

# REGULATORY SERVICES COMMITTEE

1 June 2017

## REPORT

**Subject Heading:**

P0407.17 Land bounded by New Zealand Way, Queenstown Gardens and Gisborne Gardens, Rainham.

Outline application with all matters reserved for the development of 30 no. new dwellings comprising 2 bedroom and 3 bedroom houses with associated landscaping and car parking. (application received 20 March 2017)

**Ward:**

South Hornchurch

**SLT Lead:**

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**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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

### SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal seeks outline consent for the construction of 30 two and three bedroom houses with all matters reserved. Subject to securing contributions towards children's playspace, landscaping, education provision and affordable housing, 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 and can be approved. .

### RECOMMENDATIONS

It is recommended that planning permission is granted subject to the following conditions:

1. Reserved matters - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Note that as a minimum floor levels must be 4.55 metres above Ordnance Datum sea level and footway widths must be a minimum of 1.8m wide.

**Reason:** This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

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

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

3. Overall Time Limit - The development to which this permission relates must be begun not later than the expiration of two years from the final approval

of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

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

4. Accordance with Development Parameters - The development hereby permitted shall be informed by the principles detailed within the submitted material:

Drawing 1435\_PL010 (Proposed Site Plan);  
Drawing 1435\_PL011 (Ground Floor Plan);  
Sketch drawing of elevations;  
Flood Risk Assessment dated June 2016;  
Design and Access Statement dated 15 February 2017.

No application for approval of reserved matters (or other matters submitted for approval pursuant to planning condition) which would entail any material deviation from the above shall be made unless otherwise provided for by conditions elsewhere within this permission.

**Reason:** To ensure that the development is carried out in accordance with the documents that have formed the basis of consideration of this scheme, and to comply with the development plan policies against which this outline planning application has been considered.

5. Materials - Before any development above ground level takes place, a written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

6. 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.

7. Refuse/recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

9. Hours of construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 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.

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

- a) Parking of vehicles of site personnel and visitors;
- b) Storage of plant and materials;
- c) Dust management controls;
- d) Measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;

- e) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) Siting and design of temporary buildings;
- h) Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) Details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

- 11 Wheel Washing - Before any construction work commences on site, 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.

- 12. 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.

- 13. Sustainable Urban Drainage System - Prior to the commencement of the development hereby approved, details of a Sustainable Urban Drainage System shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to occupation of the development the drainage system shall be installed in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

**Reason:** Insufficient information has been submitted with the application to evaluate the effectiveness of any SUDS system. Submission of this detail prior to commencement will prevent uncontrolled water runoff from the site causing flooding to the surrounding area and ensure that the development accords with policies CP15 (Environmental Management) and DC48 (Flood Risk) of the Development Control Policies Development Plan Document.

- 14. 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.

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

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

16. Surfacing materials - The access roads serving any building shall be provided before that building is first used. Surfacing materials for the access road and turning head shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent its use for anything but access.

**Reason:** Insufficient information has been supplied with the application in relation to the surfacing materials. Submission of details prior to commencement will ensure that the surfacing materials are suitable, 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.

17. 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.

- 18.. Allocation of Parking - No building in the development shall be occupied until a parking management scheme, including details of the allocation of the parking spaces within the development to individual properties have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the adequate functioning of the parking provision within the development and to ensure the proper function of the highway.

19. 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.

20. Building Regulations - 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.

21. Gas Protection Measures - Prior to the commencement of any groundworks or construction, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane. Upon completion of installation a 'Verification Report' must be submitted demonstrating that the works have been carried out.

**Reason:** Insufficient information has been submitted to ensure that the occupants of the development and property are not subject to any risks from soil gas and/or vapour in accordance with LDF Core Strategy and Development Control Policies DPD DC53.

22. Trees - The development shall be carried out in accordance with the soft felling methodology set out in Section 5.1 of the Aerial Bat Roost Survey dated 26<sup>th</sup> February 2017. No works to trees shall be carried out except between the months of September and February (inclusive) unless a survey for active bird nests has been carried out beforehand, in accordance with details to be submitted to and approved by the Local Planning Authority.

**Reason:** To prevent disturbance to nesting birds or to bats.

23. Trenches - Any trenches or other excavations left open overnight should be furnished with gently sloping planks.

**Reason:** Badgers and hedgehogs may use the site for foraging, the ramps will provide a means of escape for any animals which fall into the excavation.



24. Memorial Plaque - The existing memorial plaque shall be repositioned within the communal amenity area shown on the submitted drawings in accordance with details to be previously submitted to the Local Planning Authority for approval.

**Reason:** The existing plaque is required to be resited in an appropriate location owing to its position relative to the intended siting of the development.

25. Electric Vehicle Charging Points: The dwellings shall not be occupied until at least 22 Electric Vehicle Charging Points have been provided, of which 11 shall be active and the remaining 11 passive.

**Reason:** To encourage more sustainable travel in accordance with LDF Core Strategy Policy CP10 and in order that the development accords with London Plan Policy 6.13.

26. Before the development hereby approved is commenced, the landowner shall enter into a suitable legal agreement (such a s106 agreement) or other appropriate mechanism that ensures, to the satisfaction of the local planning authority, the performance of the following obligations:

- A financial contribution of £30,000 to be used for the provision of additional children's play facilities in the Lessa recreation ground
- Soft landscaping including the planting of semi-mature trees in the area to the immediate south of the site, which is within the applicants' control.
- A financial contribution of £180,000 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.
- The provision of affordable housing on the site in accordance with the submitted Affordable Housing Statement and to include, as a minimum, 10 affordable rented units and 10 shared ownership units.
- 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.

**Reason:** To ensure that the development accords with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan.

## 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 Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under 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) required during the construction of the development.

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.

3. 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.
4. *Waste matters*

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009

3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to this planning application.

*Water matters:*

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is - Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex, CM3 8BD. Tel: 03457 820999.

5. 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.
6. 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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>
7. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The CIL payment has not been calculated owing to the outline

nature of the application but it should be noted that the CIL payable 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) once reserved matters approval has been given 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.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site has an area of 0.79 hectares and is located in the south east corner of a 1950s estate. It comprises an amenity green bounded by New Zealand Way to the north, Queenstown Gardens to the south and east and Gisborne Gardens to the west. The application site boundaries cover the whole of the green, although development will lie to the northern end of the site, with a section at the southern end, measuring some 24m in depth, to remain as a landscaped, communal amenity area. The surrounding area is residential in nature with two storey semi-detached houses and maisonette buildings facing onto the amenity green. Further to the north and west is the greater part of the rest of the estate; to the south are two 13 storey residential towers (New Plymouth House and Napier House) and beyond them the A1306 and to the east is La Salette primary school. Rainham village lies approximately 750 metres to the south east of the site.

### **2. Description of Proposal**

- 2.1 The application is for outline permission for the erection of 30No. two and three bedroom dwellings - 22No. 3 beds and 8No. 2 beds.

Details relating to appearance, siting, landscaping, scale and layout are “reserved” and would be specified in future reserved matters applications.

- 2.2 The submitted drawings indicate that the development would be arranged with four detached dwellings, one in each corner of the site. Between each of the corner buildings the dwellings would be arranged in terraces of varying length – these would comprise some pairs of semi-detached houses, as well as terraces of three, four and five units. All of the proposed dwellings would face outwards onto the respective surrounding roads i.e. New Zealand Way, Gisborne Gardens and Queenstown Gardens. A road is shown running across the southernmost part of the site and connecting Queenstown Gardens to the east with Gisborne Gardens to the west. Two of the detached corner properties and a terrace of 4 houses face south onto this new road. According to the indicative plans the two bedroom houses are suitable for 4 people and there are two types of three-bedroom

house, one type suitable for 4 people, the other for 5 people. There are no detailed elevations given the outline nature of the application. However, the floor plans indicate that living accommodation would be provided only on two floors i.e. ground floor and first floor. Indicative drawings indicate the dwellings would be two storeys.

- 2.3 Each of the properties is indicated to have private rear amenity space. An area of land at the southern end of the site, covering an area of approximately 0.11 hectares, is proposed to be retained for public use. A total of 55 parking spaces are provided at right angles to Gibson Gardens, New Zealand Way and Queenstown Gardens and within the site on either side of the proposed new road across the site.

### 3. History

- 3.1 P1536.15 Outline planning application for 32 dwellings comprising 2-bedroom and 3-bedroom houses and flats with associated landscaping and car parking with all matters reserved – refused.

### 4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 52 neighbouring properties. The application was also advertised on site by way of a site notice and in the local press. Correspondence from 40 neighbouring occupiers, as well as a petition with 383 signatures were received objecting to the proposal on the following grounds:

- **Application already refused once** as unsuitable and nothing has changed [officer note: this issue is explored in the report below]
- **Loss of the amenity green** for children's play, recreation and community use and harm to local character. Is considered contrary to Council's open spaces policies [officer note: this issue is assessed in the report below]
- **Insufficient parking provision** causing contention for parking spaces [officer note: parking is addressed in the report below]
- **Increase in pedestrian and road traffic** and consequent issues of noise pollution, carbon dioxide emissions, highway congestion and manoeuvring and highway safety [officer note: Environmental Health raised no comment on noise or emissions; highways issues are addressed in the report below]
- **Suitability of access road for emergency vehicles** [officer note: No objection has been received from Highways or the Fire Brigade]
- **Loss of view** [officer note: there is no right to a view and this is not a planning consideration]
- **Loss of privacy** [officer note: this will be addressed in the report below]
- **Loss of light** [officer note: this will be addressed in the report below]
- **Flood risk** [officer note: Lead Local Flood Officer has not objected to the proposals. Flooding will be covered in the report below].
- **Impact on wildlife and landscaping** [officer note: this will be addressed in the report below]

- **Other sites nearby being developed for housing**, including Beam Park [officer note: whilst there are development opportunities at Beam Park, other development sites are needed to meet the demand for housing and for Havering to meet policy-led housing targets].
- **Design issues** including dwellings are too small and not in keeping with surrounding area [officer note: this will be addressed in the report below]
- **Planning application and the process is flawed** by way of misleading documents and inadequate consultation and site notification [officer note: consultation on the planning application has been carried out in accordance with statutory requirements, including the display of a site notice. The documents submitted with the planning application are sufficient to enable the proposals to be fully assessed].
- **Loss of right of way** [officer note: the site is not formally designated as a Right of Way. The land is designated as highway verge and a stopping up order would be required to extinguish rights of public access]
- **Application for village green status** [officer note: this is subject to separate legislation and not a planning consideration for the purpose of determination of the application]
- **Pressure on infrastructure** [officer note: in the recently published Rainham and Beam Park Planning Framework (January 2016) the Borough has identified the proposed Beam Park Centre as a location for new health and community facilities, these facilities would be within walking distance of the proposed development and would help to relieve pressure on existing facilities in the area. In respect of school places, the provision of educational facilities is a responsibility of the Council and a contribution is sought through a Unilateral undertaking to provide funds to be used in offsetting any effect the new dwellings would have in increasing the child yield in the Borough].
- Impact on sewers and drainage [officer note: these matters are dealt with under separate legislation and are not planning considerations].

4.2 Highways – no objection. They have commented as follows:

- Footway width around edge of site needs to be a minimum of 1.8m
- The site is a highway verge and will require stopping up, with the exception of the space required for the 1.8m perimeter footway
- Would not seek adoption of the southern access drive, attenuation tank or communal amenity area
- Details of cycle parking would be required with the detailed submission.

4.3 Environmental health – no objection. Request a condition requiring the use of suitable gas protection measures.

4.4 Fire Brigade – No additional fire hydrants are required. There should be access for pump alliance to within 45m of all points in each dwelling suitable for laying a hose.

- 4.5 Essex & Suffolk Water – no objection.
- 4.6 Thames Water – no objection
- 4.7 Lead Local Flood Authority – proposed strategy is acceptable but request micro drainage calculations to be submitted [officer note: drainage calculations subsequently submitted and confirmed to be acceptable for the development].
- 4.8 Historic England – the site lies in an area of archaeological interest and a desk based assessment should be submitted to provide more information on potential existing impact and proposed impacts [officer note: an archaeological desk-based assessment has now been commissioned by the applicant and further response from Historic England is awaited].
- 4.9 Metropolitan Police – no objection and scheme capable of achieving secure by design accreditation. Recommendations made with regard to design of entrance porches, window and door specification and wall systems. Request that condition imposed requiring development to achieve Secured by Design accreditation.
- 4.10 Education – Financial contribution should be requested to go towards the cost of creating additional school places needed as a consequence of the new development.
- 4.11 Waste and Recycling – no objections. Waste and recycling will need to be left at front boundary of property on collection days.

## **5. Relevant Policy**

- 5.1 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's and young people's play and informal recreation facilities), 3.8 (housing choice), 3.10-3.13 (affordable housing), 5.1-5.3 (climate change mitigation), 5.12 (flood risk management), 5.15 (water use and supplies), 5.21 (contaminated land), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.1 (lifetime neighbourhoods), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.18 (protecting open space and addressing deficiency), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP15 (Environmental Management); CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC18 (protection of public open space, recreation, sports and leisure facilities), DC21 (major developments and open space, recreation and

leisure facilities), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC36 (Servicing), DC40 (Waste recycling), DC48 (Flood Risk); DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document (technical appendices)

## **6. Staff Comments**

- 6.1 The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity, highway and parking issues, flood risk and infrastructure.

## **6.2 Background**

A previous planning application was submitted in December 2015 for residential development on this site (application reference P1536.15). The application was for outline planning permission to build 32 units on the site comprising 13, two bed and 3, three bed flats; 4, two bed houses and 12, 3 three bed houses. The application was considered by the Regulatory Services Committee where it was resolved, contrary to the officer recommendation, that planning permission be refused. Permission was refused for the following reasons:

- The proposal would result in the loss of public open space contrary to Policy DC18 (Protection of Public Open Space, Recreation, Sports and Leisure Facilities) of the Core Strategy and Development Control Policies Development Plan Document.
- The proposal would cause traffic congestion and consequently would have an adverse impact on the functioning of the road network contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document.
- The proposal would result in a development which is out of character with the surrounding area and which provides cramped units of accommodation contrary to Policy DC3 (Housing Design and Layout) of the Core Strategy and Development Control Policies Development Plan Document.
- 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.



- In the absence of a legal agreement to secure contributions towards the demand for children's play space arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies CP8, DC30 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

6.3 The application currently under consideration differs from the refused scheme in the following key respects:

- The site area is now larger at 0.79 hectares compared to 0.5 hectares previously. Both schemes however do not utilise the entire amenity green as they retain an undeveloped, community space at the southern end of the site. This is smaller in the current application compared to the refused scheme.
- The layout of the development has been significantly altered, with all of the flatted units now removed and replaced with two storey housing with private rear gardens. The units are now arranged as a mix of detached, semi-detached and terraced housing, arranged around the perimeters of the site.
- The number of units proposed has reduced by two to a total of 30 units. Parking provision has increased from 48 spaces previously to 55 spaces - a ratio of 1.8 spaces per unit compared to 1.5 per unit previously.
- All of the dwellings have private rear gardens.

6.4 The difference between the respective applications and whether the revised proposals are considered to overcome the previous grounds for refusal will be addressed in the report below.

## 7. **Principle of development**

7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and isn't formally designated as Public Open Space in the Local Development Framework. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

7.2 Residents have referred to a Right of Way across the land. However, this is a very specific legal term and there is no formal Right of Way that Staff are aware of. The land subject of this application is highways land and would however require a stopping up order, which is outside of the planning application process. Staff are also aware that residents have separately sought to make a village green application. The process for this is also outside the planning application process and would not, of itself, prevent the determination of this planning application. Recent changes to legislation around village greens (Growth and Infrastructure Act 2013) prevent such applications where planning applications have been made.

- 7.3 Many of the representations received comment that the green is well used by local people, particularly children, as an amenity area. The land is covered by the terms of LDF Policy DC18 and London Plan Policy 7.18. The previous application was refused partly on the grounds of loss of this public open space, citing conflict with Policy DC18. In Staff's view, loss of an open space or green such as this one can be justified where it is demonstrated that there would be an improvement to the quality of open space in the vicinity or by remedying qualitative and quantitative deficiencies in open space elsewhere in the Borough. In terms of wider considerations, the proposal also needs to be weighed against the benefits derived from the proposed delivery of affordable housing on the site, in line with the Borough housing targets.
- 7.4 The proposal would effectively reduce the publicly accessible part of the green to an area of some 0.11 hectares, located at the southern end of the site and which would be landscaped and retained as a communal amenity area. In comparison to the previously refused scheme, the area retained for communal use is smaller and no longer includes the planned provision of children's play facilities.
- 7.5 Policy DC21 of the LDF states that the Council will require major new residential development to include provision for adequate open space, recreation or leisure facilities. The justification states that this should be by increasing the number of facilities or improving existing facilities. An open space assessment has been submitted with the application, which demonstrates the availability and location of open space within the vicinity of the application site. It is noted that while the site, judging from the representations received, has an amenity role for local residents, it currently does not provide any apparatus, facilities or sports provision.
- 7.6 In terms of LDF policy, it should be noted that the evidence base underpinning existing policies dates from 2005. An updated open space assessment will be produced to support the emerging Local Plan. Given the age of the existing policy document, it is judged that the provisions of the London Plan are more up to date. Policy 7.18 of the London Plan states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.
- 7.7 The open space assessment submitted with the application indicates that there are a number of formal areas of open space within the locality, which are larger or better equipped than the application site. The closest open space to the site is the Lessa site, which is within 5 minute walking distance of the application site and contains some three hectares of open space, a play area and ball court. There are other areas of open space within a greater walking/cycling distance from the site and the site also lies relatively close to Hornchurch Country Park. As such, the locality is considered to be relatively well served in terms of access to public open space. The retention of this amenity land is not justified in terms of local need.

7.8 It is no longer proposed to install play equipment on the communal area at the southern end of the site. This is partly because the current proposals no longer include flatted development and each dwelling has access to a private rear garden, so play space is not now required on site under the provisions of the Havering Residential Design Supplementary Planning Document. The applicant has instead agreed to make a financial contribution of £30,000 to be spent on improving play facilities within the nearby Lessa site. Whilst it is acknowledged that the amenity value of the existing site would be diminished, by reason of its reduction in size, it is considered that the locality is well served by publicly accessible open space within reasonable proximity to the site. The proposed financial contribution would enable an improvement to the existing nearby Lessa open space that would have a wider community benefit. In this respect, the proposal is considered to be consistent with the objectives of the London Plan by contributing to better quality provision within the local catchment area.

7.9 Having regard to the age of the evidence base underpinning the current development plan, the submission of an open space assessment demonstrating the availability of public open space locally and the opportunity to improve the quality of the facilities available in the nearest public open space (Lessa site), Staff are satisfied that the proposed development would be acceptably mitigated. The proposal also needs to be weighed against the benefits derived from the proposed delivery of affordable housing on the site, in line with the Borough housing targets. The application site will retain some publicly accessible communal space and will enable the improvement of existing amenity provision nearby. Staff therefore consider that the previous refusal reason which focussed on the loss of public open space was not sufficiently justified and that the principle of the development is therefore acceptable.

## **8. Density and site layout**

8.1 The Density Matrix in Policy DC2 seeks to guide higher density development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare and the London Plan advises a density of 40-80 dwellings per hectare. The proposal achieves a density of some 38 units per hectare on this 0.79 hectare site, which is comfortably within the range indicated by Policy DC2 and slightly below the London Plan. It is considered that the density proposed is acceptable from a policy perspective.

8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. The proposal would provide 2 and 3-bedroom affordable housing and this mix is considered to be acceptable.

8.3 Policy 3.5 of the London Plan requires new development to meet requirements for accessibility and adaptability, minimum space standards

and water efficiency. In terms of internal space, the London Plan sets minimum requirements of 79 square metres for 2 bed, 4 person dwellings, 84 square metres for 3 bed, 4 person dwellings and 93 square metres for 3 bed, 5 person dwellings. Although all matters are reserved, the indicative floor plans for each of the three proposed house types indicate that the application will comply with the requirements set out in the London Plan housing standards. Matters relating to accessibility and adaptability can be controlled by condition.

- 8.4 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. Each of the houses proposed is shown on the indicative plans with a rear garden and the smallest of these has an area of 46 square metres. It is considered that the rear gardens and the amenity spaces are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 8.5 As referred to previously, the site will also retain a communal area of some 0.11 hectares to the south of the site for public use and recreation. This is in addition to the proposed Unilateral Undertaking contribution towards the improvement of local play facilities.

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

- 9.1 The development proposes the construction of family housing on the site. The proposed buildings are a range of detached, semi-detached and terraced housing. They are laid out in linear form around the perimeters of the site and it is considered that the form and layout of development indicated would be compatible with the character of surrounding development. All dwellings are indicated to be set back from the site frontages in a manner that is consistent with local character and setting.
- 9.2 Scale and appearance are reserved matters. The floor plans indicate that the development proposed is for two storey housing. It is considered that it would be possible to design the buildings in such a way that they would be appropriate to the area and that the site can accommodate the density proposed without having an adverse impact on the surrounding built form. Given the staggered building lines within the site and the layout of some of the garden areas, it is considered appropriate to remove permitted development rights for the development to ensure that the residential amenities of future occupiers are protected.
- 9.3 Staff consider that the current proposals, which have removed the previously proposed flatted elements of the development, and instead create a development solely of family housing, gives rise to a suitably spacious form of development that is compatible with local character. As such, the previous ground for refusal, which was based around harm to local character and cramped development, is judged to be acceptably overcome.

- 9.4 Landscaping is a reserved matter and no detailed landscaping scheme has been submitted. Residents have commented that the loss of a part of the amenity green including existing trees, both mature and recently planted, will be detrimental to local wildlife. An Ecological Survey of the site has been commissioned. The survey identified the largest tree with the most bat roost potential but, following detailed inspection, in the form of an Aerial Bat Roost Survey, it is concluded that there is low risk of use by hibernating bats. The report recommends however that as a precaution felling of trees should only take place when bats are active and outside the main bird nesting season unless a pre-felling survey has been undertaken. Other precautions are also recommended, which can be secured by condition. The survey also states that badgers and hedgehogs may use the site for foraging and any trenches or other excavations left open overnight should be furnished with gently sloping planks so that any animals which fall into the excavation can make their escape. It is considered that should planning permission be granted, conditions should be imposed to require the development to be undertaken in accordance with the recommendations of the Ecological Appraisal and the Aerial Bat Roost Survey, which would include restriction on the timing of tree works. A condition can be imposed to provide ramps in any trenches left overnight to prevent the trapping of wildlife.
- 9.5 The application would involve the loss of a number of trees from the site, particularly in the north-western and north-eastern corners of the site. Some existing landscaping features will be retained, including at the southern end of the site. In order to help to mitigate the issues of loss of habitat, the applicant has offered to enter into a Section 106 agreement to landscape the part of the amenity green to the south of the proposed development. This landscaping would provide semi-mature trees and grassland to create a landscaped communal amenity area.
- 9.6 It is noted that the site currently contains a memorial plaque to commemorate New Zealand soldiers killed in the First World War. It is located in the north-western corner of the site adjacent to an existing tree. It is not clear how long the plaque has been on the site but it appears to have been installed relatively recently. It is understood that the plaque is in a similar location to a memorial that previously existed on the site but was demolished some time ago. The plaque, in its current position would effectively be within the plot of one of the proposed dwellings. Staff understand that the relocation of the plaque is a sensitive issue. However, given the location of the plaque and that the tree it is adjacent to would be felled by the proposed development, Staff consider that it would be reasonable in this case for the plaque to be re-sited elsewhere on the site in a location where it could be much more widely appreciated by the local community. It is suggested that this might be most appropriately sited within the proposed communal amenity area. The applicant is fully aware of the sensitivities of re-siting the plaque and has given a commitment to its re-provision within the communal area within a high quality landscaped setting, that will enable the plaque to benefit from enhanced prominence in

the site and better access for those wishing to commemorate. This matter can be controlled by condition.

## **10. Impact on amenity**

- 10.1 It is not considered that the proposal would result in any material loss of amenity to neighbouring properties. The nearest dwellings are some 20 metres from the proposed development and this separation would preclude any significant loss of light or privacy.
- 10.2 Dwellings on New Zealand Way, Gisborne Gardens and Queenstown Gardens face across these respective roads towards the application site. There would be some loss of view across the existing open space from these properties, however private views are not protected by planning legislation and this issue cannot be taken into account when considering the application.
- 10.3 Loss of outlook is a planning consideration and this occurs when new development has the potential to cause a sense of enclosure to occupants of existing buildings - for example, where a wall is proposed to be close to a window. In this case the separation of the new buildings from the existing dwellings is considered to be more than enough to preclude any such loss of outlook.

## **11. Highway/parking issues**

- 11.1 Policy DC2 of the Core Strategy and Development Control Policies Development Plan Document indicates that parking should be provided at a level of 2-1.5 spaces per unit for a site with a PTAL of 1-2. The London Plan provides for parking provision up to 2 spaces per unit but notes that the maximum number of parking spaces for a two bed unit should be less than one space per unit and up to 1.5 spaces per unit for a three bed dwelling. 55 spaces are provided for 30 units - an overall average of 1.8 spaces per unit which complies with, and exceeds the minimum requirements, of the policy. The applicant has indicated that the parking spaces would be allocated so that the three bed houses have 2 parking spaces each, and the two bed houses have 1 space each. A condition could be imposed requiring the submission of a parking allocation plan. The London Plan also requires that 20 percent of all spaces must be for electric vehicles with an additional 20 percent passive provision for electric vehicles in the future. This can be secured by condition.
- 11.2 The proposal now represents an increase in parking provision compared to the previously refused scheme and is judged also to have a more functional arrangement of the parking spaces relative to the individual dwellings they serve. The proposal is entirely consistent with parking standards and it is considered that there are no grounds on which to refuse the application based on parking provision.

- 11.3 The Council's Highways Authority has no objection to the proposal but has requested that the width of the footways are increased to 1.8m minimum. This can be secured by condition. No objections are raised on the ground of highway capacity or congestion. As such it is now considered that the previous grounds for refusal relating to traffic congestion and impact on road network have been overcome.
- 11.4 Residents have raised concerns that the proposed access road will not be adequate for emergency services access. Highways have raised no objection to the road width and no objections have been raised by the Fire Brigade. The majority of the properties will be accessed from the existing highway. As such, Staff are satisfied that the proposal is acceptable in this respect.
- 11.5 Conditions are recommended to ensure adequate refuse and recycling provision and cycle storage facilities.

## **12. Flood Risk**

- 12.1 A part of the site is in Flood Zone 2 and as a result a Flood Risk Assessment has been carried out. The conclusions of the assessment are set out below.
- Although the site is protected by existing flood defences, a precautionary approach is recommended and as a minimum the floor levels should be 4.55 metres above sea level which is 300mm above the 1 in 1000 year flood event level [note: the ground level of the site varies between 5.3 metres above sea level in the north east to 3.9 metres above sea level in the south west];
  - As the development will result in a significant increase in impermeable area it is recommended that sustainable drainage systems are used to manage the increase in surface water runoff. Attenuation of runoff would be achieved through the use of below ground cellular storage.
- 12.2 The minimum floor level suggested can be required to be achieved by the reserved matters application which must be submitted to provide the details of the design of the scheme.
- 12.3 Should the current application be approved it is proposed that a condition is imposed to ensure the submission of details of a sustainable drainage system prior to the commencement of development and the subsequent implementation of the system prior to occupation.

## **13. Infrastructure**

- 13.1 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.

- 13.2 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.
- 13.3 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.
- 13.4 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 contributions.
- 13.5 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.
- 13.6 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 year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 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 per dwelling 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.

- 13.8 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 £180,000 for educational purposes would be appropriate.

#### **14. Affordable Housing**

- 14.1 The proposal is for 30 dwellings and is subject to affordable housing policies set out in Policies DC6 of the LDF and 3.11 of the London Plan. The application proposes that 66.6% of the proposed dwellings would be provided as affordable housing. The tenure split would be as follows:

- 10 units of affordable rent (4No. 2bed/4person; 4No. 3bed/4p; 2No. 3bed/5p)
- 10 units of shared ownership (2No. 2 bed/4person; 8No. 3bed/5p)
- 10 units for open market sale (2No. 2 bed/4person; 8No. 3bed/5p).

- 14.2 The proposal is considered to make acceptable provision for affordable housing within the development. Such provision should be secured by way of a Unilateral Undertaking

#### **15. Securing the above matters**

- 15.1 The Council owns the land. This means that the Council is unable to enter into a contract with itself; s106 agreements and unilateral undertakings are contracts. The National Planning Policy Guidance does advise in the section dealing with the use of conditions, that “in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate”. Whilst these matters can be secured through the use of Grampian style conditions, that is less than ideal especially where financial contributions are involved.

#### **Mayoral CIL**

- 15.1 The dwellings are liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

#### **16. Conclusion**

- 16.1 The site is considered to be acceptable in principle for residential development and is considered possible to construct dwellings that would be appropriate. The proposal would have an acceptable relationship to nearby properties and would provide suitable amenity provision for future occupiers. The amount and configuration of the parking is considered to

be acceptable. There would be a financial contribution of £180,000 for education purposes. The development will make acceptable provision for affordable housing, in excess of current policy requirements. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

None.

### **Legal Implications and risks:**

Legal resources may be required to prepare and complete the legal agreement. The obligations are lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the decision is compliant with the statutory tests set out in the CIL Regulations to planning obligations given the special circumstances of the Council being the owner of the land.

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

### **Human Resource Implications:**

None.

### **Equalities and Social Inclusion Implications:**

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

## **BACKGROUND PAPERS**

1. Application forms and plans received 20/3/2017.