



REGULATORY SERVICES COMMITTEE

12 May 2016

REPORT

Subject Heading:

P1210.15: 1 Kilmartin Way, Hornchurch

Erection of 18no. dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses. (Application received 24 September 2015)

Ward:

Elm Park

Report Author and contact details:

**Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800**

Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework**

Financial summary:

None

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

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 proposal is for the erection of 18no. dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a legal agreement.

The application was deferred from the 31st March meeting for staff to clarify a number of points in relation to car parking, access and visibility, road adoption and maintenance. This information is presented below.

The application site is Council owned land.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 1,793.6 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of a £35,872 Mayoral CIL payment (subject to indexation).

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 £108,000 to be used for educational purposes.
- 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- The provision on site of a minimum of 50% of the units as affordable housing.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

1. Time Limit

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the 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.

3. Parking Provision

Before any of the houses hereby permitted are first occupied, the car parking provision as indicated on drawing no. '100 Rev G' shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 71no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and 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 works shall take place in relation to any of the development hereby approved 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: 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

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. 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 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

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. 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 is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

8. Hours of Construction

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

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

9. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme

Reason: 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.

10. Vehicle Cleansing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning

Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

- 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, including their 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 break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to wheel 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.

11. Boundary Screening/Fencing

The development hereby permitted shall be constructed in accordance with the approved measures for boundary screening and screen walling, as detailed in the submitted Landscape Plan (Drawing No. 14139_PL05 Revision B) unless otherwise agreed in writing by the Local Planning Authority, 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.

12. Secure 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.

13. Construction Methodology

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

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

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

Reason: 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.

14. Hard Surfacing

Before any of the houses hereby permitted are first occupied the access drive, car park and vehicle turning areas shall be surfaced in accordance surfacing materials that have been previously agreed in writing by the Local Planning Authority. Once constructed, the access road and vehicle turning areas shall be kept permanently free of any obstruction (with the exception of the car parking areas shown on the plans) to prevent their use for anything but turning and access.

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 in the interests of highway safety.

15. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the 10no. two bedroom houses 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. Accessible and Adaptable Dwellings

At least two of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved 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.

17. Archaeological Investigation

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works 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 programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

18. 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.

19. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order), 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.

20. Contaminated Land

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

21. Contaminated Land (2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been

submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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

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

22. Noise Impact Assessment

Before any development is commenced, an assessment shall be undertaken of the impact of noise upon the site and a scheme for protecting the proposed dwellings from noise shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied. Particular reference shall be given to noise arising from the Elm Park Primary Substation.

Reason: Insufficient information has been supplied with the application to judge the impact of noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

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 £35,872 (subject to indexation). 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 and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. **Changes to the public highway (including permanent or temporary access)**
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.

4. 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.

5. 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.

6. The applicant is advised that an additional fire hydrant will be required within the site to service the development. Further information in this respect should be obtained from the London Fire Brigade on 020 8555 1200.
7. 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.
8. 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. Background

1.1 The application was deferred at the Committee meeting on 31st March 2016 in order for staff to clarify the points listed below.

- *Whether both roadways can be adopted (and brought up to necessary adoptable standard) and if not, why not:*
 - Kilmartin Way is an access road owned by the London Borough of Havering, the road is paid for by the residents that use it to cross to access their property. The cost to the residents on Kilmartin Way is a nominal fee of £5.00 per year. This fee does not cover any form of maintenance.
 - The cost of upgrading Kilmartin Way to adoptable standards would be over £150,000. In addition there is a Thames Water pipe that would need relocating, at a further cost of £500,000 - £600,000. If these works were to be included in the scheme it would no longer be a financially viable option and the scheme will not progress. As part of the adoption policy this road would also need to become a one way street and the residents in houses 1-11 Kilmartin Way would need to have parking relocated from the front of their houses as their cars are currently overhanging the footpath.
 - The new roads within the site would be constructed to adoptable standards and would be wide enough for two cars to pass.
- *Access road width dimensions including footways and adequacy against standards:*
 - A minimum road width of 4.1 metres is recommended by the Manual for Streets. This width allows two cars to safely pass each other. The pinch point at the junction of Southend Road and the existing access road (serving the garage court) is currently only 4 metres. Under this application the access road would be widened to 5.3 metres to meet the minimum 4.1 metre standard.
- *"Net" parking impact taking account of surrounding houses (how many and where) which have right to use existing car park areas on the site:*
 - Within the areas immediately around the proposed site there are approximately 55no. unallocated car parking spaces. A traffic survey has

highlighted that only a maximum of 25% of the parking spaces were being used whilst the survey was undertaken at 5:00am, 10:30am and 6.30pm.

- *How will UKPN's need to have unimpeded access to substation affect construction traffic:*
 - The areas of hardstanding that would later be used for the proposed car parking areas would be constructed under the first phase of the development. During the construction of the proposed new road and the connection of services, the existing access road from Southend Road to the substation would be temporarily diverted. To ensure that 24 hour access to the substation is maintained a ground protection mat would be placed between the two areas of hardstanding creating a temporary access road leading into the site from Kilmartin Way.

- *Whether new houses fronting Kilmartin Way will be responsible for contributing to upkeep of non-adopted roadway:*
 - Kilmartin Way is an access road owned by the London Borough of Havering. The private residents on Kilmartin Way are charged a nominal annual fee of £5.00 for permission to pass over private land (i.e. the Council's land) to their own property. This fee does not cover any form of maintenance.
 - The new houses on Kilmartin Way would be subject to the same legal agreement as the existing properties and as such would also be required to pay the £5.00 annual access licence fee.
 - Any new residents that use Kilmartin Way to access their property will be required to have an access licence. Future access could be denied if any residents do not pay the access licence fee.

- *Adequacy of visibility spaces for vehicle egress into South End Road:*
 - The supporting Transport Statement provided by DHA transport consultants indicates that the proposed access arrangements into South End Road present no issues in terms of visibility. The visibility from this access would exceed the 2.4 metre by 43 metre standards for 30mph roads advised by the Manual for Streets.

The report set out below is the same as that previously presented to Committee on 31st March.

2. Call-in

A call-in request has been received from Councillor Barry Mugglestone on the grounds that some of the planned development appears to egress and ingress into a private road onto Kilmartin Way that the Council have not adopted. Councillor Mugglestone is concerned that with this planning application the developer would remove parking places that are currently in place for the residents in the area.

3. Site Description

- 3.1 The application relates to land at 1 Kilmartin Way, Hornchurch. This is an irregular shaped parcel of land situated to the north of Kilmartin Way, to the east of Ambleside Avenue and the west of Southend Road.
- 3.2 The majority of the site comprises an area of open grassland, with a small garage court located to the north of the site and an area of hardstanding to the southwest used for car parking. An access road for the garage court and an adjacent electricity substation runs along the north of the site linking up with Southend Road. In several locations the site abuts the rear garden boundaries of two-storey residential accommodation at Kilmartin Way, Ambleside Avenue and Southend Road.
- 3.3 The site is relatively flat and covers an area of approximately 7,000 square metres (0.7 hectares). The land has no formal designation in terms of open space and is classified within the LDF as non-designated land.

4. Description of Proposal

- 4.1 The proposal is for the demolition of the garage court and the erection of 18no. new dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses.
- 4.2 The development would comprise an 'L-shaped' arrangement with three terrace rows of houses set within the site, the most northerly of which would be perpendicular to the southern row. The dwellings would be accessed from a new road leading off the existing service road from Southend Road. An additional row of four houses would infill the area adjacent to the existing terrace row of houses on Kilmartin Way and the rear gardens on Ambleside Avenue.
- 4.3 The dwellings would incorporate a contemporary elevation design with a traditional pitched roof arrangement at a height of approximately 9.6 metres. Each of the terrace rows would also feature a taller central pair of houses with the roof ridge heights rising to 10 metres and featuring a rear dormer in order to incorporate additional living accommodation in the attic space.

- 4.4 Each new dwelling would have a private rear garden which would vary in size depending on the positioning of the dwelling within the site, but range between 30 and 50 square metres. The layout of the terraced houses would retain a central area of the open grassland which would form public and communal amenity space.
- 4.5 In terms of car parking; a total of 71no. parking spaces would be provided as part of the development. Of this 38no. parking spaces would be for the 18no. houses set out to the front of the dwellings and in dedicated parking areas within the development. The remaining 33no spaces would be for public parking and would be set out in in a new car parking area in the south eastern corner of the site accessed from Kilmartin Way.
- 4.6 It is proposed that the scheme will provide 100% affordable residential accommodation with 13no. units for affordable rent and 5no. units for a shared ownership scheme. All of the dwellings would have a dual aspect and have been designed to the Technical housing standards minimum internal spacing standards and Lifetime Homes Standard.
- 4.7 Refuse stores would be provided to the front of each of dwelling.
- 4.8 At this stage no details of secure cycle storage have been provided.

5. Relevant History

- 5.1 P0778.12 - Demolition of residential garage and redevelopment of 5No. houses off South End Road - Withdrawn
- 5.2 P2181.04 - Development of 2 no. four-bedroom houses - Withdrawn
- 5.3 P1691.04 - Development of 12 no. 3 bed 5 person houses, 2 no. 3 bed 5 person houses and 4 no. 4 bed 7 person houses - Withdrawn

6. Consultations/Representations

- 6.1 Neighbour notification letters were sent to 89 properties and 10 representations have been received. The comments can be summarised as follows:
- The surrounding roads are too narrow to handle the additional traffic.
 - The existing road surface is poor causing drainage problems.
 - The proposal will increase car parking problems in the area - existing car parking situation on the surrounding roads is already problematic and congested.
 - Noise pollution and disruption during construction.
 - Loss of an area of pleasant green space.
 - Excessive overdevelopment of the site.
 - The design of the houses would be out of character with the area.

- The vehicle access arrangements would create a danger to traffic and pedestrians.
- The recycling bins would attract vermin and fly tipping creating a hazard to health.
- The pedestrian pathway on the access road to Southend Road is not wide enough and the site access is inadequate.
- Significant scale, height and massing of the proposed buildings would be harmful.
- Loss of privacy and overlooking of rear gardens.
- The proposal would create a poor quality cramped development.

6.2 In response to the above: Issues in relation to design, scale, bulk and massing are discussed further in the Density/Layout and Streetscene sections of the report respectively. Issues concerning privacy, overlooking and daylight are considered in the residential amenity section. Car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/Parking' section which is set out below.

6.3 The following consultation responses have been received:

- UK Power Network - awaiting response, comments to be presented verbally at the committee meeting.
- Thames Water - no objection.
- London Fire Brigade Water Team - no objection, the applicant will be required to install 1no. private fire hydrant.
- Greater London Archaeological Advisory Service (GLAAS) - no objection, recommended a condition in relation to the undertaking of a stage 1 written scheme of investigation.
- Regeneration & Partnerships - no comments.
- Designing Out Crime Officer - no objection.
- Lead Flood Authority - no objection, the micro drainage calculations are acceptable for the soak away design.
- Environmental Health - no objection, recommended conditions in relation to a noise impact assessment concerning the Elm Park Primary electricity substation as well as a standard contaminated land investigation condition.
- Local Highway Authority - no objection, recommended a condition in relation to vehicle cleansing.

7. Relevant Policies

- 7.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC18 (Protection of Public Space, Recreation, Sports and Leisure Facilities), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 7.2 Other relevant documents include the Residential Design SPD, Landscaping SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 7.3 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), 5.16 (waste self sufficiency), 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), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 7.4 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals.

8. Staff Comments

- 8.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

Principle of Development

- 8.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

- 8.3 In terms of the Local Plan the site is classified as non-designated land and lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres. In addition the open grassland area is not designated as public open space and is within a predominantly residential area.
- 8.4 As such the proposal is considered to be policy compliant in land use terms and its use for residential is therefore regarded as being acceptable in principle.

Density/ Layout

- 8.5 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 8.6 The proposal would provide 18no. residential units at a density equivalent to approximately 26 dwellings per hectare. Policy DC2 states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. However, in this instance the density has been reduced considerably to allow for the retention of large parts of the open grassland areas resulting in a lower density scheme.
- 8.7 The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 8.8 The proposed development would provide 10no. two-bedroom houses and 8no. three-bedroom houses, all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The bedrooms in these dwellings would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with technical housing standards and the houses would provide an acceptable amount of space for day to day living.
- 8.9 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.

- 8.10 The proposed houses would each be provided with private rear garden areas ranging in size from between 30 and 50 square metres, depending on the location of the plot within the site. Future occupiers would also have access to the remaining public grassland areas that would also be re-landscaped as part of the scheme. Responsibility for maintaining this land would continue to remain with the Council.
- 8.11 It is considered that the proposed amenity space would be of a suitable form and size and when taken together with the retained adjacent public space, would therefore result in acceptable living conditions for future occupants of the houses. All of the proposed dwellings would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.

Design/Impact on Streetscene

- 8.12 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 8.13 The proposed new dwellings would incorporate a contemporary elevation design with a traditional pitched roof arrangement at a height of approximately 9.6 metres. Each of the terrace rows would also feature a taller central pair of houses with the roof ridge heights rising to 10 metres and featuring a rear dormer in order to incorporate additional living accommodation in the attic space.
- 8.14 The houses would be positioned around the northern and western sections of the main site in a linear arrangement. It is considered that the scale, bulk, height and massing of the proposed dwellings would match that of the existing two storey houses located adjacent to the site on Ambleside Avenue, Kilmartin Way and Southend Road.
- 8.15 Due to the existing open nature of the site the new dwellings would have a prominent appearance, particularly when viewed from the rear of the surrounding houses. However, given that the houses would be located around the peripheral sections of the site, the majority of the existing grassed area would be retained and the sense of openness across the site would as a matter of judgement be maintained.
- 8.16 In a broader sense additional re-landscaping measures and the removal of the rundown garage court would serve to revitalise the general character and appearance of the area and add a greater degree of quality to the built environment within this section of Kilmartin Way.
- 8.17 On balance it is considered that the proposed development would contribute positively to the local streetscene and respect the open setting of the site whilst serving to regenerate a run down and neglected piece of land, thereby enhancing the character and appearance of the surrounding area.

The scale and bulk of the proposed buildings would also sit comfortably within this setting given the height and scale of the existing houses located adjacent to the site.

- 8.18 As such it is considered that the proposed development would be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

Impact on Amenity

- 8.19 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 8.20 The main consideration in terms of residential amenity relates to the impact on the occupants of the various houses overlooking the site at Nos 1 to 17 Coronation Drive (located to the north of the site), Nos 71 to 93 Ambleside Avenue (located to the west of the main terrace blocks), Nos 1-11 Kilmartin Way (located to the south and east of the development) and Nos 393-419 Southend Road (located to the east of the site).
- 8.21 The proposed northern terraced row of houses would be located some 47 metres from the rear of the properties to the north at Nos 1 to 17 Coronation Drive. Given the separation distances and the lengthy rear gardens at the existing houses, it is not considered that the proposed development would unduly harm the amenity of these dwellings.
- 8.22 The rear elevations of the houses in proposed terraced blocks to the west of the site would be located approximately 32 metres from the rear of the houses at Ambleside Avenue, and some 12 metres from the rear garden boundaries.
- 8.23 It is recognised that the terraced rows would feature a central pair of houses rising to 2.5 storeys including a rear dormer window. However, on balance Staff are of the view that the distances are acceptable in order to maintain outlook and privacy between the new residential dwellings and the neighbouring residents. The terraced rows would also feature staggered rear building lines, which would offset the overall bulk and massing of the buildings. As such it is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Ambleside Avenue.
- 8.24 The side elevation of the northern terrace row would be located approximately 20 metres at the closest point from the rear of houses at Nos 405 to 419 Southend Road. The proposed end dwelling in this row would

feature a blank gable with no window openings. It is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Southend Road.

- 8.25 As part of the proposal a new residents car park would be laid out on the land to the side and rear of houses at Nos 393 to 403 Southend Road, providing 33 spaces. It is acknowledged that the positioning of the new car park presents some potential issues in relation to noise and disturbance in terms of cars manoeuvring and doors being closed. However, the main row of parking spaces would be positioned over 13 metres from the rear of the houses. A wider accessible space would be provided in the south eastern corner of the car park located 11 metres from the rear of No.393, but this is still regarded as an acceptable distance. Around 7 of the spaces would be positioned adjacent to the flank of No.393 on Kilmartin Way, however, these spaces would occupy a section of the verge adjacent to the existing road.
- 8.26 A terrace row of four dwellings would infill the area adjacent to the existing terrace row of houses at Nos 1 to 11 Kilmartin Way and the rear gardens at Nos 83 to 91 Ambleside Avenue. The front elevation of the proposed terrace would follow the building line of the adjacent houses at Kilmartin Way. The new dwellings would project around 3.5 metres beyond the rear building line of the Kilmartin Way house, but would be positioned beyond a 5 metre wide pedestrian pathway and as such would not harm the amenity of the adjacent houses. The side elevation of the terrace row would also be located approximately 26 metres at the closest point from the rear of houses at 83 to 91 Ambleside Avenue. The proposed end dwelling in this row would feature a blank gable with no window openings. It is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Ambleside Avenue.
- 8.27 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.
- 8.28 It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

Environmental Issues

- 8.29 Environmental Health have raised no objection in relation to any historical contaminated land issues associated with the site, but have recommended the inclusion of a standard precautionary contaminated land investigation condition.

- 8.30 The proposal is not considered to give rise to any significant noise issues. It is however recognised that elements of the development to the north would lie within close proximity to the Elm Park Primary electricity substation. As such Environmental Health have recommended that a condition requiring a full noise impact assessment is undertaken prior to commencement in order to ensure that suitable noise insulation measures are incorporated into the development.
- 8.31 The accompanying Ecological Survey states that the proposal should have no or only minor adverse impacts on ecology and biodiversity, with some gains. In ecological terms the proposed development is considered to be acceptable.
- 8.32 The site is not located within a Flood Zone and presents no issues in relation to flood risk. The Sustainable Drainage Systems (SuDS) have been assessed by the Council's Lead Flood Authority representative and the micro drainage calculations are considered to be acceptable for the soak away design.

Parking and Highway Issues

- 8.33 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at between 2 and 3 meaning that the site is classified as having an average to poor access to public transport. Therefore residential development in this location is required to provide a high car parking provision of 2-1.5 spaces per unit.
- 8.34 In terms of car parking; a total of 71no. parking spaces would be provided as part of the development. Of this 38no. parking spaces would be for the 18no. houses set out to the front of the dwellings and in dedicated parking areas within the development (at a ratio of over 2 per dwelling). The remaining 33no spaces would be for public parking and would be set out in a new car park in the south eastern corner of the site accessed from Kilmartin Way.
- 8.35 The existing main vehicular access point into the site from Southend Road would be retained.
- 8.36 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Southend Road. It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/servicing issues.
- 8.37 Each of the dwellings would be served by an enclosed bin store adjacent to the front drive. An additional recycling point would be installed in the new car park.

- 8.38 A this stage no details of secure cycle storage have been provided, however full details will be sought by condition.

Affordable Housing

- 8.39 It is proposed that the scheme will provide 100% affordable residential accommodation with 13no. units for affordable rent and 5no. units for a shared ownership scheme.

Mayoral Community Infrastructure Levy

- 8.40 The proposed development will create 18.no new residential units with 1,793.6 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £35,872 subject to indexation based on the calculation of £20.00 per square metre. However, as the proposal is for affordable housing the applicant 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.

Infrastructure Impact of Development

- 8.41 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) 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.
- 8.42 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.
- 8.43 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.
- 8.44 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs 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.

- 8.45 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.
- 8.46 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 years 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.
- 8.47 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.
- 8.48 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 18 units and a charge of £108,000 is considered necessary to make the development acceptable in accordance with the policy which would need to be secured by way of condition owing to the applicant owning the land.

9. Conclusion

- 9.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 9.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.

9.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a unilateral undertaking.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the condition.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement. 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 development includes a mix of unit types, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 24 September 2015 and amended drawings received on 11 November 2015.