would be additional parking for visitors.

- 6.6 Part of the proposal includes the provision of additional general parking for residents in the area. The area concerned is generally vacant and underused, but is not suitable for new housing development given its narrow shape and close proximity to existing dwellings.

Design and visual impact

- 6.7 The location of most of the development on land which is set behind the main developed highway frontages means that the impact on the streetscene generally would not be significant. The two terraces would not be readily visible from any public areas, except from the junction of Lexington Way and Roseberry Gardens between existing buildings. However, this view is currently dominated by a large pylon and associated cables. The introduction of new buildings within this space, set back from the highway would not materially affect the overall character of the area.
- 6.8 The two flats would be located in a much more prominent location on the junction of the two roads and readily visible from the highway. The area around the junction is generally open with a grassed area on the eastern side. The proposed new building would be set forward of the existing building frontages of the nearest properties in Lexington Way, but behind those in Roseberry Gardens. It would partly fill the space between the ends of the dwellings. This part of the development utilises an area of mainly vacant land that does not currently contribute positively to the character and appearance of the area, although there is one mature tree on this part of the site which would be lost.
- 6.9 It will be a matter of judgement for Members as to whether this part of the development would have an acceptable impact on the area. The scale of the flatted development would be compatible with the nearest dwellings which are maisonettes, and the remainder of the corner plot would be landscaped in a more appropriate fashion. Staff consider that, as a matter of judgement it would be acceptable, notwithstanding its forward positioning in relation to other properties in Lexington Way. It would help provide additional affordable housing on an underutilised plot, whilst still retaining an element of openness on this corner location. In view of the separation from the dwellings in Lexington Way provided by the new widened access and the development of a new landscaped parking area, it would not appear as an incongruous element in the streetscene.
- 6.10 Materials proposed are principally to be buff and red multi coloured facing bricks under a pitched grey pantile tiled roof. Some of the brickwork would have protruding elements to produce a textured finish. The appearance of the buildings would respect the varied residential character of the area which has a mix of styles and building materials. Staff consider that the development would have an acceptable visual impact in its own right and when viewed alongside adjoining properties and public areas. The design would have a positive impact on the character and appearance of the area. Details of materials are given in the application but it is considered that the submission of samples for approval should be required by condition.

- 6.11 The proposed layout includes a number of refuse stores which are located to the front of a number of the dwellings units. Staff consider that there is scope to relocate some of these to more discreet locations where they would not be so visibly dominant. Accordingly a condition is recommended that further details are submitted and agreed prior to first occupation. The locations as proposed would detract from the overall character of the development.

Impact on amenity

- 6.12 Whilst the site lies within a residential area only the flatted element would share a boundary with any residential property. The two terraces would be separated from the rear boundaries of existing properties by the internal access road. The separation between the front of the terraces and the rear of the nearest dwellings and their gardens areas means that there would not be any significant impact on the amenities of existing residents. The fronts of the proposed terraces are about 30 metres away from the rear of the nearest dwelling with a separation of about 12 metres from the rear boundaries. Many of these properties have rear garages and outbuildings that would also help to minimise any impact. Concerns have been raised that the development would give rise to additional noise and disturbance for additional residents. However, in view of the separation from existing rear boundaries and the former use of the site, Staff consider that any impact would not be significant. In terms of the frontage parking this would not have any significant impact over that associated with normal on-street parking and this needs to be set against the benefits for residents of additional off-street parking.
- 6.13 The new flatted building, however, does include a first floor window in the northern elevation and there would be the potential for some overlooking of the rear garden of no. 82 Roseberry Gardens. However, this is not the main window to the room involved and the potential impact could be addressed through an obscure glazing condition. Overall Staff consider that there would be no material adverse impact on the amenities of nearby residents and the proposals would comply with LDF Policy DC61.
- 6.14 Some residents have raised concerns that the development would impact on the current access to their rear boundaries, where there are a number of garages. The applicant has advised that while there are few formal licences that allow access it was decided that the existing perimeter roadway should be retained. This means that residents would continue to be able to access their garages/outbuildings even if there is no formal agreement to do so. Concern has also been raised about the loss of the open space which has been used as an informal amenity area. However, whilst managed by the Council the land is not designated as public open space and forms part of the garage area.
- 6.15 Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots. Parts of the amenity area of some of the dwellings, in particular unit 3, would be subject to some overlooking. This arises as the terraces are perpendicular to each other, otherwise this would not be an unusual relationship within a residential

area. In view of these factors staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions such as amount to a material objection to the proposal.

Parking and highways Issues

- 6.16 The proposal provides a total of 22 parking spaces for the new dwellings, plus an additional six visitor spaces which equates to 1.8 spaces per dwelling. This meets the LDF parking requirements of 2-1.5 spaces per dwelling and would also fall within the maximum standards set out in Table 6.2 and Policy 6.13 of the London Plan. There are no specific proposals for secure cycle parking, however, there is space for this within the development and details could be secured by condition. Overall the vehicle and cycle parking is considered acceptable and in accordance with the relevant development plan policies.
- 6.17 The existing access from Lexington Way would be the sole vehicular access to the development this would be widened for the first 30 metres to provide for two-way flows. The remaining 18 metres would be single vehicle width as at present. These revisions are acceptable to the highway authority (Streetcare) and are considered adequate for service vehicles.
- 6.18 The access from Roseberry Gardens would be retained solely for access to existing garages in the rear gardens of properties in that road. A barrier/gate would be provided within the east-west perimeter road to prevent it being used as an alternative vehicular access to the new development. A similar barrier is required at the western end of the southern perimeter road.
- 6.19 The larger of the open landscaped areas forms part of the overall landscaped setting of the housing development in this part of Cranham. However, apart from providing a setting for some of the dwellings in Lexington Way it has little function and is an underused space. The landscaping along the highway frontage is reasonably mature and most would be retained. This lies within the highway boundary. The remainder is surfaced but includes little landscaping and that which exists contributes little to the overall character of the area. The retention of most of the mature vegetation would help to maintain the outlook from the existing properties.
- 6.20 The use of the space for car parking would help to address the local shortage identified by objectors. It could also provide an alternative for some residents to the rear access that would otherwise continue through the development site. The access points to the car parking area would need to be agreed with Streetcare, but subject to this the area could provide up to 30 spaces in a landscaped parking area. There are no objections to this general arrangement from the highway authority (Streetcare) or to the access to the main part of the development.

Affordable Housing

- 6.21 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the

London Plan. LDF Policies CP2 and DC6 set out the aim to achieve 50% across the borough. This would be made up in part by 100% affordable schemes and through seeking 50% provision on proposals for 10 or more dwellings, subject to viability. This proposal is for all units to be affordable which would help to achieve this objective.

- 6.22 The application is being made by the Council's Housing Service and all of the units would initially be affordable units, the dwelling houses for shared ownership and the flats for social rent. However, the ten dwellings would be intermediate housing (shared ownership) and there is the prospect for equity share, which would initially be a minimum of 40%, to increase to 100% over time, such that the property would no longer be affordable. This is termed 'staircasing' and the period over which this could occur would vary from property to property. The Housing Service advises that it normally assumes that this would be between 5 and 35 years. Policy DC6 requires that the housing should remain affordable in perpetuity. In the case of the two social rented units these would be retained by the Council so would continue to be affordable, however, the ten units are likely to eventually become private housing. Accordingly, the terms of DC6 would not be met.
- 6.23 The Council's Housing Strategy includes the provision of intermediate housing to allow low income residents to get on the 'property ladder'. This accepts that the properties are likely to eventually become totally privately owned. In these circumstances when assessing the proposals against LDF affordable housing policies it is necessary to make a judgement on this issue. Staff consider that, on balance, the proposal would be acceptable in terms of these policies. All of the twelve units would initially be affordable and could well remain so for a number of years. Two of the units (17%) would meet the terms of the policy and the remainder would be affordable for an unspecified period. Staff have been advised that a significant proportion of any capital receipt would be recycled into further affordable housing schemes. This would be in accordance with the wider Council objectives for affordable housing. Securing affordable housing on these terms would need to be secured through a S106 Planning Obligation.
- 6.24 Taking all these matters into account Staff consider that the proposal would, make an important contribution to achieving the overall target set out in Policy DC6 and would meet the Council's wider housing objectives. Consequently Staff consider that, on balance, the proposal would meet the overall objectives of LDF Policies CP2 and DC6 and Policy 3.11 of the London Plan.

Infrastructure impact of the development

- 6.25 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.

- 6.26 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.27 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.28 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.29 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.30 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.31 It would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

6.32 The proposed new dwellings would result in an additional local infrastructure demand such that a financial contribution is needed in accordance with policy DC72. There would be a net addition of 6 units and a charge of £72,000 is considered necessary to make the development acceptable in accordance with the policy. However, as the Council is both land owner and applicant this would need to be secured by way of a unilateral undertaking rather than a planning agreement.

Other Issues

6.33 The application site includes a number of trees, mainly along the Lexington Way frontage which form part of an area that it is proposed to use for additional resident's car parking. An arboricultural assessment has been undertaken which considers the condition of the trees within this area, there being no trees within the main development site. The trees adjacent to Lexington Way are within the highway and can only be removed with the permission of the highway authority (Streetcare). These trees make a positive contribution to the streetscene and should be retained wherever possible. A condition is proposed that would require the submission of a detailed layout which would need to be negotiated with Streetcare. This would include substantial new landscaping between the parking areas.

6.34 The ground conditions of the site have been investigated and the submitted report concludes that the ground conditions pose no risk to future occupiers and that remediation is not required.

6.35 Given the scale of the development there is a requirement for the need for a sustainable drainage system (SuDS) to be assessed. However, the increase in surface run-off is not considered to be significant and no specific site drainage scheme is proposed. The submitted details are considered acceptable.

7. Mayor's Community Infrastructure Levy

7.1 The proposed development may be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. However, affordable housing may qualify for relief if the proposals meet certain exemption criteria. These would be assessed post planning decision prior to the commencement of the development.

7.2 The applicable fee is charged at £20 per square metre based on an internal gross floor area of 1,271.6 square metres less the area of existing buildings in lawful use for at least 6 months in the last three years. As this has not been the case none of the existing floorspace can be deducted. However, there are exemptions for affordable housing which needs to be sought prior to commencement of development. In this case the maximum CIL contribution would be of £25,432 subject to indexation.

8 Conclusions

- 8.1 The proposed residential development on the site is considered acceptable in principle. The design, scale and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide an acceptable quality living environment for future occupants. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping and sustainability. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal is for 12 affordable units (shared ownership and social rent) which would help to meet the Borough wide target of 50% of all new dwellings. This provision is considered acceptable in terms of the aims of LDF and London Plan policies. The delivery of affordable housing as set out in the application details would need to be addressed through a S106 obligation.
- 8.3 There would also need to be a contribution to meet education costs associated with the development in accordance with LDF Policy DC72 and the Technical Appendices to the Planning Obligations SPD and Policy 8.2 of the London Plan. The contribution would again be secured through a S106 obligation (unilateral undertaking).
- 8.4 The proposal is, therefore judged to be acceptable, subject to the conditions set out in this report and the prior completion of a S106 Planning Obligation, and it is recommended that planning permission is granted accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: The planning merits of the application are considered separately to the Council's interests as landowner and applicant

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities and the Borough's housing needs.

BACKGROUND PAPERS

1. Planning application form and plans received 14-10-2015