

**REGULATORY SERVICES COMMITTEE  
SUPPLEMENTARY AGENDA**

**12 September 2013**

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

**9 P0585.12 - 65 GUBBINS LANE, HAROLD WOOD (Pages 1 - 36)**

**Andrew Beesley  
Committee Administration  
Manager**

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# REGULATORY SERVICES COMMITTEE

12 September 2013

# REPORT

**Subject Heading:**

**P0585.12 – Land at No. 65 Gubbins Lane, Harold Wood**

**16 no. new build residential flats and houses as; 1 bedroom, 2 bedroom and 3 bedroom units in 2 blocks from 2 to 4 storeys in height with car parking bays and associated communal landscaped areas and private gardens.**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

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

**Financial summary:**

**None**

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This planning application was brought before Members on 19<sup>th</sup> July, 2012. Officers recommended approval subject to conditions and the completion of a legal agreement. The recommendation also stated that:

*“In the event that the Section 106 agreement is not signed and completed by the expiry of this application’s statutory determination date on 10<sup>th</sup> August 2012, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing within the development, or for meeting the necessary infrastructure costs arising from the development.”*

This part of the recommendation was intended to ensure that the application would be determined within the statutory time limits. Members resolved to uphold the officer recommendation, however, the applicants were subsequently unable to complete the legal agreement by the 10<sup>th</sup> August 2012 owing to circumstances outside of their control. On 13<sup>th</sup> September, 2012 Members resolved to uphold a further recommendation that the applicants be allowed extra time to complete the legal agreement with the deadline being extended to 13<sup>th</sup> September 2013.

The application is brought back before Members as the applicants are now requesting that the requirement for affordable housing be removed. Planning permission was previously recommended on the basis that 50% of the proposed units would be affordable. The applicants have submitted a financial viability assessment to demonstrate that the scheme cannot support the provision of affordable units and this has been corroborated independently, although it has been concluded that the scheme could support a financial contribution of £37,978.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor’s Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 1238m<sup>2</sup> and amounts to £24,760.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;

- The sum of £37,978 towards the costs of affordable housing within the borough, in accordance with Policies DC6 and DC72 of the LDF;
- 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 Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

And that the following covenant be entered into by the owner of the land pursuant to Section 16 General London Council (General Powers) Act 1974:-

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme. For the avoidance of doubt this covenant will bind successors in title of any owner entering the agreement and any person claiming through or under them.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured by 13<sup>th</sup> November 2013 thus extending the previous time extension by 2 months, grant planning permission subject to the conditions set out below.

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and 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 LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage - Prior to the completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in

writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction

works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

12. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.



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

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

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

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

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

15. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

16. Sound attenuation - The houses hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and the flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

17. Sound attenuation - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Gubbins Lane upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with paragraph 123 of the National Planning Policy Framework and the Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural).

18. Visual Screening – No development shall take place until details of the proposed use of screening and balustrade materials, relating to the balconies of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

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

19. Sustainability Statement - No development shall take place until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will achieve a Code for Sustainable Homes rating of "Level 3" or higher. No occupation of the development shall take place until the developer has provided a copy of the Final Code Certificate of Compliance to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.3 of the London Plan 2011

20. Energy Statement - No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined in London Plan policy 5.2 are to be met within the framework of the energy hierarchy. The minimum requirements for the Energy Statement are set out in London Plan Policy 5.2

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

21. Electric Vehicle Charging Facilities – No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the proposed provision and use of electric vehicle charging points on the proposed parking spaces. The approved scheme shall be implemented prior to the approved dwellings being first occupied and shall apply to at least 20% of parking spaces.

Reason: In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan.

22. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

23. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

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

24. Flank Windows – The flank windows relating to the northern elevations of the development hereby approved shall be obscure glazed and non-opening, and shall be retained as such for the life of the development.

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

25. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

## **INFORMATIVES**

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway 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 the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.

2. 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.

3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

#### 4. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the relevant parts of the National Planning Policy Framework.

The proposal also accords with the provisions of Policies 3.3, 3.5, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 8.2 of the London Plan. Levels of parking are considered to be justified given the relatively low PTAL level of the site. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which requires the maximum reasonable amount of affordable housing to be sought.

#### Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

### REPORT DETAIL

This planning application was brought before Members on 19<sup>th</sup> July, 2012. Officers recommended approval subject to conditions and the completion of a legal agreement. The recommendation also stated that:

*“In the event that the Section 106 agreement is not signed and completed by the expiry of this application’s statutory determination date on 10<sup>th</sup> August 2012, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing within the development, or for meeting the necessary infrastructure costs arising from the development.”*

This part of the recommendation was intended to ensure that the application would be determined within the statutory time limits. Members resolved to uphold the officer recommendation, however, the applicants were subsequently unable to complete the legal agreement by the 10<sup>th</sup> August 2012 owing to circumstances outside of their control. On 13<sup>th</sup> September, 2012 Members resolved to uphold a further recommendation that the applicants be allowed extra time to complete the legal agreement with the deadline being extended to 13<sup>th</sup> September 2013.

The application is brought back before Members as the applicants are now requesting that the requirement for affordable housing be removed. Planning permission was previously recommended on the basis that 50% of the proposed units would be affordable. The applicants have submitted a financial viability appraisal to demonstrate that the scheme cannot support the provision of affordable units and this has been corroborated independently, although it has been concluded that the scheme could support a financial contribution of £37,978.

Given that the applicant's financial viability appraisal has been corroborated, it is considered that the proposal would be acceptable without the inclusion of affordable units. However, it is considered that a financial contribution of £37,978 towards the costs of affordable housing elsewhere in the borough should be sought, along with the other contributions that were previously recommended and which were detailed earlier in this report. It is recommended that the applicants be given a further two months, beyond the previously agreed deadline, to complete the legal agreement.

The site has a PTAL rating of 3-4, which translates to a moderate level of public transport accessibility and the proposal is located in close proximity to Harold Wood railway station and bus routes. The proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, and an obligation that future occupiers be prevented from applying for parking permits.

In relation to the requirement that there be a covenant preventing future occupiers from applying for parking permits, this is considered necessary in light of the fact that parking around the local train station is to be reviewed in future. The anticipated development of Harold Wood Hospital is likely give rise to new controlled parking zones to enable existing residents to be able to park on street without commuters doing so. It is considered that it would be in the interests of the amenity of local residents that parking spaces are available within the vicinity to accord with Policy DC61 of the LDF.

The details relating to the application are contained in the original Committee report, which is appended to this report (Appendix A).

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None.

**Legal implications and risks:**

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

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

**BACKGROUND PAPERS**

Planning application P0585.12, all submitted information and plans.

19<sup>th</sup> July 2012

# REGULATORY SERVICES COMMITTEE

# REPORT

**Subject Heading:**

**P0585.12 – Land at No. 65 Gubbins Lane, Harold Wood**

**16 no. new build residential flats and houses as; 1 bedroom, 2 bedroom and 3 bedroom units in 2 blocks from 2 to 4 storeys in height with car parking bays and associated communal landscaped areas and private gardens.**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

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

**Financial summary:**

**None**

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

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Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**



This planning application proposes the demolition of an existing motor repair garage and the erection of 16 residential units in two blocks, on land at No.65 Gubbins Lane, Harold Wood. One of the blocks would be two storeys in height and the other up to four storeys in height. The proposal would include a parking area, private and communal amenity spaces, a new pedestrian access, cycle parking, and bin refuse storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

## RECOMMENDATIONS

(A)

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- The provision of 8 units within the development as affordable housing with 6 of those units made available for social housing and 2 of those units as shared ownership. Should any owners of shared equity units staircase to 100% equity, provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annex 2 of the National Planning Policy Framework;
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme;
- 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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

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

4. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and 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 LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage - Prior to the completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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12. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;

- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

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

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

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

15. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

16. Sound attenuation - The houses hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and the flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

17. Sound attenuation - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from

Gubbins Lane upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with paragraph 123 of the National Planning Policy Framework and the Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural).

17. Visual Screening – No development shall take place until details of the proposed use of screening and balustrade materials, relating to the balconies of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

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

18. Sustainability Statement - No development shall take place until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will achieve a Code for Sustainable Homes rating of "Level 3" or higher. No occupation of the development shall take place until the developer has provided a copy of the Final Code Certificate of Compliance to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.3 of the London Plan 2011

19. Energy Statement - No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined in London Plan policy 5.2 are to be met within the framework of the energy hierarchy. The minimum requirements for the Energy Statement are set out in London Plan Policy 5.2

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

20. Electric Vehicle Charging Facilities – No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the proposed provision and use of electric vehicle charging points on the proposed parking spaces. The approved scheme shall be implemented prior to the approved dwellings being first occupied and shall apply to at least 20% of parking spaces.

Reason: In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan.

21. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

22. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

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

23. Flank Windows – The flank windows relating to the northern elevations of the development hereby approved shall be obscure glazed and non-opening, and shall be retained as such for the life of the development.

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

24. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.



Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the expiry of this application's statutory determination date on 10<sup>th</sup> August 2012, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing within the development, or for meeting the necessary infrastructure costs arising from the development.

## **INFORMATIVES**

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway 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 the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.

2. 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.

3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

4. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the relevant parts of the National Planning Policy Framework.

The proposal also accords with the provisions of Policies 3.3, 3.5, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 8.2 of the London Plan. Levels of parking are considered to be justified given the relatively low PTAL level of the site. The proposal is considered to be

consistent with Policy 3.9 and Policy 3.12, which requires the maximum reasonable amount of affordable housing to be sought.

## Planning Obligations

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:-

- (d) Necessary to make the development acceptable in planning terms;
- (e) Directly related to the development; and
- (f) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### 1. Site Description

- 1.1 The site, which is approximately 0.16ha in area, comprises land currently in use as a vehicle repair and MOT facility, with a garage building located towards the centre of the site and much of the remaining land area being used for vehicle parking and access. A further workshop/storage building is located at the north western corner of the site.
- 1.2 The site's southern and western boundaries adjoin the Harold Wood Hospital Site Specific Allocation area, which is in the process of being redeveloped as a large scale residential development. Planning permission P0702.08 indicates that a building up to four storeys in height is likely to be developed near to the site's western boundary and that open space and an access road will be located alongside the southern boundary. The bulk of the site's western boundary is located alongside an undeveloped, landscaped area associated with a neighbouring property.
- 1.3 The eastern boundary lies adjacent to the public highway, which at that point includes a bus stop, whilst the northern boundary abuts existing residential properties fronting onto Gubbins Lane, comprising two storey, pitch-roofed dwellings. The site is located in close proximity to the Harold Wood Major Local Centre, the Oak Road Minor Local Centre, and Harold Wood railway station.

### 2. Description of Proposal

- 2.1 This planning application proposes the demolition of two existing workshop buildings and its replacement with 16 residential units in two blocks,

accompanied by a parking area, private and communal amenity spaces, a refuse store, and cycle storage. Two of the proposed units would be equipped for disabled use. Vehicular access would be through the existing access onto Gubbins Lane and a separate pedestrian access located at the south eastern corner of the site would also provide access from Gubbins Lane. 16 car parking spaces are proposed along with a visitor/deliveries space.

- 2.2 The 16 units, which are between 50sqm and 90sqm in area, would comprise five 1-bed flats, nine 2-bed flats, and two three-bed houses. The main elevations of the two blocks would face in an east-west direction. The western-most block, towards the rear of the site, would be two storeys in height with two 3-bed houses at its southern end, and four flats at its northern end. Private gardens would be located to the rear, or west of this block, relating to the two houses and the two ground floor flats. The two first floor flats would include balconies.
- 2.3 The eastern-most block, which would front onto Gubbins Lane, would be three to four storeys in height with three flats on each of the first three floors, and one flat on the fourth floor, located at the southern end of the block. Amenity spaces would be provided in relation to the ground floor flats between the eastern elevation and the boundary with Gubbins Lane. Balconies would be provided in relation to the upper storey flats.
- 2.4 The proposal would include communal amenity spaces at the southern end of the open space located between the two proposed blocks, along with a roof garden on the eastern block. A total of 250sqm of communal amenity space, and 366sqm of private amenity space would be provided.
- 2.5 The proposal would be constructed of brick, render, and plain roof tiles, with painted galvanised metal railings relating to balustrades and zinc canopies. A “green roof” would be included at the northern end of the block fronting onto Gubbins Lane.

### **3. Relevant History**

- 3.1 The previous planning decisions of most relevance to this application are as follows:
  - 3.2.1 P1446.10 - Redevelopment of commercial workshop/body shop for residential use, erection of 24 apartments (Demolition of existing builders yard) – Refused on the following grounds:

*“1. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2, DC33 and DC61 of the LDF Development Control Policies Development Plan Document.*

2. *The proposal represents an overdevelopment of the site which is unable to provide an acceptable level of off-street parking without resulting in deficient amenity space provision. To provide adequate amenity space the resultant shortfall in parking would give rise to unacceptable overspill onto the public highway to the detriment of highway safety. The development is therefore contrary to Policies DC33 and DC61 of the LDF Development Control Policies DPD.*

3. *In the absence of a Section 106 Legal Agreement, the applicant fails to demonstrate how the impact of the development on Education provision will be provided for. In this respect, the proposal would be contrary to Policies DC29 and DC72 of the LDF.”*

3.2.2 This decision was appealed by the applicant (Reference: APP/B5480/A/11/2150765) but the appeal was dismissed in August 2011 on the grounds that some of the units would have inadequate amenity space and that the scheme would make inadequate provision for car parking.

3.3.1 P0233.09 - Redevelopment of commercial workshop/bodyshop for residential use, erection of 27 apartments (Demolition of Existing Buildings) – Refused on the following grounds:

*“1. The proposed development would, by reason of its position, bulk and mass, appear as a visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.*

*2. The proposed development would, by reason of its position and proximity to an approved adjoining scheme under application ref. P1232.06, cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent future occupiers and prejudice the living conditions of prospective occupiers of the proposed development, contrary to Policy DC61 of the LDF Development Control Policies DPD.*

*3. The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document and the SPG on Residential Amenity Space.*

*4. In failing to deliver a high quality of design through the deficiencies described in reasons 1 and 2 above, the proposal fails to justify such high density of development, contrary to Policies CP2 and DC2 of the LDF Core Strategy and Development Control Policies Development Plan Documents.*

*5. The proposed development would, by reason of the inadequate servicing of the site and lack of details of a new bus stop, result in unacceptable loading, unloading and turning of vehicles at the site and render the bus stop inaccessible to the general public, causing an impact on the adjoining roads to the detriment of highway safety and residential amenity and*

*contrary to Policies DC32, DC36 and DC61 of the LDF Development Control Policies DPD.*

*6. The scheme does not give particulars with regards to an energy demand assessment or details of the energy efficiency design measures and renewable energy technology to be incorporated into the development. It has therefore not been sufficiently demonstrated how the scheme could achieve the required displacement of at least 20% of carbon dioxide emissions through on site renewable energy measures and energy efficient technology and is contrary to Policy DC50 of the LDF Development Control Development Plan Policy and Policies 4A.4 and 4A.7 of the London Plan.*

*7. Insufficient justification has been provided for the lack of provision of affordable housing. In this respect, the proposal would be contrary to Policies 3A.9 and 3A.11 of the London Plan and Policy DC6 of the LDF.*

*8. Insufficient justification has been provided for the lack of provision of an educational contribution. In this respect, the proposal would be contrary to Policies DC29 and DC72 of the LDF.”*

3.3.2 This decision was appealed by the applicant (Reference: APP/B5480/A/09/2112021) but the appeal was dismissed in February 2010 on the grounds that the proposal would result in an over development of the site, allowing insufficient amenity space for all of the residents, and insufficient access arrangements. It was also considered that the proposal would have an unacceptable impact on the street scene and that there was insufficient justification for the absence of affordable housing units.

3.4 The following is also of relevance as it relates to the neighbouring, former hospital site.

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

#### **4. Consultations/Representations**

4.1 The application has been advertised on site and in the local press as a major development; the overall expiry date of the consultation period is the 2<sup>nd</sup> July. Neighbour notification letters have also been sent to 45 local addresses. One letter of objection has been received, as follows:

4.2 Objections to the scheme are raised on the following grounds:

- The proposal, particularly when combined with the neighbouring residential development, result in significant noise and other disruption to local residents

- The proposed 4-storey building height would not be in keeping with the surrounding residential properties and be detrimental to the character of the area
- The proposal would result in additional traffic congestion in the area

4.3 Comments have also been received from the following:

The Environment Agency

No comments received. Members will be given a verbal update at Committee if any comments are received.

Crime Prevention Design Advisor

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

London Fire and Emergency Authority

No objections.

Environmental Health (Noise)

No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)

No objections; condition recommended.

Highway Authority

No objections; conditions, and obligation, and informatives recommended.

Housing

No objections.

**5. Relevant Policies**

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13

(affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

### 5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

## 6. **Staff Comments**

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, highway and parking issues, affordable housing, community infrastructure, and other considerations.

### 6.2 **Principle of Development**

6.2.1 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

### 6.3 **Design Considerations**

6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

6.3.2 The application site has an area of approximately 0.16 hectares and proposes 16 units, giving a development density of approximately 100 units per hectare. Whilst this is above the density range of 50-80 units per hectare set out in Policy DC2, the close proximity of the proposal to Harold Wood

railway station and Harold Wood Major Local Centre is such that it is considered that the site's location could support the proposed density of development. Moreover, the previously refused scheme, which proposed more units than is the case here, was not refused on the basis that it would be too dense.

- 6.3.3 The site is located in a broadly residential area comprising a range of house types, with traditional, two storey, pitched roof dwellings and some larger scale flatted development. The neighbouring site to the west and south is currently being developed for residential purposes, and will eventually include a variety of houses and flatted development. The application site is considered to be in an unsightly condition, and the proposal would improve its appearance.
- 6.3.4 The application proposes a more traditional form of design and construction in the two-storey, western block, which is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The western block would have a pitched, hipped roof and conventional detailing and is constructed using brick and plain roof tiles. The flatted development, which would front on to Gubbins Lane, would employ brick for its main facing material, and would have a flat roof. It is recommended that a planning condition be imposed requiring the submission of details relating to the proposed use of materials.
- 6.3.5 Whilst the proposed eastern block would be located alongside two storey properties to the north, the eastern block is separated from these by the proposed access, with a separation distance of just over 6m, and the design incorporates a step-up from three storeys to four to achieve a more gradual increase in heights along the roadside. The scale and massing of both blocks is considered to be broadly in keeping with the character of the wider area, particularly given the emerging residential development at the former Harold Wood hospital site.
- 6.3.6 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition, particularly in relation to the proposed "green roof", which will be visible from the surrounding area.
- 6.3.7 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy 7.4 of the London Plan.

#### **6.4 Layout and Amenity Considerations**



- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.
- 6.4.2 The development proposes a mix of house types, proposing houses and 1-3 bedroom flats. This complies with the aims of Policy DC2 in respect of dwelling mix. Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 6.4.3 In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide private gardens for the houses and ground floor flats within the site, along with balconies for the proposed apartments. The proposal would also include communal amenity space at ground level along with a roof garden. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 6.4.4 The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.
- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distance between the two proposed blocks is approximately 22m, which is considered sufficient to avoid any significant adverse impacts between the two in terms of outlook and overlooking. It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate amount of privacy would be provided both within the site, and between the site and the surrounding area.
- 6.4.6 In relation to the impact the proposal would have on existing, neighbouring occupiers then particular attention needs to be paid to the impacts on residents along Gubbins Lane, which are the nearest existing neighbouring

properties to the site. Consideration also needs to be given to the impacts between the proposal and the approved residential development at the neighbouring, former hospital site.

- 6.4.7 The proposal would be located approximately 29m from the neighbouring dwellings located on the opposite side of Gubbins Lane. Given the nature of the proposal, including its overall scale, it is considered that its siting would not result in any significant adverse impacts on the amenity of the occupiers of these properties, in terms of overlooking, overshadowing, or outlook.
- 6.4.8 The nearest neighbouring property would be No.67 Gubbins Lane, which is located immediately to the north of the site. The proposed access would run between the proposed eastern block and this dwelling. Given that the access to the existing business is located in the same position and that the proposed development is likely to generate less traffic than the existing use, it is considered that the proposed access would not result in any significant adverse impacts on the amenity of this property's occupiers.
- 6.4.9 The northern end of the proposed eastern block would be located approximately 6.5m from the side of No.67. At this point, the proposal would be 3 storeys in height, with a green roof that would not be accessible to residents. Given the siting of the proposal in relation to No.67 and its height, it is considered that there would not be any significant adverse impacts in terms of the outlook and access to daylight of the occupiers of No.67. In terms of overlooking, the proposal would include openings in its northern elevation that would face towards No.67 and permit a degree of overlooking towards its rear curtilage. It is recommended that a condition be imposed requiring that these flank windows, at second and third floor levels, be obscure glazed and non-opening. It is considered that the balconies and access decks relating to the western side of this block have been sufficiently well designed to prevent any significant overlooking to the rear curtilage of No.67, with separation distances of around 7.5m at first floor level, and approximately 9m at second floor level, and the use of visual screens at the northern ends of these platforms. It is recommended that a condition be imposed to secure the visual screens.
- 6.4.10 The proposed western block, which would be two storeys in height, would face in the direction of the rear of No.67 Gubbins Lane. The western block would be located approximately 21m from the rear of this dwelling, which is considered to be sufficient to prevent any significant harm in terms of privacy, outlook, and loss of light. The first floor flats at the northern end of this block would result in a degree of overlooking over the rear curtilage No.67, however, this would be moderated by the existing screening along the northern boundary. The main impact would be in relation to the perception of overlooking held by the occupiers of No.67. The applicants have amended the submitted plans to incorporate opaque materials for the proposed balcony balustrades facing No.67 Gubbins Lane. This is considered sufficient to overcome the perception of overlooking, and should be secured by means of a planning condition.

6.4.11 Consideration also needs to be given to the relationship that the proposal would have with the proposed development at the neighbouring, former hospital site. Outline planning permission has been granted for residential development at the neighbouring site, with reserved matters approval being granted in different areas of that site. The phase nearest to the site under consideration does not yet benefit from reserved matters consent and it is anticipated that this will not be sought until 2015. The outline consent that has been granted indicates that an apartment block, up to four storeys in height, would be constructed approximately 9.5m to the west of the houses being proposed in the application under consideration. However, the outline consent that has been granted only relates to the access arrangements; the anticipated reserved matters application would therefore provide scope for the scale, design, and layout of that proposal to be adapted to the prevailing conditions existing at that time. Given that the future design of the neighbouring apartment block can be adapted to prevent any significant adverse impacts between that development and the proposal, the proposed development is considered to be acceptable in terms of the relationship it would have with the neighbouring site.

6.4.12 It is considered permitted development rights for the proposed houses should be removed by means of a condition to prevent any significant adverse impacts on visual or residential amenity.

6.4.13 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

## **6.5 Environmental Impact**

6.5.3 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and limitations to construction times. It is recommended that these be employed should planning permission be granted.

## **6.6 Parking and Highway Issues**

6.6.1 The application proposes the retention of the site's existing access. A neighbouring occupier has objected to the proposal stating that it would result in an increase in traffic congestion in the local area.

6.6.2 The application proposes 17 car parking spaces, one of which would be set aside for visitors and deliveries. The proposed car parking provision would therefore equate to 1 space per dwelling. Cycle storage would also be provided at a rate of more than one space per dwelling.

6.6.3 The site has a PTAL rating of 3-4, which translates to a moderate level of public transport accessibility, however, the proposal is located in close

proximity to Harold Wood railway station and is located immediately adjacent to a bus stop. The proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted. A planning obligation is also recommended that would prevent future occupiers from applying for parking permits for the surrounding area. It is recommended that this obligation should be secured prior to planning permission being granted.

- 6.6.4 It is recommended that conditions be imposed relating to wheel washing facilities to prevent the deposition of mud onto the public highway during construction works. It is also recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.
- 6.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

## **6.7 Affordable Housing**

- 6.7.1 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing, and that a tenure mix of 70:30 between social rented housing and intermediate forms (such as shared ownership) will be sought. However, it is also stated that the Council, in seeking to achieve these targets, will give consideration to factors such as the viability of schemes.
- 6.7.2 The application proposes that 50% of the proposed units within the development will be provided as affordable housing. 75% of these would be available for social rent and 25% for shared ownership. Officers consider that the proposal would provide the maximum amount, and the most suitable type of tenure, of affordable housing possible whilst also remaining a viable scheme. Providing the proposed tenure mix and level of affordable housing is secured by a legal agreement, it is considered that the proposal would be in compliance with Policy DC6 of the LDF, and therefore acceptable.

## **6.8 Community Infrastructure**

- 6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 1238sqm, which equates to a Mayoral CIL payment of £24,760.

6.8.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £96,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **6.9 Other Considerations**

6.9.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

6.9.2 Policy DC7 of the LDF requires that 10% of all new homes on sites of 15 dwellings or more must be designed to be wheelchair accessible or be easily adaptable for residents who are wheelchair users. Of the 16 units proposed, two of them would be wheelchair accessible, including disabled parking spaces. The proposal therefore exceeds the requirements of Policy DC7 and is considered acceptable.

## **7. Conclusion**

7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.

7.2 The proposal is considered to be acceptable having had regard to Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

**Legal implications and risks:**

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

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

**BACKGROUND PAPERS**

Planning application p0585.12, all submitted information and plans.