

REGULATORY

SERVICES

COMMITTEE

REPORT

12 May 2016 P1714.15 62 Great Gardens Road, **Subject Heading:** Demolition of existing dwelling and construction of 2 x 3 bedroom dwellings with private amenity space and off street car parking (Application received 25 November 2015) Ward **Emerson Park Report Author and contact details:** Helen Oakerbee Planning Manager helen.oakerbee@havering.gov.uk 01708 432800 Local Development Framework **Policy context:** 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 application is seeking planning permission for the demolition of an existing bungalow and the construction of a pair of semi-detached dwelling houses. The site is Council owned.

The proposed dwellings would have a combined footprint of approximately 105m² and would incorporate a hipped roof with characteristic two storey projection to the front. The proposed dwellings would consist of two storeys with a sitting room, dining room, kitchen, toilet and hallway at ground floor, with three bedrooms and a bathroom at first floor level.

Two off street parking spaces are shown on submitted plans for each dwelling and the rear garden of the donor property will be subdivided to allow separate private amenity space for both dwellings.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted subject to conditions.

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 95 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of a £1,900 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 £6,000 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.

• 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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.

3. Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice).

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

4. 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: To minimise the impact of the development on the surrounding area in the interests of amenity.

5. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

6. Standard Flank Window Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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.

7. Boundary Treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement 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

8. Hours of Construction

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

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

9. Construction Methodology

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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.

10. Wheel Washing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. 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 washing off the vehicles.

f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason: 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. 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.

12. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously 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.

13. Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

14. Access

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.

15. Non Standard Condition

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

Reason: To prevent noise nuisance to adjoining properties.

16. Vehicle Access

The necessary agreement, notice or license to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

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

17. Contaminated Land

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.

INFORMATIVES

Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent by email January 2016. These required the dwellings to be set back deeper into the plot to accommodate vehicle parking to the frontage which would otherwise not have complied with council policy. The amendments were provided on 29-01-2016

Approval and CIL

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 £1900 (this figure may go up or down, 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.

Planning Obligation

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. Site Description

- 1.1 The application relates to a plot of land at 62 Great Gardens Road.
- 1.2 The building form within the locality is varied, and comprises mainly of bungalows and two storey semi-detached residential dwellings. The application property is flanked by pairs of two storey semi-detached dwellings. Staff observed a significant drop in ground level to the rear of the site.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of an existing bungalow and the construction of a pair of semi-detached dwelling houses.
- 2.2 The proposed dwellings would have a combined footprint of approximately 104m² and would incorporate hipped roofs with a characteristic two storey projection to the front. The proposed dwellings would consist of two storeys with a sitting room, dining room, kitchen, toilet and hallway at ground floor, with three bedrooms and a bathroom at first floor level.
- 2.3 Two off street parking spaces are shown on submitted plans for each dwelling and the rear garden of the donor property will be subdivided to allow separate private amenity space for each proposed dwelling.

3. History

3.1 None relevant

4. Consultation/Representations

- 4.1 Notification letters were sent to 29 neighbouring properties. One objection was received which expressed concern over the present situation with vehicle parking within Great Gardens Road. The objection is explored below within the highways section of the report
- 4.2 Highway Authority Highway Authority initially objected to the parking layout, however this objection was withdrawn following the submission of revised plans on 29-01-2016.
- 4.3 Environmental Health No objections.

5. Relevant Policy

- 5.1 Policies CP1, CP2, CP17, DC2, DC3, DC7, DC33, DC35, DC61, DC63, DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.
- 5.2 Also relevant are Policies 3.1, 3.4, 3.8, 5.12, 6.9, 7.1, 7.3, 7.4, 8.3 of the London Plan and the National Planning Policy Framework (NPPF)
- 5.3 The Technical housing standards national described space standard is also applicable.

6. Staff Comments

- 6.1 The application is being reported to Committee because the site is Council owned and a letter of objection has been received.
- 6.2 The main considerations relate to the principle of the development and the layout of the scheme, the appearance of the proposed dwelling in the street scene, the implications for the residential amenity of future occupants and nearby houses and the suitability of the proposed parking and access arrangements.

7. **Principle of Development**

- 7.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 7.2 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle, subject to other policy considerations.

8. **Density/Site Layout**

8.1 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.

- 8.2 The proposal would provide 2no. residential units at a density equivalent to approximately 41 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 30 and 65 dwellings per hectare would be appropriate in this location.
- 8.3 Staff will also seek to apply the standards offered by the Technical Housing Standards Nationally Described Space document. Contained within this document are requirements for 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, notably bedrooms, storage and minimum floor to ceiling heights.
- 8.4 The proposed dwellings exceed the required gross internal floor area and benefit from sufficient headroom over and above the required 75% of the GIA. It is also the view of staff that the proposed dwellings would comply with all other standards which must be applied in terms of bedroom sizing. Staff can therefore conclude that the internal layout would make provision for an acceptable standard of living accommodation for future occupiers
- 8.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. An acceptable amount of amenity space is provided for each dwelling, 196m² and 159m² respectively as a result of the subdivision. The surrounding dwellings within this suburban location are characterised by private spacious rear gardens and it is considered that the arrangement demonstrated on submitted plans respects this principle.

9. **Design/Impact on Street/Garden Scene**

- 9.1 The building form within Great Gardens Road is varied comprising primarily of a mix of semi-detached dwellings of one and two storeys.
- 9.2 The introduction of a pair of semi-detached dwellings would not appear uncharacteristic as the host premises is currently flanked by two storey dwellings on either side.
- 9.3 The overall height and eaves height of the proposed dwellings would be consistent with other properties within the locality and those which flank the site. The projection to the rear, both at ground and first floors accords with the aims of the Residential Extensions and Alterations SPD.
- 9.4 In addition the design has sought to replicate the form of other semidetached dwellings within the locality, including a characteristic two storey projection to the front elevation to allow for bay windows at ground and first floors. This further aids with the integration of the proposed dwellings into the Great Gardens street-scene.

9.5 No objections are raised in respect of the visual impact of the development proposed.

10. Impact on Amenity

- 10.1 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 or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 10.2 The relationship between the proposed semi-detached pair and unattached neighbouring premises to the sides would be comparable to that of other two storey dwellings within the locality. Flank windows exist at first floor on both neighbouring premises, however historic detail and observations made by staff confirm that they serve landings/hallways and not primary habitable rooms.
- 10.3 In addition to the above, staff are of the opinion that there is an acceptable separation distance between premises on either flank, such that when the principles of the Residential Extensions and Alterations SPD are applied, the proposed development complies. In addition the roof of the proposed building is hipped away from the boundaries of the site.
- 10.4 The projection at ground and first floors to the rear of the proposed dwellings also accords with the guidance offered by the Residential Extensions and Alterations SPD.
- 10.5 Outlook to the rear on this side of Great Gardens Road is directly south. Impact to the unattached neighbour to the west is negated by existing development at ground floor level and this favourable orientation. Given that there would be an adequate separation distance in excess of 2.20m and the same orientation the development proposed would have no undue impact on light loss sufficient enough to justify grounds for refusal in relation to the other unattached neighbour located to the east.
- 10.6 Staff observed during site inspection that the ground level to the rear properties on the southern side of Great Gardens Road has a substantial gradient with the ground level falling away to the south, such that the host premises has a raised patio and steps down into the garden. This is not uncommon within the locality with many premises benefiting from similar access to the rear garden. The applicant proposes no changes in ground level and it is intended that the patio remain as it is currently in terms of height and depth, with the addition of a second set of steps in order that both proposed dwellings are able to access the rear garden environment. In terms of privacy and potential for overlooking staff are of the opinion that the relationship between neighbouring premises would not be worsened as

a result. Detail of proposed boundary treatment will be secured by condition.

10.7 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties in accordance Policy DC61.

11. Highway/Parking

- 11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site and the donor property are located within an area which has poor level of access to public transport and consequently a high standard of 1.5-2 parking spaces is required for the proposed dwellings. The applicant proposes two spaces per dwelling.
- 11.2 The parking arrangement shown on the revised plans which set the pair of properties back deeper into the plot meets the minimum depth/width of spaces required. The adequate provision of off street parking spaces addresses the objection raised about parking difficulties within Great Gardens Road.
- 11.3 The Council Highways Department have raised no objections to the proposed development. The proposed development is considered acceptable in parking standards terms and in accordance with Policy DC33.

12 Mayoral CIL

12.1 The proposed development will create 1 no. new residential unit with 95m² of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £1900 based on the calculation of £20.00 per square metre.

12. Section 106

- 12.1 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.
- 12.2 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 DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. 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.

- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 Furthermore, evidence clearly shows a shortage of school places in the Borough (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, 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, in accordance with Policy DC29 of the LDF.
- 12.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 12.8 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, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

12. Conclusion

- 12.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form and character of locality, nor give rise to any unacceptable impact to the amenity of adjacent neighbouring occupiers, nor result in highway issues.
- 12.2 The application therefore complies with aims and objectives of all relevant planning policy and approval, subject to a legal agreement and the safeguarding conditions listed at the beginning of this report, is recommended accordingly.



Financial Implications and risks:

Financial contributions will be sought through the legal agreement, should the application be approved.

Legal Implications and risks:

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

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form and drawings received 25-11-2015