



<b>Application Reference:</b>	<b>P1004.18</b>
<b>Location:</b>	<b>Land bounded by New Zealand Way, Queenstown Gardens and Gisborne Gardens, Rainham.</b>
<b>Ward:</b>	<b>South Hornchurch</b>
<b>Description:</b>	<b>Outline application with all matters reserved for the development of 30 new units of affordable housing comprising 2 bedroom and 3 bedroom houses with associated landscaping and car parking.</b>
<b>Case Officer:</b>	<b>Suzanne Terry</b>
<b>Reason for Report to Committee:</b>	<b>The application is land within the ownership of the Council and is a significant development.</b>

---

## **1 BACKGROUND**

- 1.1 Planning permission for residential development on this site was initially sought in December 2015, planning application reference P1536.15. The development sought was for 32 dwellings, comprising a mix of houses and flats. The application was refused in July 2016 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.

1.2 A second application was received in March 2017, planning application reference P0407.17. This was for a modified scheme, which reduced the number of units to 30 and proposed only houses, with all flats removed from the development. The application was reported to Committee with a recommendation to grant permission but was deferred at Members request for additional information to be provided. The scheme was subsequently withdrawn at the applicant's request and so did not return to Committee for a resolution.

1.3 The current application is effectively a re-submission of the scheme that was previously withdrawn. It differs from the first (refused) application in the following key respects:

- The site area is now larger at 0.79 hectares compared to 0.5 hectares previously. Both schemes however 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.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposal is for redevelopment of an amenity green to provide 30 residential units of affordable housing. The application follows a refused application for development on this site and consideration must be given as to whether the proposals overcome the previous grounds for refusal. In addition, the proposal raises the following material planning considerations: The principle of development, including the loss of the green space; design, layout and impact on local character; the impact on amenity; environmental considerations; highway and parking impacts and affordable housing provision.
- 2.2 It is considered that the proposed development is acceptable in principle and the loss of the amenity green, which has no statutory designation as public open space, can be justified owing to the provision of other open space in the vicinity of the site and the improvements to the nearest play space which can be secured through a financial contribution towards new play equipment.
- 2.3 The development is considered to be acceptable in terms of the scale, design and layout of the development and will provide good quality, affordable housing within the Borough. Although the scheme is in outline form, two storey housing is indicated, which is judged compatible with local character. Planning conditions can be used to acceptably manage environmental issues arising from the development. No material parking or highway issues are considered to result and the proposal is policy compliant in this respect. The proposals are therefore considered to be acceptable.

## **3 RECOMMENDATION**

- 3.1 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

1. Reserved matters – details of access, appearance, landscaping, layout and scale to be submitted prior to commencement; to include minimum floor levels 4.55 metres above Ordnance Datum sea level and footway widths must be a minimum of 1.8m wide
2. Reserved matters time limit – to be submitted within three years
3. Overall time limit – commencement within two years of final approval of reserved matters
4. Accordance with development parameters – detailed proposals to accord with the principles submitted with the detailed drawings and not to deviate in any material way from the submitted proposals including application drawings, flood risk assessment and Design and Access statement.

5. Developer contributions - the development shall not commence on site until the applicant has provided:
  - Additional children's play facilities in the Lessa recreation ground through the payment of £30,000 to the Council
  - An allowance for provision of increased education requirement as a result of the development through payment of £180,000 in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
6. Affordable Housing – the development shall not commence unless a scheme for the provision of affordable housing, including location plans has been submitted to and approved in writing by the LPA in accordance with a tenure mix to provide 10 affordable rented units, 10 shared ownership units and 10 London Living rent units. The affordable housing shall be provided in accordance with the approved scheme and not occupied until the Affordable Housing is transferred to a Registered Provider and is to be retained as such thereafter in perpetuity unless otherwise approved in writing by the LPA,.
7. Landscaping provision – the development shall not commence until the Local Planning Authority has approved in writing a full scheme of landscaping works including the planting of semi-mature trees in the area to the immediate south of the site, together with details of the maintenance and replacement of any trees and planting which dies, is damaged or diseased within the first 5 years of planting. The occupation of the development shall not begin until those works have been completed in accordance with the Local Planning Authorities approval and certified in writing as complete by the Local Planning Authority.
8. Materials – prior to development above ground level, the submission of a written specification of external walls, window and roof materials.
9. Flank windows - no windows or openings other than as may be shown on approved plans.
10. Refuse/recycling – prior to occupation details for storage of refuse and recycling to be submitted for approval and provided and retained thereafter.
11. Parking provision – area set aside for car parking to be laid out and surfaced prior to occupation and retained thereafter.
12. Hours of construction
13. Construction Methodology – prior to commencement submission of a Construction Method statement for approval, to be complied with throughout construction works.

14. Wheel Washing – prior to commencement submission of a details of vehicle cleansing facilities for approval, to be complied with throughout construction works.
15. Removal of permitted development rights – Classes A, B and E.
16. Sustainable Urban Drainage System – details of a Sustainable Urban Drainage System shall be submitted for approval prior to commencement and installed and retained in accordance with approved details.
17. Boundary Treatment - details of all proposed walls, fences and boundary treatment to be submitted to and approved by the LPA prior to occupation and installed and retained thereafter in accordance with approved details.
18. External Lighting - details of all proposed external lighting to be submitted to and approved by the LPA prior to occupation and installed and retained thereafter in accordance with approved details.
19. Surfacing Materials – Access roads serving buildings to be provided before that building is first used. Surfacing materials for access road and turning head to be submitted to LPA for approval prior to commencement and access road to be constructed with approved materials and thereafter kept free from obstruction.
20. 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. Cycle storage provision to comply with current London Plan standards unless otherwise superseded. The cycle storage shall be permanently retained thereafter.
21. Allocation of Parking – Prior to occupation, submission of a parking management scheme to the LPA detailing allocation of parking spaces to individual properties. Spaces to be allocated in accordance with the approved details and retained as such thereafter.
22. Water Efficiency – All dwellings to comply with Regulation 36 (2) (b) and Part G2 of the Building Regulations - Water Efficiency.
23. Accessible and Adaptable Dwellings - The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
24. Gas Protection Measures – prior to commencement, details of gas protection measures to be submitted for approval. Upon completion of installation a 'Verification Report' to be provided.
25. Trees – Development to 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 between September and February unless a survey for active bird nest undertaken and approved by the LPA.

26. Trenches - Any trenches or other excavations left open overnight should be furnished with gently sloping planks.
27. Memorial Plaque – Existing memorial plaque to be repositioned within the communal amenity area, in accordance with details to be previously submitted to and approved by the LPA.
28. Electric Vehicle Charging Points – Prior to occupation, the fitting of at least 22 Electric Vehicle Charging Points, of which 11 shall be active and the remaining 11 passive.
29. Community Safety – Prior to occupation, submission of details to demonstrate development has achieved a Certificate of Compliance to a Secure by Design Scheme or achieved security standards to the satisfaction of the Metropolitan Police.
30. Archaeology – No demolition of development until a stage 1 written scheme of investigation (WSI) submitted to and approved by the LPA. Depending on outcome of stage 1, a stage 2 WSI may be required to be submitted and approved. Where a stage 2 WSI is required, no demolition or development to take place until at an agreed stage under the approved stage 2 WSI.
31. Air Quality – Prior to commencement, submission of an Air Quality Neutral Assessment (AQNA) to LPA for approval. Prior to occupation all measures in the AQNA to be implemented and written evidence submitted to the LPA for approval.
32. Non-Road Mobile Machinery – Developer to be signed up to the NRMM register and to comply with the relevant EU legislation during the course of development.
33. Use of Ultra-low NOx boilers – Details to be submitted and approved by the LPA prior to occupation and to be fitted in accordance with the agreed details, certificates of boiler emissions to be submitted to verify boiler emissions.

### **Informatives**

1. INF28 – Approval without amendment
2. Highway Informatives
3. Fee informatives for planning conditions
4. Thames Water informatives relating to waste, sewerage, surface water drainage and water supply matters.
5. Planning obligations informative
6. Approval and CIL
7. Street Naming and Numbering
8. Stopping Up informative – the entire site is a highway verge and will therefore, with the exception of the perimeter footway, require stopping up prior to the commencement of development.

## **4 PROPOSAL AND LOCATION DETAILS**

### **4.1 Proposal**

- The application is for outline permission for the erection of 30 No. two and three bedroom dwellings – 22 No. 3 beds and 8 No. 2 beds. Details relating to appearance, siting, landscaping, scale and layout are “reserved” and would be specified in future reserved matters applications.
- 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. 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.
- 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.
- 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.

### **4.2 Site and Surroundings**

- 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 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

### **4.3 Planning History**

The following planning decisions are relevant to the application:

P1536.15 - Outline application with all matters reserved for the development of 32No. new dwellings comprising 2-bedroom & 3-bedroom houses and flats with associated landscaping and car parking. Refused on grounds of loss of public open space, traffic congestion and adverse impact on the road network, cramped development and harm to local character, absence of a legal agreement to secure contributions towards demand for school places and provision of childrens play space.

P0407.17 - Outline application with all matters reserved for the development of 30no. new dwellings comprising 2-bedroom & 3-bedroom houses with associated landscaping and car parking. Withdrawn.

## **5 CONSULTATION RESPONSE**

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 The following were consulted regarding the application:

Highways – no objection subject to the footway width being a minimum of 1.8m and conditions relating to cycle storage. The site is a highway verge and will require stopping up, with the exception of the proposed footway [Officer comment: Drawing no. PL001 has been annotated to indicate a 1.8m wide footway and, given the outline nature of the application, a condition can also be imposed to require a 1.8m wide footway width. The stopping up process for the highway is a separate procedure to be undertaken outside of the planning application process.]

Thames Water – no objections. Informatives recommended relating to surface water drainage, groundwater drainage, public sewers and water supply

Essex & Suffolk Water – consulted, no response

Metropolitan Police Designing Out Crime Office – conditions relating to Secure by Design scheme recommended.

Fire Brigade (water office) – no new additional hydrants are required.

GLAAS – no objections, planning conditions recommended.

Waste and Recycling – No objections.

Environment Agency – development is a more vulnerable use in flood zone so should refer to Flood Risk Standing Advice

Environmental Health – no objections with regard to land contamination matters; with regard to air quality, conditions recommended for an Air Quality Neutral Report, non-road mobile machinery requirements, ultra low NOx boilers and provision of electrical vehicle charging points.

## **6 LOCAL REPRESENTATION**

6.1 A total of 99 neighbouring properties were notified about the application and invited to comment. The application has also been publicised by way of a site notices displayed in the vicinity of the application site and has also been



publicised in the local press. At the time of writing this report, the consultation date set out in the individual letters and press advert had passed; however, the consultation period displayed on the site notice has not yet expired. The statutory consultation period will end on 10<sup>th</sup> August and the Committee will be updated if any further representations are received.

- 6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 78, of which all objected.

- 6.3 Jon Cruddas MP objects on the grounds that this green space is of integral importance to the local community; that this matters strongly to local residents; significant funds have been spent denying 'Village Green' status; there are a number of new housing development sites in the locality; local green and open space should be protected and the land has historical significance, containing a war memorial plaque.

### **Representations**

- 6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

#### **Objections**

- Proposal will lead to loss of well-used green field and community space
- Loss of public open space and harm to amenity
- Only recreational and amenity space nearby, no other green spaces in safe walking distance
- Increased vehicle traffic and congestion, harm to road safety
- Roads not wide enough for emergency vehicle access
- Insufficient parking
- Impact on wildlife
- Harmful to local character
- Other developments proposed nearby will lead to further loss of open space
- Lack of infrastructure, eg doctors surgeries, schools
- Noise and light pollution
- Loss of trees and foliage
- Loss of light
- Loss of privacy
- Contrary to Human Rights Act, Protocol 1, Article 1 and Article 8
- The land contained a memorial to New Zealand troops
- Previous planning application has been refused

### **Non-material representations**

- 6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Area already has other residential development sites, including nearby New Plymouth and Napier House and Beam Park, and this development is unnecessary [Officer comment: Housing delivery targets for Havering are set by the Mayor of London. Even with the development of existing identified sites in Rainham and Beam Park the Council would still fall short of its housing targets and so development on other sites will still be necessary].
- Consultation on proposed developments nearby emphasise existence of open space in New Zealand Way [Officer comment: Consideration will need to be given to the wider provision of green space in the locality, including the A1306 corridor when separate development proposals come forward].
- Impacts on rights of way [Officer comment: Legislation relating to rights of way is separate to the planning process. The site is not formally designated as a Right of Way. It is highway verge and a stopping up order would be required to extinguish rights of public access].
- Land has been used as a Village Green and Council has previously acknowledged the land can be used for recreation purposes [Officer comment: The land is not designated as village green and, as such, this does not offer any statutory protection from development].
- Increased smell and environmental issues from additional rubbish [Officer comment: The proposal is for residential development and it could not be demonstrated this would lead to an increase in smells that would create material grounds to refuse permission; refuse storage and collection arrangements would be put in place to enable effective waste management].
- Health implications from loss of land and building works [Officer comment: These are not material planning considerations, public health matters are outside of the planning process and impacts of building works cannot be taken into account as such impacts are transient].
- Impact on local sewers and drainage [Officer comment: These are subject of non-planning legislation so are not material planning considerations].
- Loss of property value [Officer comment: Case law has determined this is not a material planning consideration].
- Money spent by Council on defending village green application [Officer comment: This has no relevance to the planning issues arising from the proposal and cannot be taken into consideration].
- Commitments were given to protect green spaces [Officer comment: This has no material bearing on the planning merits of the application].
- Potential for increased crime [Officer comment: The proposal is for the development of family housing and there is no evidence this would create conditions directly leading to a material increase in crime].
- Impacts of construction on locality [Officer comment: Noise and disturbance during construction is not a material planning issue as impacts are temporary. Planning conditions can be used to help mitigate amenity impacts].

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider, including whether the previous grounds for refusal have been overcome are:

- The principle of development, including the loss of the green space
- The design and layout of the proposed development
- The visual impact of the development and impact on local character
- The impact on neighbouring amenity
- Highway and parking implications
- Environmental Impacts
- Affordable housing and impact on school places

### **Principle of Development**

7.2 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.

7.3 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. Although a village green application was made in respect of this site, this was unsuccessful and as such there is no statutory bar to redevelopment of the site.

7.4 Many of the representations received comment that the green is well used by local people, particularly children, as an amenity and recreation area. The land is covered by the terms of LDF Policy DC18 and London Plan Policy 7.18. The initial planning 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.

7.5 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.

- 7.6 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.
- 7.7 In terms of LDF policy, it should be noted that the evidence base underpinning existing policies dates from 2005. An updated open space assessment has been produced to support the emerging Local Plan. In terms of amenity greenspace, this suggests that there is a good level of coverage within a 10 minute walk time and, where there are gaps in provision, these are served by other open space typologies. Whilst the site is of importance to local residents, particularly owing to its position within the heart of the estate, consideration may be given to the availability of open space within the wider area and within walking distance of the site. The National Planning Policy Framework provides that existing open space, sports and recreational buildings and land should not be built upon unless an assessment has been undertaken which clearly shows the open space or land to be surplus to requirements; or that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreational provision, which would outweigh the loss of the current or former use. However, it should be noted that the application site is not defined as protected open space nor does the land have a Local Green Space designation as provided for within the NPPF.
- 7.8 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. Again, it should be noted that the application site is not defined as protected open space.
- 7.9 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 a 10 minute walking distance of the application site and equipped with some three hectares of open space, a play site 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.
- 7.10 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 includes 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 and Policy DC18 by contributing to better quality provision within the local catchment area.

- 7.11 Having regard to 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 reduction in size of the amenity green 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.

### **Density and Site Layout**

- 7.12 The Density Matrix in Policy DC2 seeks to guide higher density of 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.
- 7.13 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.
- 7.14 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.

- 7.15 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.
- 7.16 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 contribution towards the improvement of local play facilities.

### **Design and Visual Impact**

- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.

- 7.21 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 agreed 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. This can be secured via a Grampian-style planning condition.
- 7.22 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, which 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.

### **Impact on Amenity**

- 7.23 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.

- 7.24 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.
- 7.25 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.

### **Highway/Parking Issues**

- 7.26 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 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.
- 7.27 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.
- 7.28 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 grounds 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.
- 7.29 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.



- 7.30 Conditions are recommended to ensure adequate refuse and recycling provision and cycle storage facilities.

### **Environmental Issues**

- 7.31 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.
- 7.32 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.
- 7.33 Should the 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.

### **Affordable Housing**

- 7.34 Under the provisions of Policy DC6 of the LDF and Policy 3.13 of the London Plan affordable housing should be sought on this site. The application proposes that all of the dwellings within the development would be provided as affordable housing. The units would be a mix of affordable rented units, shared ownership units and London Living Rent units. The provision of 30 family homes within the Borough as affordable housing units would represent a significant benefit arising from the development and would make a strongly positive contribution to the type and choice of affordable housing available within the Borough.

### **Financial and Other Mitigation**

- 7.35 As the Council is the applicant it is unable to enter into a legal agreement to secure financial and any other mitigation as part of the development. Such contributions and obligations may however be secured by the use of Grampian-style conditions. The proposal would attract the following financial mitigations, in addition to requirements for affordable housing and landscaping provision on the site:

- £180,000 towards the provision of education infrastructure within the Borough
- £30,000 towards the provision of additional children's play facilities in the Lessa recreation ground.
- The provision of 100% affordable housing on the site in accordance with the submitted Affordable Housing Statement and to include 10 affordable rented units, 10 shared ownership units and 10 London Living Rent units
- 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.

7.36 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- Mayoral CIL towards Crossrail – amount of contribution cannot presently be calculated owing to the outline nature of the development and will be determined on submission of reserved matters.

### **Other Planning Issues**

7.37 With regard to the impact of the development on infrastructure, the amount of development proposed is not of sufficient size to justify additional public transport or health facility provision. The proposed development of 30 family units will have the potential to create the demand for additional school places and to mitigate this impact a financial contribution of £6,000 per unit is sought to offset the educational infrastructure impacts of the proposed development.

7.38 Reference has been made in representations to Human Rights legislation, particularly Article 1, Protocol one and Article 8. These rights are not absolute and need to be weighed against the wider issues arising from the application. Staff are satisfied that the impacts of the development are not sufficient that they are considered to represent a material breach of Human Rights legislation that would materially affect the determination of this application.

### **Conclusions**

7.39 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.