

REGULATORY SERVICES COMMITTEE

6 April 2017

REPORT

Subject Heading:

P1986.16 – Demolition of the existing dwelling and the construction of two new buildings containing 7no. residential units. (received 7/12/16)

Lead Officer:

Helen Oakerbee - Planning Manager
Applications

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Ward

Hylands

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
People will be safe, in their homes and in the community
Residents will be proud to live in Havering

[x]
[x]
[x]

SUMMARY

This proposal seeks consent for the demolition of the existing dwelling and the construction of two new buildings containing 7no. residential units. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 6 October 2017 and in the event that the s106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £36,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

That the Assistant Director 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. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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

3. 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.

4. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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.

5. Refuse – 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.

6. 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.

7. 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.

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

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

9. Highway agreement - No development shall commence until the necessary agreement, notice or licence to enable the proposed alterations to the Public Highway has been entered into.

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

10. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. 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: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

- 11. 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.

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

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.

- 13. Surfacing materials –Details of a permeable or suitable drained surface for the access road, parking and turning areas shall be submitted to and approved and approved in writing by the Local Planning Authority and thereafter the access road, parking and turning areas shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

14. 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.

15. Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

16. Building Regulations – All 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. Construction Method Statement - 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.

18. Obscure glazing - The proposed ground floor flank bathroom window of Unit 1 and the proposed flank shower room window in the roof space of Unit 2 hereby approved as shown on Drawing No. 1455/04 Revision A shall be permanently glazed with obscure glass.

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

19. Obscure glazing - The proposed ground, first and second floor flank stairwell and landing windows of Unit 2 hereby approved as shown on Drawing No. 1455/04 Revision A shall be permanently glazed with obscure glass.

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

20. Obscure glazing - The proposed north western flank windows serving bathrooms and open plan kitchen/living rooms of Units 4, 6 and 7 hereby approved as shown on Drawing No. 1455/05 Revision A shall be permanently glazed with obscure glass.

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

21. 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 their protection in the course of development. No development other than the access shall take place until the approved tree and shrub protection measures have been implemented. All development other than the access shall only be carried out in accordance with the approved tree and shrub protection until completion. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following completion of the development or in accordance with a programme approved in writing by the Local Planning Authority. Any tree or plant which within a period of 5 years from completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another tree or plant of the same species and size as that originally planted, 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.

22. Archaeology - No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the

local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To conserve the archaeological interest on the site and in order that the development accords with the Development Control Policies Development Plan Document Policy DC70.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. 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 £8,688. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.
3. 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. 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. 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. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
7. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
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.
9. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:
<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. **Call in:**
 - 1.1 The application has been called in by Councillor Ganly on the grounds of overdevelopment of the site and the layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of internal space, poor outlook, limited light, undue overlooking, loss of privacy, noise and disturbance from vehicle movements.
2. **Site Description:**

2.1 The application site currently comprises of a two storey detached house to the south west of Osborne Road, Hornchurch. There are two storey dwellings in Savoy Grove, which is to the north west of the application site. There are two storey detached properties either side of the application dwelling. Frances Bardsley School for Girls is located to the south west of the application site. Hylands Park is located to the south of the site.

3. **Description of development:**

3.1 The proposal is for the demolition of the existing dwelling and the construction of two new buildings containing 7 no. residential units. The proposal consists of a two storey detached building containing plots 1-2, which consists of one, two bedroom self-contained flat and one, three bedroom self-contained flat. There is a two storey building adjacent to No. 2 Savoy Grove and Hylands Park, containing plots 3-7, which consist of five, two bedroom units. The parking area would be located adjacent to the north western boundary of the site.

3. **Relevant History:**

3.1 P1239.16 - Demolition of existing dwelling and construction of two new buildings containing 8 no. residential units – Refused.

4. **Consultations/Representations:**

4.1 33 Neighbouring properties were notified of the proposed works at the application site. A petition was received with 713 signatures to reject this application and make the developer put back trees along the park boundary that were destroyed. Forty five letters of objection were received with detailed comments that have been summarised as follows:

- Impact on the character and appearance of the road.
- Would set an undesirable precedent.
- Impact on infrastructure.
- Highway and pedestrian safety.
- Access, including for emergency vehicles.
- Parking.
- Traffic.
- Congestion.
- High density.
- Loss of landscaping and a large number of trees on the site have been cut down and cleared.
- The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of internal space, poor outlook, limited light, undue overlooking, loss of privacy, noise and disturbance from vehicle movement and headlights beaming into habitable rooms and no pedestrian front entrance for plots 1-3 detrimental to residential amenity.
- The cumulative impact of the width and siting of the access road and lack of pedestrian visibility splays would impede the vehicular entry and egress of the site harmful to highway safety.

- Lack of contribution towards infrastructure.
- This proposal has the same issues as the previously refused application.
- The revised design, layout and reducing the number of units from 8 to 7 is not substantially different from application P1239.16.
- The parking area in between the developments is out of keeping with the residential nature of the local area.
- No separation for pedestrian and vehicular access within the site.
- Most of the site will be covered in buildings and tarmac, which will destroy more green space harmful to the environment.
- Loss of views.
- The height and scale of the proposed development.
- Concerns regarding multi-occupancy housing, which would be predominately rented.
- Garden grabbing.
- Loss of privacy and safety.
- Overlooking.
- Loss of light.
- Archaeology.
- Noise.
- Loss of light to Savoy Grove e.g. the play area would be overshadowed by the rear apartment block.
- Impact on neighbouring amenity.
- Headlight glare.
- Impact on property value.
- The amenity area is too small for the number of occupants of the flats.
- Visual impact.
- Light, noise and air pollution.
- Flats would not be in keeping with Osborne Road.
- Lack of consultation.
- The area is characterised by good sized, detached or semi-detached family homes.
- The impact on the setting and rural aspect of Hylands Park.
- The plot is too small to accommodate seven dwellings.
- Drainage and sewerage.
- Disruption, traffic, noise and dust during construction works.
- Would prefer the retention of the existing dwelling or its replacement with a similar building.
- Overdevelopment and cramped.
- The impact of the development on the bus route.
- Queried if a restrictive covenant could restrict the number of vehicles per household and preventing on street parking.
- Significant loss of garden land and the risk of flooding due to rainwater from the car park.
- Refuse provision.
- A world war plane crashed in the rear garden of the application site with possible fuel contamination.

4.2 In response to the above, each planning application is determined on its individual planning merits. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. Comments regarding devaluation of property and restrictive covenants are not material

planning considerations. Drainage and sewerage are not material planning considerations and are building control matters. Provision for refuse and recycling as well as details of landscaping and boundary treatment can be secured by condition if minded to grant planning permission. There are no Tree Preservation Orders on the site. The remaining issues will be addressed in the following sections of this report.

- 4.3 The Highway Authority has no objection to the proposals. Recommend conditions regarding a pedestrian visibly splay, vehicle access and vehicle cleansing and informatives.
- 4.4 The Fire Brigade is satisfied with the proposals with regard to access to plots 1 and 2. However, the Fire Brigade is not satisfied with the proposals in the case of plots 3-7, for the following reasons. The position for a pump appliance as shown on the plan is considered too restricted with insufficient working space available. This means that measuring from the kerb in Osborne Road to all points within Plots 3-7 is in excess of 45m. It is suggested that the applicant refers to 50.1.2b) of BS: 9991:2015 as a possible alternative. No new fire hydrants will be required to provide cover for this site, the hydrants currently surrounding the area are sufficient to cover the new development.
- 4.5 Historic England – The planning application lies in an area of archaeological interest. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by a condition and an informative if minded to grant planning permission.

5. **Relevant policies:**

- 5.1 Policies CP17 (Design), CP18 (Heritage), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential & Subdivision of Residential Uses), DC29 (Educational premises), DC33 (Car Parking), DC40 (Waste recycling), DC55 (Noise), DC61 (Urban Design), DC70 (Archaeology and ancient monuments) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 7.8 (Heritage Assets and Archaeology) 8.2 (Planning obligations) and 8.3

(Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document and the Housing SPG 2016 are relevant.

- 5.3 Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This application is a resubmission of an earlier application, P1239.16, for the demolition of the existing dwelling and the construction of two new buildings containing 8 no. residential units, which was refused planning permission for the following reasons.

1) The proposal, by reason of the number of units and the proposed design and layout, including an excessive amount of hard standing, would represent an overdevelopment of the site and give rise to a cramped urban form, detrimental to local character and amenity and contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and the guidance contained in the National Planning Policy Framework.

2) The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of internal space, poor outlook, limited light, undue overlooking, loss of privacy, noise and disturbance from vehicle movement and headlights beaming into habitable rooms and no pedestrian front entrance for plots 1-3, detrimental to future residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, Policy 3.5 of the London Plan (as amended), the DCLG Technical Housing Standards and the Residential Design SPD.

3) The proposed development, by reason of the creation of eight, one, two and three bedroom residential units and the provision of eight car parking spaces would result in increased parking congestion in surrounding streets, and the cumulative impact of the width and siting of the access road and the lack of pedestrian visibility splays would impede the vehicular entry and egress of the site harmful to highway safety contrary to Policies DC32, DC33 and DC34 of the Local Development Framework and the guidance contained in the National Planning Policy Framework.

4) In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

- 6.2 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:
- The undercroft driveway has been deleted.
 - The number of units has been reduced from 8 to 7.
 - The configuration of units has changed from 2 x one bedroom, 5 x two bedroom and 1 x three bedroom flats to 6 x two bedroom and 1 x three bedroom flats.
 - The roof form, design, size, siting and fenestration of plots 1 and 2 have changed.
 - The fenestration of the building comprising plots 3-7 has changed.
 - The rear entrance and stairwell to plots 1-2 have been deleted.
 - The site layout and access into the site have changed and a pedestrian visibility splay and passing bays have been provided.
 - The number of parking spaces has increased from 8 to 11.
 - A visitor parking space to the front of the site has been deleted.
 - A second cycle store has been provided to the rear of plots 3-7 and there is a total of 14 cycle spaces.
 - There is private amenity space for all the flats.
 - There is some additional soft landscaping.
 - There is a front entrance for plots 1 and 2.
 - The bin store has been integrated within the building.
 - Part of the building (formally comprising of plots 5, 7 and 8 for P1239.16) comprising of units 4, 6 and 7 adjacent to the north western boundary of the site has increased in depth from 12.7m to 15.3m.
 - The internal layout and gross internal floor area of units 1-7 meets the Technical Housing Standard.
- 6.3 The report covers the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements.

7. Principle of development

- 7.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing development and therefore, the principle of a residential use is in accordance with policy criteria.

8. Density and site layout

- 8.1 The site area is 0.1237 hectares. In density terms Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 2, with the density recommendation being 30-50 units per hectare. The proposed development type would result in approximately 56.5 units per hectare based on the 0.1237 hectare site area. The proposal would therefore

be above the recommended density range and could be considered to represent an overdevelopment of the site.

- 8.2 Units 1-7 meet all the criteria of the Technical Housing Standard.
- 8.3 With regards to amenity space, the SPD on Residential Design indicates suitable requirements for new residential accommodation. Plots 1 & 2 would have a shared amenity space. Plot 1 also has a private amenity space to the rear. Plot 2 has an enclosed balcony of 7 square metres.
- 8.4 Plots 3 and 4 both have private amenity spaces to the rear of the building. Plots 5, 6 and 7 have enclosed balconies of between 5 and 5.9 square metres. Plots 3-7 would also have a shared amenity space. Both the communal and private amenity spaces for plots 1-7 are considered to be acceptable and sufficiently private. Details of boundary treatment and landscaping could be secured by condition if minded to grant planning permission.
- 8.5 Staff consider that the proposal has now overcome the previous reason for refusal relating to layout and quality of residential accommodation. The internal layout has changed such that it now meets the Technical Housing Standard. In addition, the layout of the site has changed and units 1 and 2 would both have front entrances, which is acceptable. It is considered that plots 1-7 would now have a reasonable outlook and aspect, as the design, size, siting and fenestration of plots 1 and 2 have changed and the bin store has been integrated within the building. Staff consider that there would not be undue overlooking, loss of privacy and undue noise and disturbance from vehicle movement and headlights beaming into habitable rooms, as a visitor parking space to the front of the site has been deleted. Staff consider that the flats would now have adequate light, as the rear entrance and stairwell to plots 1-2 have been deleted. In comparison with the previous application, P1239.16, the number of units has been reduced from 8 to 7 and the density has reduced from 64 to 56.5 units per hectare. The current proposal has private amenity space for all the flats, whereas the previous application provided communal amenity areas, so is now considered to be acceptable in this respect.

9. **Design/impact on street/Garden scene**

- 9.1 Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout, which is compatible with the character of the surrounding area and does not prejudice the environment of the occupiers or adjacent properties.
- 9.2 There are no objections to demolishing the existing dwelling. It is noted that the building to the front of the site (plots 1 and 2) features a part gabled, part hipped roof. The ridge of the gabled sections of the roof of the building would be set back approximately 6 metres from the front façade of the building, which would help to mitigate its impact. On balance, it is considered that the two storey detached building comprising plots 1-2 would integrate satisfactorily with the streetscene. Staff consider that the gabled front

elevation would replicate the gabled front projections of some neighbouring properties in Osborne Road, including No. 26. It is noted that planning permission was granted for the erection of 12 no. houses with garaging and associated works (revised application on approval of P0773.07) at 22-26 Osborne Road under application P0082.08. Staff consider that the building for plots 1-2 would have a similar ridge height to No.'s 18-26 Osborne Road. No.'s 22-26 Osborne Road have a staggered front building line and the building comprising of plots 1-2 would replicate this.

- 9.3 The building comprising of plots 4-7 would be in general alignment with the front façade of No. 2 Savoy Grove. Having compared the plans with P0082.08, it appears that the building to the rear of the site would be approximately 1m higher than No.'s 1 and 2 Savoy Grove, although views of this would be somewhat limited in the streetscene when viewed from Osborne Road given its siting and it would partly be screened by neighbouring dwellings and the building comprising of plots 1 and 2. The building has a gabled roof and No.'s 1 and 2 Savoy Grove both have gabled roofs.
- 9.4 It is noted that the part of the building comprising of units 4, 6 and 7 adjacent to the north western boundary of the site has increased in depth from 12.7m to 15.3m and the number of parking spaces has increased from 8 to 11, which have cumulatively increased the amount of hardstanding, although Staff judge that this would not be materially harmful to the streetscene when viewed from Osborne Road, as it would be located to the rear of the site. There is also some additional landscaping that is parallel with the access road and parking area, which will also help to mitigate the impact. The layout of the front of the site has been reconfigured with the deletion of a visitor parking space, integrating the bin store within the building, increasing the width of the access road to the front of the site to provide a passing point and adding a path to plots 1-2. Staff consider that the creation of a landscaped garden to the front of the site represents an improvement, however the front garden will still contain a significant amount of hard surfacing and visually, to some extent, could be considered to be dominated by the access road.
- 9.6 It is noted that the design, size, siting of plots 1 and 2 have changed and as such, there would be some views of Plots 3-7 in the Osborne Road streetscene, although the front façade of this building would be set back approximately 71 metres from Osborne Road, which would mitigate its impact.
- 9.7 Staff consider that Members will wish to consider the acceptability of the development and its impact on the wider streetscene. The proposal does introduce a significant development comprising of 7 flats in two blocks located in the width of the single dwelling plot and it falls to be considered whether this would integrate satisfactorily in the urban grain of the streetscene, although this needs to be balanced against the fact that the main block is set well back into the site. Additionally, there are some concerns that the access road (with a width of approximately 5 metres) may be viewed as appearing incongruous and thereby harmful to the character and appearance of the surrounding area. Whilst it is noted that planning permission was granted for the erection of 12 no. houses with garaging and associated works (revised application on approval of P0773.07) at 22-26 Osborne Road under application P0082.08,

this involved utilising a much larger site with the demolition of three dwellings and resulted in the creation of a cul-de-sac entitled Savoy Grove. Having carefully reviewed the planning merits of this application, Staff consider that on balance, the proposal would not result in material harm to the character and appearance of the streetscene, although this is a matter of judgement for Members.

10. **Impact on amenity**

- 10.1 No. 30 Osborne Road has a single storey side/rear extension with numerous flank windows, the first circular and second rectangular shaped windows (nearest the front of the dwelling) both serve a bathroom/shower room, the third and fourth windows both serve a study, the fifth window serves a utility room and is obscure glazed and the sixth window serves a toilet. Planning permission was granted under application P0094.13 to extend an existing single storey rear extension from 4 metres to 11 metres to install a hydrotherapy pool, which has been implemented. There is a velux roof light that serves a hydrotherapy pool and is a secondary light source with a window on its rear façade and doors on the opposite flank. No.30 Osborne Road has a first floor flank window that serves a landing and is not a habitable room.
- 10.2 The agent has advised that a garage abutting the existing dwelling has been demolished. It is considered that the building comprising plots 1-2 would not result in a significant loss of amenity to No. 30 Osborne Road, as there is favourable orientation with the application site located to the north west of this neighbouring property. The undercroft driveway has been deleted and the roof form, design, size, siting and fenestration of plots 1 and 2 have changed. As such, the flank wall of units 1 and 2 would be set in approximately 5 metres from the south eastern boundary of the site, which would help to mitigate its impact. Staff consider that the proposed two storey building to the front of the site would not result in material harm to No. 30 Osborne Road, compared with the existing dwelling and former garage. It is considered that the single storey rear projection of No. 30 Osborne Road would help to mitigate the impact of the building to the front of the site.
- 10.3 Unit 1 has a ground floor flank window serving a bathroom, which can be obscure glazed by condition if minded to grant planning permission. Unit 2 has ground, first and second floor flank windows that serve a stairwell and landing and these could be obscure glazed by condition if minded to grant planning permission.
- 10.4 Staff consider that the single storey rear extension of No. 30 Osborne Road, including a timber shed in its rear garden, would collectively act as a buffer and help to mitigate the impact of any noise and disturbance from the pedestrian and vehicular movements arising from the access road. In addition, it is noted that the number of units has been reduced from 8 to 7. The rear projection of No. 30 Osborne Road also screens some of its rear garden closest to its rear façade. The plans show some landscaping parallel with the access road and details of a landscaping scheme and boundary fencing can be secured by condition if minded to grant planning permission,

which would provide some screening and also help to mitigate some noise and disturbance.

- 10.5 No. 26 Osborne Road has a ground floor flank window that serves a dining room and is a secondary light source with patio doors on the rear elevation and a conservatory. Staff consider that the proposed building to the front of the site (comprising units 1-2) would not result in a significant loss of amenity to No. 26 Osborne Road, as it would project between 0.8 and 1 metre from the front building line of the existing dwelling. In comparison with the previous application, P1239.16, it is noted that the rear entrance and stairwell to plots 1-2 have been deleted and the depth of the building comprising plots 1-2 has increased from approximately 13.7m to 14.7m. Staff consider that the increased depth of the building would not result in a significant loss of amenity to No. 26 Osborne Road, as there would be a flank to flank separation distance of approximately 2.5 metres between this neighbouring property and Plots 1-2, which would help to mitigate its impact.
- 10.6 The number of units to the front of the site has reduced from three to two. The amenity area for plots 1-2 would be adjacent to the rear garden of No. 26 Osborne Road and Staff consider that the creation of one additional unit would not give rise to unacceptable levels of noise and disturbance in comparison with the previous single dwelling. A cycle store would be located adjacent to the rear garden of No. 26 Osborne Road and details of this can be secured by condition if minded to grant planning permission.
- 10.7 It is considered that the two flatted blocks would not result in a significant loss of amenity to No. 1 Savoy Grove given that there would be a back to back separation distance of approximately 24 metres between the rear façade of its garage and the rear façade of plots 1-2. In addition, there would be a separation distance of approximately 13 metres between the nearest corner of the front façade of No. 1 Savoy Grove and the front façade of plots 3-7. Consideration has also been given to the fact that No. 1 Savoy Grove does not have any flank windows, is sited at an oblique angle from both proposed flatted blocks and the flank wall of this neighbouring property is set in approximately 6 metres from the north western boundary of the site, due to the siting of its garage, which would collectively help to mitigate the impact of the proposal.
- 10.8 Staff consider that the proposed car parking area would not be materially harmful to residential amenity, as it would be sited adjacent to the turning and parking area adjacent to No.'s 1 and 2 Savoy Grove. Details of a landscaping scheme and boundary fencing can be secured by condition if minded to grant planning permission, which would provide some screening and also help to mitigate some noise and disturbance. A cycle store would be located adjacent to the rear garden of No. 2 Savoy Grove and details of this can be secured by condition if minded to grant planning permission.
- 10.9 It is considered that the flatted block to the front of the site would not result in a significant loss of amenity to No. 2 Savoy Grove, as there would be a front to back separation distance of approximately 44 metres between the nearest corner of the front façade of No. 2 Savoy Grove and the main entrance of

plots 1-3. Consideration has also been given to the fact that No. 2 Savoy Grove is sited at an oblique angle from plots 1-3, which would help to mitigate the impact of the proposal.

- 10.10 In comparison with the previous application, P1239.16, it is noted that the fenestration of the building comprising plots 3-7 has changed and part of the building comprising of units 4, 6 and 7 adjacent to the north western boundary of the site has increased in depth from 12.7m to 15.3m. Staff consider that the flatted block to the rear of the site would not result in a significant loss of amenity to No. 2 Savoy Grove, as it's located to the north west of plots 3-7 and as such, Staff consider that there would not be a material loss of light. Consideration has also been given to the fact that No. 2 Savoy Grove does not have any flank windows and the flank wall of this neighbouring property is set in between approximately 4 and 5 metres from the north western of the site, due to the siting of its garage, which would collectively help to mitigate the impact of the proposal. Consideration has been given to the relationship between plots 3-7 and No. 2 Savoy Grove. It is noted that the rear façade of plots 3-7 is staggered and its deepest projection is located furthest away from No. 2 Savoy Grove, with a separation distance of between 8 and 9 metres between the flank wall of the two storey rear projection and the north western boundary of the site, which would help to mitigate its impact. In addition, Staff consider that the garage of No. 2 Savoy Grove would help to protect the amenity of its rear garden closest to its rear façade.
- 10.11 Units 4, 6 and 7 have north western flank windows that serve bathrooms and open plan kitchen/living rooms and the plans refer to these being obscure glazed, which can be secured by condition if minded to grant planning permission. Staff consider that the recessed balconies of Units 5, 6 and 7 would not result in any undue overlooking or loss of privacy to neighbouring properties.
- 10.12 It is considered that plots 3-7 would not result in a significant loss of amenity to No.'s 3-7 Savoy Close given the flank and front separation distances between the proposal and these neighbouring properties.
- 10.13 There is a single storey, flat roofed, timber clad building within the grounds of Frances Bardsley Academy for girls, which is located adjacent to the rear boundary of the site. Staff consider that this building would not be adversely affected by the proposal as it doesn't appear to have any flank windows adjacent to the site and there would be a separation distance of between approximately 10 and 11 metres between the flank wall of this building and the rear façade of plots 3-7.

11. **Highway/parking issues**

- 11.1 The site has a PTAL of 2 (poor) and is outside of any town centre PTAL zone. This would generally attract a parking policy standard of 1.5-2 spaces per unit. The London Plan parking standard for a 1-2 bed unit is less than 1 parking space per unit. The London Plan parking standard for a 3 bed unit is up to 1.5 parking spaces per unit. The proposal has 11 car parking spaces, which equates to a ratio of 1.5 spaces per unit.

- 11.2 The previous application, P1239.16, was refused for the following reason: The proposed development, by reason of the creation of eight, one, two and three bedroom residential units and the provision of eight car parking spaces would result in increased parking congestion in surrounding streets, and the cumulative impact of the width and siting of the access road and the lack of pedestrian visibility splays would impede the vehicular entry and egress of the site harmful to highway safety contrary to Policies DC32, DC33 and DC34 of the Local Development Framework and the guidance contained in the National Planning Policy Framework.
- 11.3 Staff consider that the current proposal has addressed previous concerns regarding level of car parking provision as the number of units has been reduced from 8 to 7 and the number of parking spaces has increased from 8 to 11. In terms of the access and highway issues the site layout and access into the site has changed and a pedestrian visibility splay and passing bays have been provided and the bin store has been integrated within the building. It is considered this overcomes previous concerns relating to access and egress.
- 11.4 The Highway Authority has no objection to the proposals and recommends conditions regarding a pedestrian visibility splay, vehicle access and vehicle cleansing and informatives if minded to grant planning permission.
- 11.5 The London Plan requires cycle parking of 1 space per single bedroom unit and 2 spaces per unit for all other dwellings. A cycle store with 8 spaces would be located adjacent to the rear garden of No. 26 Osborne Road. In comparison with the previous application, P1239.16, a second cycle store with 6 spaces has been provided to the rear of plots 3-7. There is a total of 14 cycle spaces on the site, which is acceptable. Details of cycle storage and refuse and recycling provision can be secured by condition if minded to grant planning permission.

14. **Infrastructure**

- 14.1 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.
- 14.2 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.

- 14.3 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.
- 14.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 14.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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.
- 14.6 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.
- 14.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 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.
- 14.8 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. As No. 14 Beverley Gardens has been demolished, the net addition of three units will equate to a contribution equating to £36,000 for educational purposes would be appropriate.

23. Mayoral CIL

- 15.1 The CIL payment is applicable as the proposal is for 7 no. new dwellings. The existing dwelling would be demolished with a gross internal floorspace of 124.5 square metres, which can be deducted from the gross internal floorspace of the new dwellings. The new dwellings would have a floor space

of 558.9 square metres. $558.9 - 124.5 = 434.4$. On this basis, the CIL liability equals $434.4 \times \text{£}20 \text{ per sq.m} = \text{£}8,688$ (subject to indexation).

16. **Conclusion**

- 16.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable. As a matter of judgement, there are matters of consideration relating to the visual impact of the access road and degree of hard surfacing of the frontage, together with the extent to which the development is reflective of local character Staff however consider that on balance, the proposal would not result in material harm to the character and appearance of the streetscene, although this is a matter of judgement for Members. Staff consider that the proposal would not be unduly harmful to residential amenity. 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 legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 7/12/2016.