



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
25 October 2012**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Sandra Binion
Jeffrey Brace
Robby Misir
Frederick Osborne
Garry Pain

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

Richard Cursons (01708 432430)

E-mail: richard.cursons@havering.gov.uk

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

The Chairman will announce the following:

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 36)

5 P0778.12 - LAND R/O 411-419 SOUTH END ROAD & 1-17 CORONATION DRIVE, SOUTH HORNCHURCH (Pages 37 - 50)

6 P0959.12 - MARDYKE ESTATE - PHASE 3 (Pages 51 - 72)

- 7 **P0981.12 - GAYNES PARK, UPMINSTER** (Pages 73 - 78)

- 8 **P0953.12 - LAND ADJACENT TO NO 6 QUARLES CLOSE, ROMFORD** (Pages 79 - 94)

- 9 **P0952.12 - LAND ADJACENT TO NO 4 COOKS CLOSE, ROMFORD** (Pages 95 - 110)

- 10 **P0961.12 - 89-99 NEW ROAD, RAINHAM** (Pages 111 - 134)

- 11 **P0993.12 - FORMER PREMIER MOTORS SITE, JUTSUMS LANE, ROMFORD** (Pages 135 - 148)

- 12 **P0680.12 - 44 HERBERT ROAD, HORNCHURCH** (Pages 149 - 166)

- 13 **P1009.12 - 111 ALBANY ROAD, HORNCHURCH** (Pages 167 - 180)

- 14 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

**Ian Buckmaster
Committee Administration and
Member Support Manager**

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Agenda Item 4

Regulatory Services Committee

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| Page No. | Application No. | Ward | Address |
|-----------------|------------------------|-----------------|---|
| 1-8 | P1740.11 | Gooshays | Hill Farm Church Road Romford |
| 9-22 | P0272.12 | Squirrels Heath | Land adjacent Hare Lodge 487 Upper Brentwood Road Gidea Park Romford |
| 23-28 | P0843.12 | Elm Park | Maylands Medical Centre Upper Rainham Road Hornchurch |
| 29-33 | P1052.12 | Pettits | 32 Pettits Close Romford |

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| | | |
|-------------------------|--|---|
| APPLICATION NO: | P1740.11 | |
| WARD : | Gooshays | Date Received: 21st November 2011 Expiry Date: 16th January 2012 |
| ADDRESS: | Hill Farm Church Road Romford | |
| PROPOSAL: | Conversion of agricultural barn for residential use. Additional information received 23-05-2012 | |
| DRAWING NO(S): | SK3 Rev C SK1 Rev C SK2 SK4 Rev B SK5 Rev C | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report. | |

CALL-IN

No call in.

SITE DESCRIPTION

The application relates to a timber framed and weatherboarded agricultural building on Hill Farm and is located on the western side of Church Road, Noak Hill. The building is enclosed on three side with an open elevation and is arranged across 5 bays.

The site covers an area of 481.5 square metres with shared access from Church Road. The farm itself comprises the application building, a farm house, a converted building (agricultural to residential) and other out-buildings. Numerous trees are located over the farm, the surrounding locality is predominantly open Metropolitan Green Belt. Directly north-east of the site is the School House Community Centre, a red brick Victorian Dutch gabled building. Church Road is rural in character; a notable building is St. Thomas Church which is located north of the site. The site is also situated in the Havering Ridge Area Of Special Character.

DESCRIPTION OF PROPOSAL

Permission is sought for the conversion of the existing timber framed farm building to create a single residential dwelling, comprising an open plan living room and kitchen, 3 bedrooms and bathroom.

The gable end wall serving the living room would have full height glazed doors

Three further windows are located on the western elevation, these serve bedrooms and overlook the side garden. To the eastern elevation two windows and a door are provided. These serve as the main entrance, hall way window and bathroom window.

Three parking spaces would be provided north of the dwelling and would utilise the existing vehicular access from Church Road.

The proposal involves the provision of a residential curtilage, this extends 3m east from the east

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elevation and 12m south of the building to create a garden. The total proposed curtilage covers an area of 481.5 square metres.

Dimensions of the building are: 14.8m wide, 4.8m depth with a pitched roof with a maximum height above ground level of 4.8m.

RELEVANT HISTORY

- P0404.12 - Extention of time of Planning permission P0583.09
for change of use of traditional timber framed farm building to residential use and
removal of one agricultural building.
Apprv with cons 21-05-2012
- P1248.11 - Conversion of agricultural storage barns for B1 office use.
Withdrawn 26-08-2011
- P0583.09 - Change of use of traditional timber framed farm building to residential use and
removal of one agricultural building. (renewal of consent P0409.04)
Apprv with cons 08-07-2009
- P1239.06 - Single storey rear extension of existing residential barn
Apprv with cons 31-07-2006
- P0326.06 - Conversion of redundant barn to form two 2 bed residential units
Withdrawn 04-04-2006
- P1576.05 - Extension of existing residential barn.
Apprv with cons 18-10-2005
- D0038.05 - Certificate of lawfulness for new building to accommodate general agricultural
equipment (wheelbarrows etc)
PP not required 03-08-2005
- P0409.04 - Renewal of consent P0946.99, Change of use of traditional timber framed farm
building to residential and removal of one agricultural building
Apprv with cons 30-04-2004
- D0037.99 - Determination as to whether Planning Permission is required for general purpose
dutch barn
PP not required 13-03-2000
- P0263.99 - Residential conversion of existing barn
Apprv with cons 14-05-1999
- P1111.98 - Change of Use and conversion of traditional timber framed building to residential
use and removal of one agricultural building
Apprv with cons 05-01-1999
- P1442.96 - Conversion of 2 barns to 4 residential units and removal of 2 agricultural buildings
Refuse 18-04-1997

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 7 properties. No representations were received.

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A site notice was displayed advertising a development within the Metropolitan Green Belt.

RELEVANT POLICIES

LDF

CP1 - Housing Supply
CP14 - Green Belt
DC2 - Housing Mix and Density
DC32 - The Road Network
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design
DC69 - Other Areas of Special Townscape or Landscape Character

OTHER

LONDON PLAN - 3.3 - Increasing housing supply
LONDON PLAN - 3.4 - Optimising housing potential
LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 3.8 - Housing choice
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal will not be liable for CIL as it would only be a conversion and would not involve an increase in floor area.

STAFF COMMENTS

The issues for Staff to consider relate to the impact a barn conversion would have on the Metropolitan Green Belt and Havering Ridge Area Of Special Character, amenity of neighbouring residential properties, highway and parking.

PRINCIPLE OF DEVELOPMENT

The applicant has stated that the conversion of the agricultural building has arisen from its redundancy within the wider farm, due to changes in storage and farming technologies, where the conversion would diversify the use on the farm and promote the aims of the NPPF.

Section 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.:

Policy DC45 states that Planning Permission for the reuse of existing buildings will only be granted if the criteria set out in PPG2 are satisfied. Particular care will be taken to ensure that

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the proposed use (including the use of any adjoining land) does not have a greater impact on the openness of the Green Belt. Given that PPG2 has been replaced with the NPPF it would not be unreasonable to expect the reuse of existing buildings to meet the criteria set out in the NPPF.

The building is of permanent and substantial construction and would therefore be acceptable in principle in accordance with Section 90 of the NPPF.

GREEN BELT IMPLICATIONS

The existing barn has an agricultural use and although currently redundant has previously been used for storage. A proposal for a single residential unit is not considered to be a materially intensive use and would sit comfortably with that of surrounding uses i.e. the School House Community Centre, St. Thomas Church and wider Hill Farm, as it is noted that the farm itself has a commercial nature with associated activity and vehicular movements.

It is proposed to convert the existing building with no extensions. Staff consider that this would be acceptable as there would be no increase in built footprint or bulk. To ensure that the relationship with the sites surroundings remains, a condition to remove all permitted development rights is recommended.

The existing barn is a substantial timber framed building with pitched roof, enclosed on three sides with an open elevation. This building is of a permanent and solid construction, which would require building work limited to the construction of an external wall to enclose the building and make it weather tight and the insertion of windows and doors.

These are relatively minor in nature and would not significantly change the character or appearance of the building. The timber framed construction with pitched tiled roof is of a vernacular appearance, typical of the wider farm setting.

It is also proposed to create a residential curtilage which extends 3m west of the flank of the building and 12m south. This would create an L shaped garden, enclosed by a 1.8m fence. It is noted that the subdivision of the site would lend itself to a residential appearance; however, as this is located to the rear of existing buildings and not visible as part of Church Road, Staff consider that this would not significantly alter the appearance of the farm site from the highway. Within the farm itself, the dwelling would be screened by other outbuildings which lie to the north west of the building.

The proposal is for a barn conversion with relatively minor changes to the structure itself, Staff therefore do not consider the proposal to have an unacceptable impact on the openness of the Green Belt or Havering Ridge Area Of Special Character

IMPACT ON AMENITY

The application site is an existing building surrounded to the east by the School House Community Centre and to the north, west and south by nucleus of farm buildings with associated hard standing and landscaping.

Within the Hill Farm site other outbuildings have been granted residential use over the years. These are located away from the application site with separation distances of at least 36m and dividing trees and landscaping. No loss of amenity would therefore occur.

The most directly affected buildings would be the School House Community Centre. The community centre is divided from the site by a palisade fence with limited rear access, boundary

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screening provides oblique views into the site. These buildings are located approximately 5.8m apart, which Staff consider to be acceptable, especially where the dwellings main outlook would be across the gardens to the south.

There is scope to improve the existing boundary treatments within the site, and the plans indicate that a 1.8m fence would be erected around the proposed residential curtilage boundaries. This is considered acceptable and would provide a degree of privacy for future occupants. Details of such boundary treatment are requested via condition.

HIGHWAY/PARKING

The dwelling would be accessed via the existing crossover and access road from Church Road, where three parking spaces would be provided. In this location, the density matrix within Policy DC2 states that between 2-1.5 parking spaces should be provided. The proposals therefore meet the requirements of this policy and it is considered that there would be no adverse highway or parking implications.

SECTION 106

The proposal would not be liable for the £6k per unit contribution as the planing application was submitted before 1st April 2012, when the provision within the Draft Planning Obligations Supplementary Planning Document was applied for development control purposes.

KEY ISSUES/CONCLUSIONS

In conclusion, Staff consider that the proposals would be acceptable. The conversion of the building would involve limited building work which would retain its appearance as a traditional rural building and not increase its building footprint and no loss of openness in the Green Belt. To ensure that this remains, permitted development rights are recommended to be removed. Highway access and parking arrangements are acceptable and given the separation distances between buildings, it is considered that there would no loss of residential amenity or amenity of other surrounding users. Planning permission is recommended to be granted in this instance.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs

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. SC05A (Number of parking spaces) ENTER NO.

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for at least 2 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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3. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. SC11 (Landscaping)

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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 Development Control Policies Development Plan Document Policy DC61

5. SC13 (Screen fencing) ENTER DETAILS

Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 1.8 metres high shall be erected along the east, west and southern boundaries and permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

6. SC32 (Accordance with plans)

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

Reason:-

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

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7. SC45A (Removal of permitted development rights) ENTER DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent revisions Article 3, Schedule 2, Part 1, Classes A, B, C, D, E or F no extensions, roof extensions or roof alterations or hardstanding shall take place and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwelling shall take place 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 Development Control Policies Development Plan Document Policy DC61.

8. SC59 (Cycle Storage)

Prior to 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.

9. SC62 (Hours of construction)

No construction works or 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 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 Development Control Policies Development Plan Document Policy DC61.

10. Non standard condition

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

Reason:-

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

INFORMATIVES

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1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP14, DC2, DC32, Dc33, DC35, DC45, DC61, and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.13, 6.9, 7.16 and 8.3 of the London Plan and Section 9 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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| | | |
|-------------------------|--|--|
| APPLICATION NO: | P0272.12 | |
| WARD : | Squirrels Heath | Date Received: 29th March 2012 Expiry Date: 24th May 2012 |
| ADDRESS: | Land adjacent Hare Lodge 487 Upper Brentwood Road Gidea Park Romford | |
| PROPOSAL: | Construction of a detached 2 storey dwelling. Revised plans and Design & Access Statement received 03-08- | |
| DRAWING NO(S): | DP/1566D/DN/10A DP/1566D/DN/11A DP/1566D/DN/12A DP/1566D/DN/13A | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report. | |

CALL-IN

The application was called in by Cllr Lynden Thorpe. Cllr Thorpe has expressed concerns regarding the potential impact to neighbours, over-development of the site and garden grabbing.

SITE DESCRIPTION

The application site comprises 450m² and consists of part of the front and side garden of Hare Lodge, an existing 2-storey detached early 20th century dwellinghouse. The house has a white wash finish, bay windows, a prominent front gable end and a tiled roof. It occupies a large spacious setting, set back from the main road and property boundaries.

Hare Lodge is set deep into the site, with a driveway and parking area to the front and amenity space behind. There are two preserved trees on site, subject of Tree Preservation Order 22/74. There are a number of other trees within the site, mainly to the frontage, which are not subject to the TPO.

Levels within the site are generally even, although outside of the site the land rises to the south over the nearby railway line to the south.

The site is situated within the Gidea Park Special Character Area. To the south is a terrace of three 2-storey dwellings converted to flats. To the north is Brent Court, a 1960's 3-storey flat roofed development of flats. 2-storey, semi-detached dwellings lie to the rear of the site in Compton Avenue.

DESCRIPTION OF PROPOSAL

Application is made for full planning permission for the construction of a 2-storey, three bedroom detached dwellinghouse on the southern part of the garden of Hare Lodge.

The dwelling would be two storeys measuring approximately 8.3m in width and 10.2m in depth at its deepest point. It would have a flat roof which measures 6.75m in height. The dwelling would centrally located in the site and will be set 4.65m off the closest boundary.

On ground floor level would be a cloak room, kitchen, dining room, living room and a

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conservatory. On the first floor would be 3 no. bedrooms, a bathroom and an en-suite bathroom.

A new vehicular / pedestrian access would be taken off the existing access drive to Hare Lodge. Two parking spaces would be provided on the south side of the proposed dwelling.

The dwelling would have an east-west orientation with garden spaces towards the rear (west), measuring approximately 112m².

RELEVANT HISTORY

On 15 June 2007, planning permission Ref. P0606.07 was refused for the demolition of Hare Lodge followed by redevelopment to provide 8 No. flats and 4 No. houses. The Refusal Reasons were:

- The proposal by reason of the scale, bulk and design of the proposed buildings, their position close to the boundaries of the site and lack of amenity space would result in a cramped, over-development of the site which is materially harmful to and out of character with surrounding development and the Gidea Park Special Character Area to the detriment of amenity
- The proposal, by reason of the lack of residential amenity space would result in a cramped development, out of character with its surroundings as well as providing inadequate amenity space for future occupiers of the development to the detriment of residential amenity.
- The proposal, by reason of the scale and bulk of the development and its relationship with neighbouring residential dwellings would be overbearing and intrusive and would result in material loss of privacy and amenity to occupiers of neighbouring dwellings, as well as resulting in poor living conditions for future occupiers of the proposed development as a result of the proximity of the two blocks within the site to each other, to the detriment of residential amenity.
- The proposal makes inadequate provision for car parking within the site, which would be likely to lead to an increase in indiscriminate on street parking in the vicinity of the application site to the detriment of highway safety.
- The proposal fails to make provision for the protection or retention of preserved trees within the site, which would be likely to be detrimental to amenity, contrary to the provisions of Policy ENV5 and Supplementary Planning Guidance to Policy ENV5 of the Havering Unitary Development Plan, as well as Policy DC60 of the Core Strategy and Development Control Policies Submission Development Plan Document.
- The proposal fails to make adequate provision for sustainability or for the use of renewable energy within the development.
- The proposal fails to make provision for a contribution towards increased demand for educational facilities arising from this development.

3.2 On 27 February 2008, planning permission Ref. P2418.07 was refused for the demolition of Hare Lodge followed by redevelopment by a new building to provide 11 flats. The Refusal Reasons were:

- The proposal by reason of the scale, bulk and design of the proposed building, its position close to the boundaries of the site and lack of amenity space would result in a cramped, over-development of the site materially harmful to and out of character with surrounding development,

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the Gidea Park Special Character Area.

- The proposal, by reason of the lack of residential amenity space would result in a cramped development, out of character with its surroundings as well as providing inadequate amenity space for future occupiers of the development to the detriment of residential amenity.
- The proposal, by reason of the scale and bulk of the development and its relationship with neighbouring residential dwellings would be overbearing and intrusive and would result in material loss of privacy and amenity to occupiers of neighbouring dwellings.
- The proposal makes inadequate provision for car parking within the site, which would be likely to lead to an increase in indiscriminate on street parking in the vicinity of the application site to the detriment of highway safety.
- The proposal fails to make provision for a contribution towards increased demand for educational facilities arising from this development.

P2418.07 - Demolish existing house and construct new building of 11 no. flats
Refuse 27-02-2008

P0606.07 - Demolition of existing house to form 8 No. flats and 4 No. houses
Refuse 15-06-2007

CONSULTATIONS/REPRESENTATIONS

Notification letters have been sent to 23 neighbouring addresses and 6 letters of objection were received raising the following concern:

- application is at odds with the Mayor of London's requirement of the retention of green space and need for tree planting,
- closeness of the development in combination with the potential loss of trees and proposed balcony would result in overlooking,
- proposed amenity space out of keeping with that of the surrounding area,
- development neither enhances nor maintains the character of the Gidea Park Special Character Area,
- additional house within the Hare Lodge site would do irreparable harm to the status of the site,
- proposal would be "inappropriate development of gardens" and therefore unacceptable,
- proposal is too close to neighbouring boundaries,
- closeness to boundary and lack of amenity space would cause cramped over-development of site,
- no genuine evidence to support that the type and size of the house is in sympathy with surrounding area,
- development will be overbearing and intrusive,
- inadequate provision for parking,
- no intention to use sustainable or renewable energy,

The Gidea Park and District Civic Society objects to the proposal as it would create a very cramped positioning of buildings close to the rear gardens and to the rear of elevations of houses in Cranbrook Drive. Additionally concerns are raised regarding the design of the building which claims to relate to a Grade II listed building some 1.5 miles away. The proposal bears no resemblance to Hare Lodge. Concerns are also raised regarding the proposed balcony at the rear and the potential for overlooking.

The Council's Environmental Health Service requested the part 2A condition to be added as the

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Desktop Study indicated that there are potential pollutant linkages present on the site.

The Highway Authority has raised no objection to the proposal however requested conditions and informatives in the event of an approval.

The Crime Prevention Design Officer requested a Community Safety Informative to be added in the event of an approval.

Thames Water raised no objection however advises that the developer should contact Thames Water should it be proposed to discharge surface water to a public sewer and the Essex, and Suffolk Water Company with regard to water supply.

The London Fire and Emergency Planning Authority is not satisfied with the proposal as access for Fire Brigade vehicles does not comply with Section 1 of ADB volume 1. The provision of a domestic sprinkler as an alternative has been suggested.

The Heritage Officer did not raise any concerns regarding the proposed design.

It should be noted that revised plans were received which reduced the overall width of the proposed dwelling by 1m and removed the proposed balcony to the rear elevation. The Crime Prevention Design Officer requested a Community Safety Informative to be added in the event of an approval.

The London Fire and Emergency Planning Authority is not satisfied with the proposal as access for Fire Brigade vehicles does not comply with Section 1 of ADB volume 1. The provision of a domestic sprinkler as an alternative has been suggested.

The Heritage Officer did not raise any concerns regarding the proposed design but did have some reservations regarding the footprint of the building and the fact that it matches that of Hare Lodge and may diminish the open verdant character of the site.

RELEVANT POLICIES

LDF

- CP1 - Housing Supply
- CP17 - Design
- DC3 - Housing Design and Layout
- DC33 - Car Parking
- DC61 - Urban Design
- DC63 - Delivering Safer Places
- DC68 - Conservation Areas
- DC72 - Planning Obligations
- SPD11 - Draft Planning Obligation SPD
- SPD2 - Heritage SPD
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.4 - Optimising housing potential
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 3.8 - Housing choice
- LONDON PLAN - 6.13 - Parking

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OTHER

LONDON PLAN - 7.1 - Building London's neighbourhoods and communities
LONDON PLAN - 7.2 - An inclusive environment
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.5 - Public realm
LONDON PLAN - 7.6 - Architecture
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 127.7m² and amount to £2554.

STAFF COMMENTS

The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

PRINCIPLE OF DEVELOPMENT

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. 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.

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. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 96m² for a 3-bed 5-person dwelling. The proposal has an internal floor space of 127.7m² which is in line with the recommended guidance

CONSERVATION AREA

Policy CP18 - Heritage, within the Local Development Framework for Havering states:

"All new development affecting sites, buildings, townscapes and landscapes of special architectural, historical or archaeological importance must preserve or enhance their character and appearance"

and DC69, which refers to the Gidea Park Special Character Area, for which this property is within, and states:

"The Gidea Park Special Character Area has been designated because of the quality of its urban design and architectural detailing and also its locally important heritage and historical associations"

The proposal is for a two storey dwelling adjacent to the existing Hare Lodge, a two storey detached Arts and Crafts style property with a large and verdant garden.

Staff has no objection in principle to the creation of a modernist style property on the site; whilst the Gidea Park special character area is predominately characterised by post-war housing which

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makes reference to the arts and crafts style in its form and architectural detailing, the area also has a history of providing modernist architecture as a result of the 1934 Gidea Park Exhibition. The proposed building is modernist in its form and styling, and can be considered to make reference to the internal modernism or Bauhaus style demonstrated in properties on Heath Drive, Brook Road and Eastern Avenue.

The applicant has also reduced the footprint of the building to be more in keeping with that of Hare Lodge. This together with the lower height would make the proposed dwelling subordinate to Hare Lodge.

In conclusion Staff do not consider the proposed dwelling to have a harmful impact on the Gidea Park special character area.

DENSITY/SITE LAYOUT

The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

Amenity space would mainly be provided towards the rear (west) of the dwelling. The amenity space in this instance would measure approximately 112m². The site currently has screen fencing around its boundaries however, appropriate fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be more than sufficient for the proposed dwelling. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front and with a generous amenity area towards the rear, and therefore is not considered to appear as an over-development of the site. A separation distance of 2.45m would remain between the proposed dwelling and Hare Lodge and 10.65m to the dwelling situated to the southeast. To the rear it would retain a separation distance of approximately 27m to the nearest properties to the rear at No. 27 and 30 Cranbrook Drive. The proposal would therefore maintain a sufficient spacing between buildings and is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

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The proposed dwelling would be set back approximately 30m from Upper Brentwood Road with the front building line matching that of Hare Lodge. The proposal would also be well set back from the adjacent flats at Brent Court and the end of terrace dwelling at 485 Upper Brentwood Road. The proposal is therefore not considered to be prominent in the streetscene.

The proposed dwelling would match Hare Lodge in width and would be subservient in overall height. Staff consider the proposal to be in keeping with the surrounding buildings and it is not considered to have a harmful impact on the surrounding area.

IMPACT ON AMENITY

Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

The proposed dwelling is situated approximately 2.45m from Hare Lodge. Staff do not consider the proposal to have an unacceptable impact on Hare Lodge as it would match its footprint and would have similar front and rear building lines.

The proposal is situated further back into the site than the end of terraced dwelling, No. 485 Upper Brentwood Road, situated to the south of the application site. Staff do not consider the windows proposed to the front elevation to result in an unacceptable impact in terms of overlooking the windows to the rear of this property as it would be at an oblique angle at a distance of approximately 14m. The windows to the flank could have an impact in terms of overlooking the rear garden of this neighbour; however this would be mitigated by an obscure glazed window condition. It should also be noted that there is dense vegetation currently situated on the southern boundary which limits any views to No. 485 Upper Brentwood Road.

Neighbours have raised concerns regarding the close proximity of the proposal to the neighbouring gardens at the rear of the development. The closest rear garden boundary would be set at approximately 7.5m with a distance of approximately 27m between the proposed dwelling and these neighbouring dwellings to the west. Staff do recognise the close proximity to the rear boundary however do not consider that the impact on amenity as a result of overlooking would be to such a degree as to justify a refusal. Any overlooking would be limited to the furthest part of the rear gardens of 27 and 30 Cranbrook Drive next to the common boundary. The most private area of the rear gardens closer to the dwellings would remain a sufficient distance away to mitigate harmful overlooking as well as inter-looking between window in the rear elevation of the proposed dwelling and the properties to the west.

Staff do recognise that the potential impact on neighbours is a matter of judgement and that Members may have concerns with the potential impact on neighbouring amenity, however Staff do not consider the potential impact to be unacceptable in this instance.

In terms of general noise and disturbance, it is not considered that the addition of 1 x No. family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.

It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed dwelling development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed

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in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

HIGHWAY/PARKING

The development would provide a total of 2 No. parking spaces to the southern side of the dwelling. In terms of the number of spaces proposed, the provision of 2 off-street parking spaces would be in keeping with the requirements for a 3-bed detached dwelling and no issues are raised in this respect. Also no highway concerns are raised.

A condition would be added to provide storage for 2 No. cycle spaces in order to comply with the Council's standards.

OTHER ISSUES

With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. A condition would be added to require details of the refuse arrangements prior to the commencement of the development.

SECTION 106

In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 to be used towards infrastructure costs arising from any new development is required. This should be secured through a S106 Agreement. The proposal would not be liable for this contribution as the planning application was submitted before 1st April 2012, when the provision within the Draft Planning Obligations Supplementary Planning Document was applied for development control purposes.

KEY ISSUES/CONCLUSIONS

Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or the Gidea Park Conservation Area neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbours rear gardens. Amenity space provision is considered sufficient. It is considered that the proposal would not have any material harmful impact on neighbouring amenity, however this is a matter of judgement and Member may attach different weight to the potential impact on neighbours. Overall, Staff consider the development to comply with the objectives and provisions of policies CP1, CP17, DC3, DC33, DC61, DC63, DC68 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 8.3 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF). Approval is recommended accordingly.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

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1. SC4 (Time limit) 3yrs

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. SC05A (Number of parking spaces) ENTER NO.

Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

3. SC09 (Materials) (Pre Commencement Condition)

Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

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

4. SC11 (Landscaping) (Pre Commencement Condition)

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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 Development Control Policies Development Plan Document Policy DC61

5. SC13 (Screen fencing) ENTER DETAILS

Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved

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6. SC32 (Accordance with plans)

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

Reason:-

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

7. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed wraparound first floor window situated in both the southern and eastern elevation shall have the part located in the southern elevation permanently glazed with obscure glass to the satisfaction of the Local Planning Authority. This window should also be fixed shut except for any part situated above 1.7m from finished floor level.

Reason:-

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

8. SC45A (Removal of permitted development rights) ENTER DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) Order 1995 (the 1995 Order), no extensions, roof extensions, roof alterations or outbuildings shall take place 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 Development Control Policies Development Plan Document Policy DC61.

9. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development

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10. SC58 (Storage of refuse)

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

11. SC59 (Cycle Storage)

Prior to 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.

12. SC62 (Hours of construction)

No construction works or 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 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 Development Control Policies Development Plan Document Policy DC61.

13. SC63 (Construction Methodology) (Pre Commencement)

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 Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;

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14. SC65 (Contaminated land condition No. 2) (Pre Commencement)

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 II (Site Investigation) Report as the Phase I Report which had already been submitted 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.

b) 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.

c) 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

d) 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.

15. Non Standard Condition 1 (Pre Commencement Condition)

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

Reason:

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17

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and DC61.

16. Non Standard Condition 31

Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to the dwelling. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC61, DC63, DC68 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 8.3 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2 Thames Water informative

With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

3 Highways Informatives

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

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

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The developer, their representatives and contractors are advised that planning permission 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.

4 Non Standard Informative 1

In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practises of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Police Crime Prevention Design Advisor through Havering Development and Building Control or Romford Police. He is able to provide qualified designing against crime advice, taking account of local conditions and risks. You are strongly advised to contact him at the earliest opportunity.

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| | | |
|-------------------------|--|---|
| APPLICATION NO: | P0843.12 | |
| WARD : | Elm Park | Date Received: 23rd August 2012 Expiry Date: 18th October 2012 |
| ADDRESS: | Maylands Medical Centre Upper Rainham Road Hornchurch | |
| PROPOSAL: | Extension to existing medical centre and complimentary dispensing pharmacy | |
| DRAWING NO(S): | P92/10, P92/11, P92/12/Rev A, P92/13, P92/14, P92/15/Rev B, P92/16 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report. | |

SITE DESCRIPTION

The application site comprises a medical centre and associated car parking and landscaped area located on the west side of Upper Rainham Road. The site is located in the Metropolitan Green Belt. To the north, south and west is the Eastbrookend Country Park. To the east lies the Elm Park Bowls Club. The site is bounded by hedging to the north, south and west. The Beam River runs to the west and north of the site.

The medical centre is a red brick, part two storey, part single storey building with a footprint in the shape of a cross and with a ground floor area of approximately 750 square metres and a first floor area of approximately 185 square metres. There are 59 car parking spaces on the site. Vehicular access is from Upper Rainham Road.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the construction of a single storey side extension and single storey front extensions. The application also seeks permission for the change of use of part of the extended building from D1 to A1 to allow a pharmacy to operate on the site.

The proposal comprises the following distinct components:

1. The single storey side extension will extend the north of the building, which has a stepped building line. The extension would measure between 8.4m and 11.25m wide and 12.75m deep by 2.5m high to the eaves. The roof would be a crown roof, with a ridge height of 4m. The extension would comprise three consulting rooms, a health visitor's room and a multi-purpose room.
2. The existing gabled front projection would be extended to the north, adding floor space measuring 3.73m deep by 4.75m wide. The gable would be extended over the new floor space, raising its height to 7.15m. The additional floor space would form part of the pharmacy
3. To the south of the front projection a further front extension would be added measuring 4.7m deep by 4.15m wide by 2.64m high to the eaves. The roof would be a crown roof and would measure 4.05m high to the ridge. The new floorspace would also form part of the pharmacy.
4. The change of use of 100 square metres of the extended floor space to act as a pharmacy (A1). The pharmacy would serve the medical centre, but would also be open to the public and

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would have opening hours of 8am to 10.30pm Monday to Sunday, which is longer than the medical centre which opens 8am to 8pm Monday to Friday, 8am-9.30am on Saturdays and does not open on Sundays.

5. Four new parking spaces will be added to the car parking area, two on land which is currently hardsurfaced and two on land which is currently landscaped.

RELEVANT HISTORY

P1100.95 - Use of land for Doctor's surgery, development to include dispensing outline - Approved

P0841.96 - Doctors surgery development to include dispensing - approval of reserved matters pursuant to Outline Approval reference P1100.95 - Approved

P0484.97 - Alteration of Condition 5 of Permissions P1100.95 and P0841.96: Pharmacy to Dental - Approved

P0044.03 - Ground and first floor side extension and enlargement of existing car park - Approved, not implemented

P2231.03 - Single storey side extension, installation of new lift shaft and enlargement of existing car park (amendments to P0044.03) - Approved, not implemented

CONSULTATIONS/REPRESENTATIONS

Eight neighbours were notified regarding the application; no responses were received.

A letter of support was received from the Hornchurch Residents Association. The letter made the following points:

- The application will allow the provision of much needed additional medical facilities
- There are no nearby dwelling houses which would be disturbed by the proposal
- The existing centre has been in situ for some time, and has caused no problems to local residents

The Highway Authority was consulted and has no objections to the proposals. They state that the parking provision meets the standards for a development of this type.

Environmental Health have requested the imposition of a planning condition relating to landfill gas, should planning permission be granted for the application.

The Environment Agency was consulted and has no objections to the proposal, providing that a condition is added requiring that the development be carried out in accordance with the mitigation measures outlined in the submitted Flood Risk Assessment.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document.
DC15, DC26, DC33, DC45 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.
National Planning Policy Framework

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MAYORAL CIL IMPLICATIONS

As the additional floorspace will be used for healthcare, the proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL).

STAFF COMMENTS

The main issues regarding this application are the principle of the development, implications for the Green Belt, the impact on the streetscene, the impact on neighbouring amenity and parking and highways implications.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt. This does not preclude extensions to properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. The Council's policy DC45 does not address the appropriateness or otherwise of extensions to existing non-residential buildings, however, the National Planning Policy Framework states that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the existing building would not constitute inappropriate development in the Green Belt.

The proposed change of use for part of the extended building from D1 to A1 (retail) will allow a pharmacy to open on the site. This is clearly a complementary use to the existing medical centre, but the proposed opening hours demonstrate that it would not be wholly ancillary to the medical centre and therefore a change of use is required. Policy DC15 states that planning permission will only be granted to new retail development outside the Primary Shopping Centres where it is ancillary to the use of an existing development. Staff note that the original planning permissions for the medical centre, P1100.95 and P0841.96 included a pharmacy. However, a condition was added to P0841.96 that restricted sales to the dispensing of pharmaceutical and other ancillary products and stated that the pharmacy should be solely ancillary to the surgery.

In support of the application, the applicant has presented evidence from a number of Department of Health reports, including the Wanless Report (2002) and Pharmacy in England Building on Strengths Delivering the Future (2008). Both of these reports encourage the promotion of co-located medical centres and pharmacies and extending the role of pharmacies.

After considering the above, staff consider that the proposed change of use would be acceptable in principle, providing that sales are again limited by condition to pharmaceutical and other ancillary products. Whether the change of use is acceptable in planning terms also depends on impact on neighbouring amenity and parking/highways issues.

GREEN BELT IMPLICATIONS

The proposed extensions would add between 20 -25% cubic capacity to the existing building. The NPPF states that extensions to existing buildings which are proportionate would not constitute inappropriate development in the Green Belt. The Council's LDF Policy DC45, interprets this to allow a 50% increase in cubic capacity, albeit in relation to extensions and alterations to existing dwellings. The proposed extensions are well below this limit, and staff therefore conclude that the extensions do not constitute inappropriate development in the Green Belt.

The site is currently extensively hardsurfaced, given the vehicular and pedestrian accesses and the car parking area. The site is also well bounded by hedging to the rear and sides. Staff consider that the proportionate extensions and the addition of the hard surfacing for two parking spaces would not have a significant impact on the openness of the Green Belt.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed extensions have been designed to relate well to the existing building, and are considered to be proportionate. Staff consider that the extensions would have an acceptable impact on the streetscene.

IMPACT ON AMENITY

Staff note that the nearest neighbouring property is located over 100m away from the medical centre. Therefore, it is considered that the extensions would have no impact upon the amenity of residential properties.

When considering applications for changes of use, the likelihood of additional noise and disturbance relating from the use should be considered. Staff note that the opening hours of the pharmacy would be significantly greater than that of the medical centre and therefore there is likely to be an increase in activity on the site during the additional opening hours. However, given the limited nature of the retail use and the separation distance of the pharmacy to the nearest residential dwelling, staff consider that the increased activity would not result in an unacceptable loss of amenity through increased noise and disturbance as a result of the change of use.

HIGHWAY/PARKING

The Highway Authority considers that the addition of the 4 parking spaces is sufficient to meet the parking standards for the extension to the medical centre and the addition of a dispensing pharmacy. Access to the site would be unchanged. Staff therefore consider that the proposal would not raise any Highways or parking issues.

KEY ISSUES/CONCLUSIONS

It is considered that the proposed extensions would not constitute inappropriate development in the Green Belt, and would not significantly impact on the openness of the Green Belt. The design is considered to be acceptable, as is the impact of the proposal on the streetscene. The proposed extensions and addition of a pharmacy would have no impact upon the amenity of neighbouring properties and would raise no highways or parking issues.

The proposal is therefore considered to be in accordance with the aims and objectives of Policies DC15, DC26, DC33, DC45 and DC61 of the LDF and the Residential Extensions and Alterations SPD. Approval is recommended accordingly.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC04 (Time limit) 3yrs

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. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing

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3. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, use of the pharmacy hereby permitted shall be restricted to the dispensing/sale of pharmaceutical and other ancillary products only and shall be used for no other purpose(s) whatsoever including any other use in Class A1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. SC27 (Hours of use) ENTER DETAILS

The pharmacy hereby permitted shall not be open other than between the hours of 8AM and 10.30PM on Mondays to Sundays and not at all on Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. SC32 (Accordance with plans)

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

Reason:-

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

6. SC60 (Contaminated land condition No. 1) (Pre Commencement)

The development is situated on or within 250 metres of a current or historic landfill site or gravel pit and the following planning condition relating to landfill gas is required for this development proposal

Prior to the commencement of any groundworks or development of the site;

a) A site investigation shall be undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development commencing

b) If during development works any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately

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7. Non Standard Condition 31

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2012, reference number UK14-18000 (Issue 1 Final) compiled by ENVIRON and the following mitigation measures detailed within the FRA:

- Finished floor levels within the extension are set at the same level to match existing finished floor levels (section 3.3.1, page 8).
- Site operators sign up to the Flood Warnings Direct Service (section 3.3.2, page 8).
- Flood Warning and Evacuation Plan is produced levels (section 3.3.2, page 8).
- The proposed extension will be constructed using flood resilient design to a minimum of 1.0m above finished floor level (section 3.3.3, page 8).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

To ensure safe access and egress from and to the site and to reduce the impact of flooding to the proposed development and future occupants.

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC15, DC26, DC33, DC45 & DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2 Highways Informatives

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

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| | | |
|-------------------------|---|---|
| APPLICATION NO: | P1052.12 | |
| WARD : | Pettits | Date Received: 28th August 2012 Expiry Date: 23rd October 2012 |
| ADDRESS: | 32 Pettits Close Romford | |
| PROPOSAL: | Two storey side and rear extension with new front entrance and window with canopy over to front elevation. Revised Plans Received 05.10.2012 | |
| DRAWING NO(S): | PJ/12/01, PJ/12/03, Location Plan PJ/12/02 Rev A | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report. | |

CALL-IN

The application has been called in by Councillor Michael Armstrong on the basis that the proposal is overbearing on the properties at the back of the property.

SITE DESCRIPTION

The subject dwelling is a two-storey, semi-detached dwelling with a facing brick appearance and a tiled roof. The dwelling has an existing single garage in the rear garden and three further parking spaces on a hardstanding to the front and side of the property. The flank southern boundary slants away from the property as it runs backwards from the street.

The dwelling is located at the end of a cul-de-sac. The dwelling is set approximately 0.5m higher than the attached neighbour. Surrounding dwellings are predominantly two storey semi-detached properties.

DESCRIPTION OF PROPOSAL

The proposal comprises the demolition of the garage and the construction of two storey side and rear extensions.

The two storey side extension would step out at ground floor level, to take into account the slant of the flank boundary. It would measure 2.84m wide at the front and 3.3m wide at the rear, by 8.6m deep. At first floor level the extension would have a consistent flank building line and would measure 2.84m wide by 7.6m deep, being set back from the front building line by 1m. The roof would be hipped, with an eaves height of 5.45m and a ridge height of 7.7m. The extension would comprise a single garage and utility room at ground floor level and a bedroom and en-suite bathroom at first floor level.

The rear extension would partially sit behind the side extension, and partially behind the original dwelling, being set off the boundary with the attached neighbour by 3m. The extension would measure 3m deep at first floor level and 3.45m deep at ground floor level, by 5.65m wide by 5.45m high to the eaves. The roof would be set at 90 degrees to the main roof and finished with a hipped end, with a ridge height of 7.15m. The extension would comprise a fourth bedroom and a kitchen.

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A 0.6m deep, 2.4m high canopy with a pitched roof would be erected over the garage and front doors.

RELEVANT HISTORY

No relevant history

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were notified of the application; objections have been received from 3 neighbouring occupiers. The concerns raised were as follows:

1. The double storey rear extension, by way of its excessive depth and height would be intrusive, oppressive and unneighbourly, giving rise to an unacceptable sense of enclosure to the rear garden of no. 179 Parkside Avenue.
2. The scale of the proposal would have a detrimental impact on the visual amenity of the rear garden environment
3. The applicant runs a commercial business from the property
4. During construction, delivery and construction vehicles would damage the Close and cause traffic, parking and noise problems.
5. The dimensions of the proposed extensions would be in contrast to other properties in the Close
6. The proposed extension will reduce parking at the subject site, resulting in parking problems in the Close.
7. The extensions are over large and would be overbearing
8. The rear extension would result in an unacceptable loss of sunlight to No. 30.
9. Construction could result in drainage problems that would affect neighbouring properties

In reference to point 3, this allegation has been investigated by the enforcement team, and, based on the evidence and information available, it appears that no material change of use has taken place.

Staff note that points 4 and 9 are not valid planning considerations. The remaining issues raised in these responses will be considered in the Design and Amenity sections below.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document.
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.

MAYORAL CIL IMPLICATIONS

CIL Liable: No

STAFF COMMENTS

The issues that need to be considered when determining the application are the design and impact on the street and garden scene; the impact upon the amenity of neighbouring residents and the impact upon parking and highways.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed two storey side extension has been designed as suggested in the SPD, with a 1m set back at first floor level, thus ensuring a lower roof line. This design feature, along with the

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modest width of the extension in comparison to the subject dwelling means that the side extension would be subservient to the subject dwelling. This would prevent the extension dominating the streetscene or unbalancing the pair of semi-detached properties. Staff therefore consider the proposed side extension would have an acceptable impact on the streetscene.

The proposed two storey rear extension also complies with the policies in the SPD. The first floor element has been restricted to 3m in depth and the ground floor element restricted to less than 4m in depth. The roof would be set at 90 degrees to the main roof and finished with a hipped end. The width of the extension is also considered to be proportionate to the main dwelling and staff consider it would not appear overly bulky or dominant within the rear garden environment.

IMPACT ON AMENITY

The proposed development would have a certain amount of impact on two neighbours, the attached neighbour at No. 30 Pettits Close and No. 179 Parkside Avenue, which is situated at a 90 degree angle to the subject site.

The side extension would not be visible to the attached neighbour at No. 30, but the proposed rear extension would project beyond the rear building line of No. 30. The extension would be located to the south of No. 30 and therefore would result in some loss of light. However, the rear building line of No. 30 currently projects approximately 1.2m beyond the rear building line of the subject dwelling, therefore the proposed rear extension would only project beyond the rear building line of No. 30 by 1.8m. As the proposed rear extension would be set 3m away from the boundary with No. 30, the extension would not break an angle of 30 degrees taken from the corner of No. 30. Despite the orientation, this shallow angle leads staff to consider that the impact of the proposal on No. 30 would be within acceptable limits.

No. 179 is located at a 90 degree angle to the subject dwelling, so the proposed rear extension would be located just beyond the rear boundary of this property. As a result of a previous extension to No. 179, the rear garden of No. 179 is approximately 12.5m deep. Staff consider that, to a certain extent, the extension would create a sense of enclosure and would appear overbearing to the occupiers of No. 179. However, the extension would be set off the slanting boundary by a distance of 0.25m at the front, increasing to 1.15m at the rear, and the relationship between the proposed extension and No. 179 is not uncommon within the area. Separation distances of 12m are considered to offer sufficient protection against two storey properties appearing unacceptably overbearing, particularly where the roof is hipped away from neighbouring properties, as is the case with this proposal. The extension would be located to the north west of No. 179, so there would be little loss of direct sunlight. After careful consideration of the above points, and given the presumption in favour of development, it is considered that the impact of the proposal on No. 179 would be within acceptable limits.

HIGHWAY/PARKING

The property currently has four parking spaces for a three bedroom house. The proposal would result in three parking spaces being available for a four bedroom house. Council policy requires two spaces for a four bedroom dwelling, so the parking provision is considered to be more than sufficient.

KEY ISSUES/CONCLUSIONS

The design of the proposed development is considered to be acceptable, and the development would have an acceptable impact on the streetscene and rear garden scene. The development

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would impact on the amenity of neighbouring properties, but this impact would be within acceptable limits, as defined within the SPD. There would be no highways or parking issues.

The proposal is therefore considered to be in accordance with the aims and objectives of the Residential Extensions and Alterations SPD and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs

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. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed flank window to the ensuite shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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5. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1 Reason for Approval

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 October 2012

Subject Heading:

**P0778.12 – Garage court to the rear of
411- 419 South End Road, Romford**

**Outline permission for the demolition
of 15 garages and erection of 5 no.
houses.**

(Application received 20th July 2012)

Report Author and contact details:

**Helen Oakerbee, 01708 432800
helen.oakerbee@havering.gov.uk**

Policy context:

Local Development Framework

Financial summary:

None

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

| | |
|--|-----|
| Ensuring a clean, safe and green borough | [X] |
| Championing education and learning for all | [] |
| Providing economic, social and cultural activity in thriving towns and villages | [X] |
| Value and enhance the life of our residents | [X] |
| Delivering high customer satisfaction and a stable council tax | [] |

SUMMARY

This application relates to a Council owned garage court. The application proposes the demolition of 15 garages and the erection of 5 x No. two storey

dwellings. The application is submitted in outline form with all matters such as access, appearance, layout and scale to be submitted at a later stage as a reserved matter submission. Staff consider the outline proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement.

RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The exact amount liable for would be calculated at reserved matters stage.

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:

- A financial contribution of £30,000 to be used towards infrastructure costs.
- 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 Legal Agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a Legal Agreement prior to completion of the Agreement irrespective of whether the Agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to the 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:

1) Approval of Details: The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the layout, scale and appearance of the buildings, the means of access thereto, and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

Reason:

The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

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

Reason:-

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

3) Time limit for commencement: The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason:-

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

4) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 x No. off-street car parking spaces for use by each plot (as shown on plan 1102-104 Revision C approved by the Council) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

5) Materials: Unless full details are provided in relation to submission of details of appearance, before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:

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

6) Landscaping: 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 Development Control Policies Development Plan Document Policy DC61

7) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

8) Obscure glazed windows: Notwithstanding the details shown on the approved plans, any proposed flank windows at first floor shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

9) Cycle storage: Prior to 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.

10) 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 Development Control Policies Development Plan Document Policy DC61.

11) Construction Methodology Statement: 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 Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason:

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

12) Highways Licence Agreement: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason:

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

13) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

14) 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

15) Ground 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 (the Phase I Report having already been submitted to the Local Planning Authority);

- a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted 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.
- b) 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.

- c) 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

- d) 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.

16) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) no extensions, roof extensions, roof alterations or outbuildings shall take place 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 Development Control Policies Development Plan Document Policy DC61.

17) Screen Fencing: Unless full details are provided in relation to the submission of details of landscaping, prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

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

Reason:

To prevent noise nuisance to adjoining properties.

19) Archaeological Investigation: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason:-

Important archaeological remains may exist on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance in the NPPF, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

20) Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. 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.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 4. The developer, their representatives and contractors are advised that planning permission 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.
 5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
 6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 7. In aiming to satisfy Condition 13 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
 8. The development of this site is likely to damage archaeological remains. The applicant should, therefore, submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage Guidelines.

REPORT DETAIL

1. Site Description

- 1.1 The application site, which is owned by the London Borough of Havering, is located at the northern end of Elm Park, adjacent to properties in Coronation Drive and South end Road. It has an irregular shape, sandwiched between existing residential development and a large electricity substation. The site area totals 1540m².
- 1.2 The site contains two rows of single storey lock-up garages and tarmac surface, with the brick walled substation situated to the west. Two doors from the south walls of the substation open onto the park. It is assumed access to these must be maintained.
- 1.3. There is a shared pedestrian and vehicle access road from South End Road along the north edge of the site, which provides vehicle access to the substation through the site, also to be maintained. The north and east edges of the site are defined by fences and back gardens.
- 1.4 The park to the south is flat, with a grass surface and is not separated from the site by any physical boundary line.
- 1.5. There are existing trees in the rear gardens of adjacent properties as well as several small trees on the site itself.

2. Description of Proposal

- 2.1 The application seeks outline permission for the demolition of 15 garages and the erection of 5 x No. two-storey dwellings with associated parking and amenity. The application is submitted in outline form with all matters such as access, appearance, layout and scale to be submitted at a later stage as a reserved matter submission.
- 2.2 Illustrative drawings indicate that the dwellings would form a terrace and would individually measure 5m in width and 9m in depth, to give 80m² of gross internal area.
- 2.3 The dwelling would have a northwest-southeast orientation with garden spaces towards the rear (southwest), measuring approximately 60m² individually
- 2.4 The proposal would retain the existing access to the site measuring approximately 4.5m in width with a 1.8m wide pavement in front of houses and standard turning head at west end near the sub-station. This also allows access to be maintained to the sub-station. There are 10 No. new car parking spaces provided between the access road and housing, to achieve 2 No. per new house.

3. Relevant History

3.1 No relevant history.

4. Consultations/Representations

4.1 Notification letters were sent to 48 neighbouring properties and no letters of objection were received.

4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.

4.3 The Highway Authority has no objection to the proposals.

4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.

4.5 English Heritage requested a condition securing the implementation of a programme of archaeological works as there may be significant archaeology remains on site.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The only issues to be considered in this case is the principle of development, all other matters are reserved.

6.2 Principle of Development

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. 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.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The proposal indicates an internal floor space of 80sq.m per dwelling. This would be slightly in excess of the recommended guidance for a 2-bed-4person dwelling.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.3 Impact on Local Character and Street Scene
- 6.3.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.3.2 This outline application gives an indication of the where the dwellings would be situated on site in relation to the streetscene and neighbouring dwellings. Staff consider that a satisfactorily relationship and design can be achieved which would fit into the existing streetscene, subject to details in the reserved matters application.
- 6.4 Impact on Amenity
- 6.4.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.4.2 Given the size of the plots, Staff consider there to be sufficient space to position the dwellings in such a way that they would not have an unacceptable impact in terms of neighbouring amenity. The proposal can therefore achieve a satisfactorily relationship to neighbouring properties in

terms of impact on amenity, subject to details in the reserved matters application.

6.5 Highways / Parking Issues

6.5.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. There is sufficient space to the front of the proposed dwellings to provide the required amount of parking spaces, subject to details in the reserved matters application.

6.6 The Mayor's Community Infrastructure Levy

6.6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The exact amount liable for would be calculated at reserved matters stage.

6.7. Planning Obligations

6.7.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development. This should be secured through a S106 Agreement for the amount of £30,000.

7. Conclusion

7.1 The layout of the proposed new buildings are considered to be appropriate within their immediate context. Similarly the car parking and amenity space provision would be acceptable and not considered inconsistent to a degree that warrants grounds for refusal. Overall, Staff consider the development to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF). Outline approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

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:

None

BACKGROUND PAPERS

Application forms and plans received on 20th July 2012.

REGULATORY SERVICES COMMITTEE

25 October 2012

REPORT

Subject Heading:

**P0959.12 – The Mardyke Estate,
Rainham – Phase III redevelopment
(Date received 31/7/12)**

Proposal

Reserved matters application pursuant to P2058.08 for the demolition of 190 residential units (33 to 125 Chantry Way, 26 to 88 Walden House, 2 to 40 Roman Close, Dearsley House, Roman House and Perry House) and erection of 124 new residential units in 5 blocks accessed from Lower Mardyke Avenue, South Street and Walden Avenue, together with a communal commercial hub and landscaped square, landscaping and parking areas.

Report Author and contact details:

**Simon Thelwell (Planning Control
Manager) 01708 432685**

Policy context

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

Financial summary

None

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

| | |
|---|-------------------------------------|
| Ensuring a clean, safe and green borough | <input checked="" type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns and villages | <input type="checkbox"/> |
| Valuing and enhancing the lives of our residents | <input checked="" type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input checked="" type="checkbox"/> |

SUMMARY

This report concerns a reserved matters application for the third phase of the redevelopment of the Mardyke Estate in Rainham. The proposal is for the demolition of 190 of the existing residential properties on the site and redevelopment with a combination of 5 apartment blocks of up to 6 storeys and terraced housing together with a commercial hub building and landscaped square. The proposal would provide 124 new residential units, a combination of affordable and market housing.

Outline planning permission for the redevelopment of the Mardyke estate was issued in November 2009 following earlier consideration of the scheme by Committee in May 2009 and the completion of the S106 legal agreement. The outline permission established the principle of the redevelopment and agreed the development parameters, but apart from the alignment of the main east/west road, all matters relating to access, siting, design, external appearance and landscaping were to be addressed at the reserved matters stage

Phase 1 of the redevelopment is complete and occupied and Phase II is now in advanced state of construction and partially occupied.

The principle of the redevelopment of the estate is therefore established and this application is for all reserved matters in relation to Phase III of the Mardyke redevelopment. Detailed plans and elevations of all blocks comprising this phase have been submitted with this application together with a suite of supporting documentation, including a design and access statement, a transport statement, energy and sustainability statements, and sunlight/daylight analysis.

Staff consider that the development would be sufficiently in line with the parameters agreed for the redevelopment by the outline planning permission which is required by condition. A variation of the original S106 agreement is also sought to remove the requirement that an office for the neighbourhood police team be provided with the community hub building as the police no longer need the facility. The development is further considered to be acceptable in all other respects.

Staff therefore recommend that the original S106 legal agreement dated 3rd November 2009 be varied as set out below in Recommendation A and that the reserved matters application be approved as per Recommendation B, subject to relevant planning conditions.

RECOMMENDATIONS

- A. That the S106 agreement dated 3rd November 2009 be varied to remove the requirement contained at para 4 (m) that Police Office be provided to shell finish within the Community Hub prior to its first occupation.
- That the owner/developer pay the legal costs associated with the preparation of the Section 106 Deed of Variation irrespective of whether that Deed is completed.
 - That all other clauses heading and recitals of the S106 agreement dated 3rd November 2009 remain unchanged save for any consequential changes pursuant to the removal of the requirement contained at para 4 (m) that Police Office be provided to shell finish within the Community Hub prior to its first occupation
- B. That the Committee resolve that reserved matters permission be granted subject to the following conditions:
1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Article 3, Schedule 2, Part 1, Classes A - G, no extension, addition or alteration to the roof, porch, additional structures or enclosures, provision of a hard standing or installation of a chimney, flue or other extract shall take place 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 Development Control Policies Development Plan Document Policy DC61.

1. Reason for Approval

This decision to approve the reserved matters application pursuant to the outline planning permission reference P2058.08 has been taken

- i) having regard to Policies CP1, CP2, CP7, CP15 and CP17, of the LDF Core Strategy Development Plan Document; Policies DC2, DC3, DC6, DC7, DC20, DC21, DC32, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC51, DC58, DC59, DC60, DC61 and DC63 of the LDF

Development Control Policies Development Plan Document; Policy SSA1 of the LDF Site Specific Allocations Development Plan Document; Policies 3.3, 3.4, 3.5 ,3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.12, 5.13, 5.16, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6 and, 7.19 of the London Plan 2011, and the National Planning Policy Framework .

- ii) for the following reason: The proposed development would be in accordance with the aims and objectives of the site specific policy by providing the third phase of a residential redevelopment of the site. The proposal would provide market and affordable housing and would relate satisfactorily to its surroundings and neighbouring development and can be accommodated on the site without any materially harmful visual impact or any significant adverse impact on residential amenity. The proposal incorporates sufficient communal and private amenity space within a development of high quality design and layout. The impact arising from residential traffic from the development would be acceptable within the locality. The proposal meets the objectives of national, regional and local policies by being sustainable development making efficient use of land and providing residential development with easy access to facilities without adverse impact on residential amenity.

INFORMATIVE

Any proposed works within 8 metres of the rear toe of the flood defence bund for the Beam Washlands Flood Storage Area will require our prior written consent under the Thames Byelaws. If any works will require consent the applicant should contact John Thurlow on 01707 632403 or by emailing John.Thurlow@Environment-Agency.gov.uk .

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

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

REPORT DETAIL

1.0 Site Description and Background

- 1.1 This reserved matters application relates to four sites with a total area of 1.5 hectares site which forms part of the former Mardyke Estate, now known as Orchard Village. The sites are located:

- a) along the northern edge of the estate, currently comprising the 5 storey residential blocks 2 to 40 (evens) Roman Close and 33 to 125 (odds) Chantry Way and the Roman Close car park;
 - b) to the south of the realigned Lowen Road and west of Perry Close, currently comprising Perry House (12 storey block) and temporary residential parking areas;
 - c) to the west of Walden Avenue, currently comprising a four storey block 26 to 88 Walden Avenue;
 - d) to the east of Walden Avenue currently comprising the 12 storey block Dearsley House.
- 1.2 Site a) has an eastern boundary with 142 Frederick Road, a western boundary with Lower Mardyke Avenue and a northern boundary with 96 Lower Mardyke Avenue and open Green Belt land known as Mardyke Farm, a former landfill site which is currently undergoing restoration.
- 1.3 Site b) has a northern boundary with the realigned Lowen Road, wraps around the northern and eastern boundaries of the Mardyke Social Centre, an eastern boundary with Newtons Infants School and a southern boundary with the access road serving the energy centre.
- 1.4 Site c) lies to the south of Appletree Lane and (Phase I, Block L), north of 24 Walden Avenue and to the east of the rear boundary of No's 32 to 46 South Street.
- 1.5 Site d) has a southern boundary with Plum Lane (Phase I, Block P) now called Poppy Court and 2 – 6 Plum Lane, an eastern boundary with the site of the Newtons School MUGA and associated changing rooms and a northern boundary with Newtons Primary School.
- 1.6 This application is for the third phase of the redevelopment of the former Mardyke Estate, the overall principle of which was agreed by the approval of outline planning permission ref P2058.08. Phase I of the development is now complete and occupied and Phase II is well advanced and partially occupied. Circle Anglia is responsible for delivery of the physical regeneration of the Mardyke Estate and Old Ford Housing Association are responsible for its management.
- 2.0 **Description of Proposal:**
- 2.1 The proposals comprise the reserved matters submissions in respect of access, siting, design, external appearance and landscaping for phase III of the redevelopment of the Mardyke Estate approved under outline planning permission P2058.08 and the demolition of the majority of the remaining original residential blocks which comprise the former Mardyke Estate, including the three remaining 12 storey tower blocks.
- 2.2 The proposed new housing, subject of this reserved matters application, essentially comprises 2/3 residential blocks with linked terraces of 3 storey town houses referenced as blocks E, F and G, together with two areas of

terraced housing, block M comprising of 3 terraces and Block N comprising of two terraces.

- 2.3 Block K will provide a new community hub building providing retail unit/s and office accommodation, a PCT facility, housing association office and caretakers office, set within a new landscaped square.

Siting, Access and Parking

- 2.4 Block E/F and G are east/west aligned linear blocks with north/south returns at each end, separated by a parking courtyard and arranged along the entire northern perimeter of the site to the north of the new east/west link road which would be extended to link with Frederick Road.

- 2.5 Block M includes a terrace of 11 houses, 9 of which would face onto the western side of Walden Avenue, with two bookend properties facing onto the small cul-de-sacs at either end of the block. Two terraces of 3 houses are proposed facing north and south onto both cul-de-sacs.

- 2.6 Block N would comprise a terrace of 7 houses, 6 of which would face onto the eastern side of Walden Avenue, with a bookend unit and a further terrace of 3 houses facing south onto Plum Lane.

- 2.7 Block K is proposed as a predominantly two storey L shaped block with a single storey rear element located to the north of the Energy Centre element of Block L and east of the existing Community centre with key frontages to Perry Close and Lowen Road and the new proposed local community square.

- 2.8 As part of the Phase 3 Reserved Matters Application, a total of 161 car parking spaces will be provided of which 14 will be disabled bays. In total, there will be 122 surface level parking spaces serving the residential elements of the development and 39 spaces within and around the area of Block K, including 22 spaces which are intended as overflow capacity and 6 spaces intended for staff and one car club space. The residential parking spaces will be located close to blocks they are intended to serve provided either at right angles, or parallel to, the adjacent highway. With the exception of the disabled bays, all car parking will be for communal use of estate residents.

- 2.9 One cycle parking space per unit would be provided either by way of secure internal communal ground floor areas or within private storage units within the front garden/defensible space areas of the houses and ground floor flats. Refuse stores would be located close to the entrances on the ground floor of each block or within the front gardens of houses and ground floor flats.

- 2.10 A revised landscaped entrance to the Mardyke Open Space is proposed at the eastern end of Block G.

Scale, Design and External Appearance

- 2.11 Blocks E and F would comprise adjoining blocks forming a continuous development 115m long to the north of Blocks B and C (parts of Phase 1 and 2 respectively). The combined blocks would contain a total of 52 flats (34x 1 bed, 1x 1 bed wheelchair, 15x 2 bed, 2x 2 bed wheelchair) located within three distinct blocks and 8x 3 bedroom, 3 storey houses, in two terraces of three and five houses. The blocks at the western and eastern ends of blocks E and F respectively would each be flat roofed and 6 storeys high to a maximum height of 19m, 16.7m deep (max) and 24m long for block F and 10m deep and 21.7m long in respect of block E, with an additional 3 storey 5m deep northern projection at the western end of block E. The block at the eastern end of block E (which would be viewed as the central block in the street scene when seen together with the adjoining block F) is proposed to be 4 storeys high, with a mono pitch roof. The blocks would also incorporate projecting and recessed elements to add to the articulation of the building. The two interspersing terraces of houses would be three storeys high with a mono pitch roof. Each flat block would have its own communal garden, with the majority of ground floor flats having a semi private rear terrace as well. Ground floor units in Block E would all have their own front door and defensible space to the front. The ground floor flats in block F would be accessed via a communal entrance but would have internal access to defensible space at the front and/or access to a semi-private rear terrace. Each flat above ground floor would be provided with its own balcony, which would be south facing wherever possible. In addition, the flats above ground level at the either end of the blocks adjacent to the terraced housing would be provided with enclosed balconies (winter gardens) with timber screens on the sides closest to the house gardens to prevent direct overlooking of the area immediately to their rear. Houses would each be provided with a 10m deep rear garden and a second floor roof terrace. The external finish would draw from a wide palette of materials including red and yellow brick, grey and blue cladding, white render, timber screens and a standing seam roof.
- 2.12 Block G would be located to the east of Block F, separated from it by a parking courtyard, and would continue on the east west alignment established by blocks E and F. The block would provide a total of 33 flats (10x 1 bed flats, 12x 2 bed flats and 11x 2 bed wheelchair) located in two blocks with a terrace of 4x 3 bed houses in-between. The block at the western end would be a mirror image of the 6 storey block at the eastern end of Block F. The block at the eastern end is proposed to be flat roofed and four storeys high with an 18.2m southern frontage and an 18.2m north east angled return element at its eastern end. The fourth floor would be recessed on the north east return section, providing an extensive wrap around balcony for that flat. As with blocks E and F, block G would also incorporate projecting and recessed elements to add to the articulation of the building. The terraces of houses would be three storeys with a mono pitch roof and second floor roof terrace to the rear. Again, each ground floor flat would have its own defensible space and/or semi-private rear patio and each flat above ground floor would have its own balcony and/or winter garden. Ground floor flats would, however, be accessed by means of a

communal entrance rather than street side front doors. Materials would be drawn from the same palette as for blocks E and F.

- 2.13 Block M would comprise three terraces of 2 storey 3 bedroom houses on the west side of Walden Avenue, with each house having additional accommodation within the roof space. The central nine houses of the terrace of 11 on the western side of Walden Avenue would have a front to back roof with the houses at either end acting as bookends to the terrace. The end houses would face onto the side cul-de-sacs at either end with a mono pitch roof to the same ridge height as the central terrace and incorporating a front eyebrow dormer. Proposed materials are predominantly red brick with the upper floors of the bookend units rendered and reconstituted slate roofs. Gardens would be 10m deep for the terrace facing Walden Avenue and 14.5m deep for the two smaller terraces.
- 2.14 Block N would echo the design of Block M, but with two terraces – a terrace of six houses facing on to the eastern side of Walden Avenue, with a seventh bookend unit and a further terrace of three houses facing south onto Plum Lane. Garden depths would range from 10m up to 22m.
- 2.15 Block K is located centrally within the overall site and in a position where it is intended to help define the new public square. The building would be two storey, L-shaped and flat roofed with an array of photovoltaic panels proposed on the roof. The building would be constructed primarily in yellow brick with the exception of the main north façade which is proposed as a framed and glazed construction using panels of various shades of green. A full height external wooden frame to the front of this elevation would support solar shading fins. The building has been designed to be flexible in use and could accommodate one or two retail outlets (or other uses) as well as providing office accommodation for the managing housing association, the PCT and a local office/drop in area for the Safer Neighbourhood Team (if needed) together with a Caretakers office.

Landscaping and Amenity Space

- 2.15 The application includes detailed proposals for the hard and soft landscaping, although the final details of planting, species, density etc. would be dealt with by way of a condition submission under the original outline permission. . Nevertheless, the plans give a detailed impression of the extent and nature of the landscaping, including the main community hub open space and the revised entrance to Mardyke Open Space.
- 2.16 Phase 3 incorporates five communal courtyards for blocks E, F and G, each of which incorporates one or more semi-private terrace for adjacent ground floor flats. All of the communal courtyards are proposed to follow a design of grids using different surface materials, planting and seating, with the planting to be chosen to be resistant to shade because of the northern aspect of the areas, with tree planting to be along the northern boundary. All semi-private terraces and defensible areas to the front of the block would be defined by 1.2m high railings and/or brick walls.

- 2.17 The community hub open space would be laid out to give clear access to community centre and the facilities to be located within Block K and also to provide day to day parking and a controlled overflow parking area for special events. The area is also intended to provide an attractive, dynamic and safe area for the local community and would incorporate a Local Area for Play, feature lighting, themed orchard style tree planting, grassed areas, different coloured resin bound gravels with informal play and sculptural fruit features.
- 2.18 The revised entrance to the Mardyke Open Space at the eastern end of block G would be widened and reconfigured to provide a clear safe route between the development and the open space. The area would incorporate informal play elements linked to the “Dinosaur” theme of the improved open space play facilities, together with informally spaced tree planting and cycle parking facilities.

Supporting Information

- 2.14 The application is also accompanied by a number of supporting documents. These include:
- Description of Development Proposals
 - Planning Statement
 - Design and Access Statement
 - Statement of Consultation
 - Transport Statement
 - Flood Risk Assessment
 - Sustainability and Energy and Statement
 - Demolition Strategy and Build Methodology
 - Daylight/Sunlight Analysis
 - Code for Sustainable Homes – Pre Assessment Report
 - Ecology Survey
 - Arboricultural Report
 - BREEAM Pre-Assessment
 - Energy Statement

3. Relevant History

P2058.08 - Redevelopment to provide for up to 555 residential units, with associated car parking, alterations to existing access and provision of new landscape and amenity space, together with up to 900 sqm of class A1, A2, A3, A4, A5 and/or D2 accommodation and up to 600sqm of class B1(A) offices. Full permission is sought for the new estate road (the bus route).-outline application Approved.

P0356.09 - Demolition of 86 residential units (existing blocks 1 to 31 Chantry Way, 57 to 87 Lowen Road, 90 112 Walden Avenue, Chantry House and Walden Avenue car park) and erection of 121 new residential units in 3 blocks accessed from Lowen Road and/or Walden Avenue. Erection of an energy centre and formation of landscaped areas. Erection of 2 electrical substations. - Approved.

P0945.09 Permission for temporary site accommodation in connection with the redevelopment of the Mardyke Estate to include :- Office units, canteen , drying room, toilets, material storage compound, hoarding, car parking, gates, plus temporary residents parking areas and crushed concrete storage - Approved

P1144.09 - Electricity Substation – Approved

P1542.09 - Reserved Matters application pursuant to P2058.08 Revised scheme for Block P - Erection of 13 units in one block, 3 No. 1 bed units, 2 No. 2 bed units, 3 No. 3 bed units and 5 No. 4 bed units – Approved

P1610.09 – Reserved matters application pursuant to P2058.08 for the demolition of 161 residential units (existing blocks 1-55 Lowen Road, 67-117 and 60-92 Lower Mardyke Avenue, Mardyke House and Templar House) and erection of 184 new residential units in 4 blocks accessed from Lower Mardyke Avenue/South Street and landscaped/parking areas. -Approved

4. **Consultations and Representations:**

4.1 The proposals have been advertised as a major development by the display of site notices and by an advertisement in the Recorder. A total of 356 individual properties were notified directly of the proposals.

4.2 One letter of representation has been received raising objections on the basis that occupants of some of the new houses in Walden Avenue would be able to look directly into their rear garden and patio leading to loss of privacy.

Consultee Responses

The Greater London Authority have been consulted on the application but at the time of writing this report had not responded. Any comments will be reported orally

Transport for London have advised that they will require the submission of a Construction Management Plan which should detail the level of disruption to bus services that might occur. They have also commented upon the need to future proof Lowen Road for two bus operation.

Borough Crime Prevention Design Advisor – Reiterates that designing for community safety is a central theme of sustainable development. A number of detailed design points have been made and incorporated into the revised plans.

Environment Agency – No objections but informative requested.

LFEPA – advise of the need to comply with the relevant Sections of Approved Document B in relation to access to dwelling houses and flats.

London Fire Brigade – Satisfied with the proposals.

Natural England – No observations.

Thames Water - no observations.

Essex and Suffolk Water – No objections

Streetcare – No objections

5 Relevant Policies

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town Centres), CP7 (Recreation and Leisure), CP8 (Community Facilities), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP15 (Environmental Management), CP 16 (Biodiversity and Geodiversity), CP17 (Design), of the Local Development Framework Core Strategy are considered relevant
- 5.3 Policies DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC21 (Major Development and Open Space, Recreation and Leisure), ,DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Management), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC53 (Contaminated Land), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC66 (Tall Buildings and Structures) of Local Development Framework Development Control Policies Development Plan Document are also considered to be relevant.
- 5.4 London Plan policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children’s play facilities), 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), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 7.19 (biodiversity and access to nature) are considered to apply. There is also a range of Supplementary Planning Guidance to the London Plan. including ‘Providing for Children and Young People’s Play and Informal Recreation’ that are considered to be relevant.
- 5.5 The National Planning Policy Framework is a further material consideration.

6.0 **Planning Considerations**

- 6.1 The principle of the phased in situ residential redevelopment of the Mardyke Estate has previously been considered and accepted by the outline planning permission P2058.08. Many of the environmental issues arising from the principle of residential development, such as land contamination, archaeology, ecology and flood risk have all previously been considered by the outline application. These matters are all dealt with in detail by the planning conditions forming part of the outline permission.
- 6.2 The main issues arising from this application are therefore considered to be the extent to which the detailed proposals accord with the parameters and principles established by the outline permission; the site layout, including proposals for hard and soft landscaping of the site; the detailed design of the proposed buildings including impact on local character and amenity; access, parking and highway arrangements; impact on amenity; energy efficiency and sustainability; affordable housing provision; community safety and accessibility issues.

Principle of Development

- 6.3 The outline planning application was submitted with an indicative masterplan and a number of development parameters and parameter plans as the means by which the design concepts for the redevelopment of the estate would be translated into a framework for the future submission of reserved matters. The parameter plans showed the development areas, land uses, key access points and amenity areas and a height contour plan to demonstrate how new development will relate to neighbouring development. The illustrative masterplan demonstrated one way in which this could be translated and forms the basis on which this reserved matters application has been submitted. The outline permission also included a condition that the development should be carried out in accordance with the development parameters and drawings and that reserved matters and condition submissions should not significantly deviate from them. This therefore acts as a check to ensure that reserved matters follow principles established by the outline permission and a benchmark against which to assess subsequent submissions.

Density, Siting and Layout

- 6.4 If approved, this third phase of the Mardyke redevelopment will bring the total site area for which either full or reserved matters planning permission is in place up to 3.55 hectares out of a total site area of 4.91 hectares i.e. 72%. The total number of units that will have been approved would be 429 (i.e. a minimum of 77%) out of a maximum total of up to 555 as set by the development parameters. It has been acknowledged in granting outline approval for the redevelopment that it was necessary to marginally increase the density of development on the estate in order to deliver a viable scheme and this was considered, taking into account development across the whole of the site. The proposals for phase III will deliver a total number of

dwellings for blocks E, F, G, M and N (124) which is less than that which was suggested by the indicative masterplan (157), largely as a result of the inclusion of more housing than originally envisaged. No objections are raised in this regard.

- 6.5 The layout of the proposed development differs slightly from that envisaged by original illustrative masterplan in that a separation was originally suggested between blocks E and F and blocks M and N were originally seen as providing flatted development rather than housing. However, there was no requirement for the final form of the development to follow that of the illustrative masterplan. The provision of blocks E and F as a continuous development will provide a focal point when viewed from the south looking north between block B and C and no objections are raised.
- 6.6 The blocks create street frontage with clear definition between the public, semi-public and private realms. The flatted blocks are provided with secure communal amenity areas that have been well thought out in terms of their function and usability. All flats above ground floor are provided with a balcony area to maximise opportunities to create private sitting out space with a screened area to give added privacy.
- 6.7 This phase of the development will see the completion of the secondary east west link road, which will further improve linkages through the site for pedestrians cyclists and others. The opportunity to provide new street tree planting along this routes will also help to signpost the connections to the north west corner of the overall site and the adjacent Beam River washlands and the north east corner of the site, where improved links to the Mardyle Open Space are to be provided..

Design, Residential Quality and Open Space

- 6.8 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site.
- 6..9 Three of the proposed flatted elements within Blocks E, F and G will be 6 storeys high and therefore need to be assessed against the criteria of Policy DC66
- 6.10 Policy DC66 advises that outside of Romford Town Centre buildings of 6 storeys or greater will only be granted planning permission in exceptional circumstances provided that they:
- create an attractive landmark building which would clearly improve the legibility of the area
 - preserve or enhance the natural environment, the historic environment, local amenity and the local character of the area

- act as a catalyst for regeneration
- preserve or enhance views from Havering Ridge
- do not mar the skyline
- do not have a significant adverse impact on the amenity of nearby occupiers
- are appropriate to the local transport infrastructure and capacity in the area.

6.11 In addition, DC66 requires that all tall buildings should be of exemplary high quality and inclusive design and, in particular, they must:

- Ensure that the proposed density is suited to the site and to the wider context in terms of proportion, composition, relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements
- Be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline
- Create a well defined public realm with a human scale, with continuity of frontage and accessible entrances from street level
- Be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing
- Contain internal spaces, which do not become redundant over time and can easily adapt to changing social, technological and economic conditions
- Be oriented and profiled taking into account the potential negative impact on aircraft, navigation and telecommunication networks

6.12 In terms of impact upon amenity of neighbouring properties, this has been safeguarded by the separation from the boundary of the closest property. The design is considered to be in keeping with that of the five and six storey elements of previous phases and will be seen in the same context in the street scene as these buildings. It is also a relevant consideration that the new development will be replacing existing blocks of five storeys in height, with other prominent 12 storey blocks being a distinctive element of the original estate. As with the northern elevation of block D, particular attention has been paid to the eastern and western elevations of the six storey elements where these face onto Lower Mardyke Avenue and the parking courtyard between Block F and G, all of which employ an architectural framing and will use coloured panels to give a bold and attractive appearance to the recessed main part of the elevations. Where the six storey blocks are positioned adjacent to 3 storey housing the height difference has been broken up by the inclusion of flank windows in the side elevations. Full height windows are arranged in columns to give coherence and structure to the elevations. As with the whole redevelopment, the 6 storey elements of blocks E, F and G will be built to Lifetime Homes standards and will include specific wheelchair units. It is therefore staff's view that the 6 storey elements of the blocks can be considered favourably against the criteria of DC66.

- 6.13 The architectural framing referred to above results in the six storey elements being 19m high which is 1m higher than the maximum height parameter set out within the document "Description of Development and Parameters" which formed part of the Outline planning permission (P2058.08). However, within the overall context of the redevelopment the appearance and impact of the additional height is not considered to be significant and, moreover is in keeping with its architecture. Condition 7 requires that there should not be any significant deviation from the parameter established by the outline consent unless otherwise provided for by conditions elsewhere within the permission. On this basis staff are satisfied that the additional height is not a significant deviation and furthermore, that it is justified by the Design and Access statement which was required under condition 7 of the outline permission.
- 6.14 The design approach to this third phase of the redevelopment follows the design principles upon which the illustrative masterplan was based. However, the phase revises the design of the elevations from earlier phases and uses the established palette of materials in a different way. This approach to the design was set out in the documents accompanying the outline and was endorsed by the GLA when commenting upon the first phase, in order to avoid a homogenous design being repeated for each phase. The use of durable, high quality materials is emphasised in the supporting documentation and the success of the designs will to a great degree depend upon the careful and correct choice of materials. This is subject to a condition on the outline permission.
- 6.15 In street scene terms the blocks have been designed to respect and relate to the neighbouring existing development and previous phases of the redevelopment. On the northern side of Block E the height reduces to three storeys and is separated from the flank of the 3 storey houses to the north by the width of the Electricity sub-station plot. The street scene along the new east west route is considered by staff to be acceptable and is given interest and variety by the different heights of blocks, use of materials and attention to detail in landscaping.
- 6.16 Blocks M and N will fit in with the established street scene in Walden Avenue and relate acceptably in design terms to neighbouring housing and newly constructed blocks.
- 6.17 The location and function of Block K calls for a distinctive design which will provide a focal point for the overall development. Staff consider that the proposed design will achieve this objective which will be further enhanced by the quality of the public square within which it will be located.
- 6.18 The appearance of the on street parking is broken up by street trees and shrub planting and is not considered to dominate the street scene.
- 6.19 Staff consider that the design of the development is acceptable in respect of issues such as scale and massing and that the design of the development is imaginative, innovative and acceptable within the context and character of

the site and the surrounding area. Staff therefore consider that the proposal is acceptable in respect of design and external appearance.

Landscaping Proposals

6.20 Landscaping matters form part of this reserved matters submission. The external works plans and Design and Access statement illustrate in some detail the layout and nature of the hard and soft landscaping proposed for all areas of this phase of the redevelopment. The details demonstrate close attention to detail and the intention to ensure that planting and materials create an attractive, safe and biodiversity rich environment for future residents. It is considered that the landscaping proposals will play a significant role in creating attractive and usable areas for both private and public areas of the site and which will contribute positively to the street scene and public enjoyment of the development. Whilst the schemes are described and illustrated in considerable detail, there are some additional details required and some suggestions for changes to species that may need to be made. For this reason the submitted details are not considered sufficient to enable discharge of the relevant conditions of the outline permission relating to boundary treatment, landscaping and biodiversity. However, no objections are raised to the landscaping proposals in principle which are quite adequate for the purposes of this reserved matters application.

Impact on Adjoining Sites and Residential Amenity

6.21 The impact on amenity of neighbouring dwellings and occupiers arising from the proposed blocks falls to be considered in relation to Policy DC61 which requires that new developments should not have an unacceptable impact upon the amenity of existing properties.

6.22 Blocks E, F and G will be replacing existing blocks that occupy a similar location on the site at present and the resultant impact would be limited in extent to the closest properties to the north in Lower Mardyke Avenue and to the east in Frederick Road. The proposed westernmost 6 storey block in Block E will extend 17m further to the east than the existing 5 storey properties. However, the separation from the closest residential boundary of 96 Lower Mardyke Avenue to the north would be increased from 8m to 11m and it is not considered that the additional storey will give rise to any significantly increased overlooking or perception of overlooking. The accompanying sunlight and daylight analysis also demonstrates that there would be no unacceptable reduction in the sunlight received by the rear windows of the closest properties in Lower Mardyke Avenue.

6.23 The separation of the easternmost 4 storey element of Block G from the rear of 142 Frederick Road would increase from the 18m distance from the existing flats in Roman Close to 25m. In relation to Block M, the new terraced housing will be replacing a four storey block of flats. The two smaller terraces of houses will bring development closer to the rear boundary of properties in South Street. However, the rear gardens of these properties are a minimum of 21m in length and the proposed two storey

houses will not appear overbearing or out of keeping in the rear garden scene. The proposed roof terraces would be provided with flank privacy screens which as well as maintaining privacy between the new dwellings, would also deflect views away from the rear gardens of properties in South Street and the new terrace of houses facing Walden Avenue within Block M. The orientation of the southern terrace of three will introduce front bedroom windows that look towards the flank boundary of the rear garden of 24 Walden Avenue. However, the front of those properties is separated from the boundary by the proposed front gardens, the width of the road, parking spaces and a band of landscaping alongside the side boundary. The separation from the closest proposed dwelling to the rear of 24 Walden Avenue is a minimum of 20m and staff are satisfied that no unacceptable degree of overlooking will occur.

- 6.24 The same proposals for protecting privacy and preventing overlooking of Newtons Infant School and other properties within Block N are proposed for Block N, where roof level terraces are proposed for the terrace of houses facing Plum Lane.
- 6.25 Turning to the issue of the residential amenity of prospective occupants, the juxtaposition of terraced housing with taller blocks is a relationship that needs to be carefully considered. In this instance the potential for an unacceptable degree of overlooking has been addressed by the use of winter gardens, instead of balconies for the closest rooms in the adjacent blocks. The winter gardens (fully enclosed balconies) will make the north facing balconies an attractive proposition for future residents. In addition, by providing screening to the side and part of the rear, the potential for direct sideways overlooking is prevented and the view of users is directed to the north over the respective communal garden areas, rather than the adjacent house gardens.
- 6.26 The configuration of the terraced housing is a quite conventional street block arrangement and no overriding concerns relating to overlooking, overshadowing or loss of privacy are foreseen by staff.

Transportation, Highways and Parking

- 6.27 Policy DC32 requires that new road scheme will only be allowed where they amongst other things improve conditions for pedestrians and cyclists and improve public transport accessibility.
- 6.28 The scheme incorporates new public highway and access roads which are designed to an acceptable standard with adequate space for turning and servicing where required.
- 6.29 The completion of the northern east/west link road between Lower Mardyke Avenue and Frederick Road will assist with the delivery of the hierarchical road and user structure illustrated in the masterplan designed to offer maximum permeability to pedestrians and cyclists. The new roads and parking spaces will not be adopted and therefore incorporate porous surfaces which contribute to the sustainable urban drainage scheme for the

redevelopment. The roads incorporate rumble strips, tree and shrub planting and raised tables with the northern east/west route designed as a “community street” along home zone principles to prioritise pedestrian and cyclist activity above motor vehicles by the use of shared surfacing on the carriageway.

- 6.30 The level of car parking for the development was considered by the outline planning permission. A level of one space per unit across the development was proposed which is more than is currently provided. This level of parking is maintained for this phase and is considered to be acceptable and necessary as changes to the unit type and the social composition that are anticipated are likely to result in increased car ownership. The proposed locations for the parking are also considered to be acceptable. On street parking is provided throughout such that residents are likely to be able to park close to their dwelling which has been shown to be a preference with existing residents.
- 6.31 In accordance with policy DC35, cycle parking is proposed for phase 3 at a standard of one cycle storage space per residential unit. These would be in secure covered locations, either communally in the blocks or individually within the front garden/ defensible space areas at the front of the houses. On street cycle stand provision is also made for visitors, details of which would need to be agreed under condition 4 of the outline permission.
- 6.32 Transport for London’s comments relate to matters which fall outside of the consideration of this reserved matters application and which are covered by conditions on the original outline permission which are discharged on a phased basis for each phase of the development.

Housing

- 6.33 The previous phases of the redevelopment were by necessity, entirely for affordable properties for rent as they were required to re-house existing tenants. However, by the time that Phase 3 is ready to commence, the majority of previous tenants that have expressed the wish to stay in the area will have been re-housed within Phases 1 and 2. The dwelling mix requirements has therefore been established by need and would be composed of 29% affordable rent, 26% shared ownership and 51% private units.
- 6.34 The proportions of different size units to be delivered by the overall redevelopment are set out as parameter in the Outline permission. The proportions of 1, 2, and 3 bed units which would be delivered by this phase demonstrate that the overall development remains on course to comply with the parameter. The increased proportion of family sized accommodation will assist with the overall objective for the scheme to change the character and population profile of the estate, whilst ensuring that adequate provision is made for all existing residents that wish to remain.

Sustainability

- 6.35 A sustainability and energy statement and an energy assessment have been submitted with the application. In line with the requirements of the London Plan and Policies DC49 and DC50 of the LDF, the proposal is required to meet high standards of sustainable design and construction, as well as to demonstrate a reduction in predicted carbon dioxide emissions by at least 20%.
- 6.36 The statement and assessment indicate that it is the intention to deliver all sustainability measures described in the outline application. These cover:
- Waste and recycling
 - Combined Heat and Power
 - Construction and demolition
 - Flood risk
 - Development ratings and improved insulation
 - Use of materials
 - Use of water
 - Biodiversity
 - Secure by design
- 6.37 In relation to energy, the statements indicate that upon the completion of Phase II and the demolition of the tower blocks closest to the energy centre it will become viable to install the proposed CHP engine into the Energy Centre. The energy centre in addition has been designed with the potential to link in to a wider district heating system utilising waste heat from Barking Power Station as and when this becomes available.
- 6.38 Block K also incorporates an array of 143m² Photovoltaic cells on its roof which will assist in delivering the “Green” element of the Mayor’s energy strategy.
- 6.39 Occupants of Phase I have experienced a dramatic reduction in heating bills as a result of the sustainability measures that have been adopted. This is testament to the fact that as well as achieving carbon savings, such measures are making a tangible difference to the quality of life for residents. Staff are therefore satisfied that the proposal is in compliance with Policies DC49 and DC50 of the LDF and the Mayor’s Energy Strategy.

Flood risk

- 6.40 The scheme for all the blocks and the surface water drainage proposed under Phase 3 complies with and incorporates the specific details that are required by the Flood Risk Assessment that accompanied the outline application. The Environment Agency have confirmed that they are satisfied with the details supplied.

Designing for Community Safety

- 6.41 Designing for community safety is a material planning consideration and Policy DC63 of the LDF is relevant, as is ODPM guidance 'Safer Places'. A Safer Places Statement is included in the Design and Access Statement. Comments from the Council's Crime Prevention Design Advisor confirm that he has been actively involved in discussions with the architects for the scheme and is satisfied that the proposals for designing out crime with this submission comply with the principles and practices of the Secured by Design award scheme.

Mayoral CIL

- 6.42 The outline planning permission was granted before the advent of Mayoral CIL and therefore the redevelopment is not CIL liable.

7 Conclusions

- 7.1 In conclusion, it is considered that the detailed proposals for phase 3 of the Mardyke redevelopment are substantially in accordance with the development parameters set out by the outline permission. Therefore, the proposed development is considered to accord, in principle, with the terms of the outline planning permission.
- 7.2 The proposals have been considered in detail in respect of a number of key issues, including the detailed layout of the site, the design and appearance of the buildings, landscaping proposals, highways implications, impact on amenity, community safety, sustainability criteria and housing requirements. Staff consider the proposals to be acceptable in all of these respects and the development to be well designed in respect of both urban design principles and the effective functioning of the development. Staff therefore consider that the proposal is in accordance with the outline planning permission for redevelopment of the site and that the detailed proposals would make a suitably high quality contribution to the redevelopment of the estate. Staff therefore recommend that the reserved matters submission be approved.

IMPLICATIONS AND RISKS

8. Financial implications and risks:

- 8.1 The financial implications in respect of the redevelopment of the Mardyke Estate were addressed in some detail in the report on the outline application under ref:P2058.08.

9 Legal implications and risks:

- 9.1 A S106 agreement relates to the outline permission. Staff resources will be required for Phase III for the preparation of any related Stopping up Orders, S278 and S38 agreements and related processes.

10 Human Resources implications and risks:

10.1 Staff resources will be required for the ongoing monitoring of the proposal.

11 Equalities implications and risks:

11.1 This is the third phase of a significant scheme for the Borough in addressing inequality and diversity issues in access to decent housing thereby improving the quality of life for residents of the Borough and meeting the Council's vision. The Council's policies and guidance, the London Plan and government guidance all seek to respect and take account of social inclusion and diversity issues and the application of those policies to the approval of reserved matters has taken into account the Council's duties under Section 149 of the Equalities Act 2010 to advance equality of opportunity with particular reference to access. The scheme will fully comply with Lifetime Homes requirements and also deliver a substantial number of properties specifically designed to meet the needs of wheelchair users.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 October 2012

| | |
|---|---|
| Subject Heading: | P0981.12 – Gaynes Park Bridge |
| Report Author and contact details: | Replacement of existing footway/cycle bridge over the Ingrebourne River 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 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 checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This planning application proposes the replacement of an existing footbridge at Gaynes Park, Upminster. Having considered the principle of development, the impact on the character of the area, and other considerations, officers are recommending approval subject to conditions.

RECOMMENDATIONS

That planning permission be granted 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.

INFORMATIVES

1. Reason for Approval:

Having considered the principle of development, the impact on the character of the area, and other considerations, the proposal is considered to be acceptable having had regard to Policies DC18, DC45, DC58, and DC61 of the LDF Development Control Policies Development Plan Document.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises an existing pedestrian footbridge, crossing the River Ingrebourne, along with surrounding land located within Gaynes Park, Upminster. The site is located to the rear of Branfil Primary School, approximately 100m to the south east of Derby Avenue. The existing bridge

is a concrete structure with metal railings, approximately 1m in width. The site is located in the Green Belt and the Floodplain, and is designated as a Metropolitan level Site of Nature Conservation Importance.

2. Description of Proposal

- 2.1 This planning application proposes the removal of the existing pedestrian bridge and the installation of a new crossing for pedestrians and cyclists. The proposed crossing would be approximately 3m in width and 17.5m in length. The proposal would mainly be constructed of steel, including the girders, footway, and railings. The bridge would be set upon concrete piles set within the ground and the proposed development would involve re-profiling the river banks to allow for inspections to the bridge and to increase the river channel. The footpaths at both sides of the crossing would be realigned and small earthwork approach ramps would be provided (approximately 10cm in height.)

3. Relevant History

- 3.1 There are no previous planning decisions of particular relevance to this application.

4. Consultations/Representations

- 4.1 Notification letters were sent to 28 neighbouring properties; a site notice was placed in the vicinity of the site; and an advertisement was placed in the local press. One representation has been received raising queries, which officers have responded to.

5. Relevant Policies

- 5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC18 – Protection of Public Open Space, Recreation, Sports and Leisure Facilities

DC45 - Appropriate Development in the Green Belt

DC58 – Biodiversity and Geodiversity

DC61 - Urban Design

- 5.2 National Planning Guidance

National Planning Policy Framework ("the NPPF")

6. Staff Comments

- 6.1 This application is put before Members as it proposes development on Council land. The main issues in this application are considered to be the principle of development, the impact upon the character of the area, and other considerations.

6.2 Principle of Development

6.2.1 The site is located in the Green Belt. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.

b) If the development is considered not to be inappropriate, the application should be determined on its own merits.

c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

6.2.2 The proposal is for the replacement of an existing footbridge within a public park with a new, wider bridge providing a river crossing to pedestrians and cyclists. The application therefore proposes building operations.

6.2.3 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in given cases, which include:

“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it...”

6.2.4 It is considered that the proposed bridge, which would provide a crossing to pedestrians and cyclists within a public park, would constitute an appropriate facility for outdoor recreation. Given the siting, scale, and design of the proposal, and that it would replace a similar, existing bridge, it is considered that the proposal would preserve the openness of the Green Belt, and would not conflict with the purposes of including land within it.

6.2.5 It is considered that the proposal would constitute appropriate development in the Green Belt, and that it would be acceptable in principle.

6.3 Design Considerations

6.3.1 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.

6.3.2 The proposal would result in the replacement of an existing bridge with a new crossing. The proposed crossing would be wider than the existing one, but would have a similar span length and would be set lower than the existing bridge, which has a more defined arch. Given the nature of the proposal, including its siting, scale and design, it is considered that it would

not result in any significant adverse impacts on the visual amenities of the Green Belt, or the character of the area generally.

6.3.3 In terms of its visual impact, it is considered that the proposal would be in accordance with Policy DC61 of the LDF.

6.5 Other Considerations

6.5.1 In terms of nature conservation considerations, the site is located within Metropolitan grade Site of Nature Conservation Importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. Natural England have raised no objections to the proposal. The Environment Agency have been consulted about the proposal but no comments have yet been received; Members will be updated at the Regulatory Services meeting. Subject to there being no objections from the Environment Agency, it is considered that the proposal would not be contrary to Policy DC58 of the LDF.

6.5.2 The site is located in the Floodplain and is therefore located on an area of land at higher risk of flooding. The guidance contained in the NPPF requires that proposals in areas at risk of flooding should be subject to the Sequential Test. The objective of the Sequential Test is to divert development to areas of land with the lowest possible risk of flooding. As the proposal is for a river crossing, it is considered that it cannot be relocated to an area at lower risk of flooding, and the proposal therefore passes the Sequential Test. The Environment Agency may make comments relating to flood risk and Members will be updated at the Regulatory Services meeting.

6.5.3 The site is designated as a public open space. Policy DC18 states that the Council will retain and enhance public open spaces. The proposal would not result in the loss of any public open space and is therefore considered to be in accordance with Policy DC18 of the LDF.

6. Conclusion

6.1 Officers consider the proposal to be acceptable having had regard to Policies DC18, DC45, DC58, and DC61 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Planning application P0981.12

**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 October 2012

Subject Heading:

**P0953.12 – Garage court to the side of
No. 6 Quarles Close, Romford**

**Demolition of existing 18 garages and
erection of 2 No. 3 bed houses with
associated parking and garden area.**

**(Application received 31st July 2012;
revised plans received 2 October 2012)**

Report Author and contact details:

**Helen Oakerbee, 01708 432800
helen.oakerbee@havering.gov.uk**

Policy context:

Local Development Framework

Financial summary:

None

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

| | |
|--|-----|
| Ensuring a clean, safe and green borough | [] |
| Championing education and learning for all | [] |
| Providing economic, social and cultural activity in thriving towns and villages | [X] |
| Value and enhance the life of our residents | [X] |
| Delivering high customer satisfaction and a stable council tax | [] |

SUMMARY

This application relates to a Council owned garage court. The application proposes the erection of 2 No. two-storey semi-detached dwellings with associated parking. The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement.

RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as only 6 No. (76.8m²) of the structures have been in use for 6 month of the last year. The applicable fee is based on a combined internal gross floor area for the two dwellings of 175.6m² minus the existing structures in use at 76.8m² which equates to a Mayoral CIL payment of £1,976.00.

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:

- A financial contribution of £12,000 to be used towards infrastructure costs.
- 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 Legal Agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a Legal Agreement prior to completion of the Agreement irrespective of whether the Agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to the 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:

- 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 4 x No. off-street car parking spaces for use by Plot 1 and Plot 2 (as shown on plan 8790-1000 received 2 October 2012 approved by the Council) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:

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

5) Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7) Obscure glazed windows: The proposed first floor flank elevation windows serving bathrooms and en-suite bathrooms shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

8) Cycle storage: Prior to 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.

9) 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 Development Control Policies Development Plan Document Policy DC61.

10) Construction Methodology Statement: 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 Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason:

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

11) Highways Licence Agreement: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason:

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development

demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

13) 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

14) Ground 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 (the Phase I Report having already been submitted to the Local Planning Authority);

- a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted 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.
- b) 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.

- c) 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
- d) 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.

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”), no extensions, roof extensions, roof alterations or outbuildings shall take place 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 Development Control Policies Development Plan Document Policy DC61.

16) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

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

Reason:

To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. 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.

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

4. The developer, their representatives and contractors are advised that planning permission 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.

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court located to the side of No. 6 Quarles Close. The site is currently occupied by 18 garages of which 6 are currently let.
- 1.2 The site for residential development is approximately 744m² in size. There are no significant changes in ground level. The site is surrounded to the north, east and west by the gardens of adjacent residential properties on Turpin Avenue and Lodge Lane. Only No. 6 Quarles close currently has access to the garage court.
- 1.3 Development in the vicinity is characterised by a mixture of bungalows, 2-storey dwellings and 4-storey flats. These surrounding structures have a mixture of brick and rendered finishes.

2. Description of Proposal

- 2.1 The application proposes the erection of 2 No. two-storey semi-detached dwellings (plot 1 and 2) with associated parking and amenity.

- 2.2 The semi-detached pair is set to the western portion of the site. Four parking spaces would be provided to the eastern part of the site. Each dwelling will have 2 parking spaces.
- 2.3 The semi-detached two storey dwellings measure a total of 10.7m wide, 8.4m deep, 5m high to the eaves and 8.3m high to the top of the hipped roof. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are three bedrooms, a bathroom and an en-suite bathroom.
- 2.4 Access to the dwellings is via the existing garage court access to the side of 6 Quarles Close which would be retained as a shared surface road (for pedestrians and vehicles).
- 2.5 Each dwelling has an area for private amenity space; these are conventionally provided towards the rear and side, enclosed by a 1.8m timber fence. Plot 1 has an amenity space covering 216.4m² and plot 2 an amenity area of 136.1m².

3. Relevant History

- 3.1 None.

4. Consultations/Representations

- 4.1 Notification letters were sent to 39 neighbouring properties and 6 letters of objection were received raising the following concerns:

- Development would restrict access to existing garage in rear garden.
- Loss of garages would cause parking problems in surrounding area
- Loss of privacy

- 4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.

- 4.3 The Highway Authority has no objection to the proposals.

- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.

5. Relevant Policies

- 5.1 Policies CP17 (design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. 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.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 86m² for a 3-bed 5-person dwelling. The proposed dwellings have individual internal floor space of 87.8m² which is in line with the recommended guidance and considered acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook,

sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 Each dwelling has a private area of amenity space provided to the side/ rear of the dwellings. Plot 1 has an amenity space covering 216.4m² and plot 2 an amenity area of 136.1m². The amenity spaces are directly accessible from the living rooms of all dwellings, and are provided in single enclosed blocks. In all, they are considered to accord with the SPD for residential design.

6.3.3 Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 27 units per hectare. Although the density is under the recommended range, Staff consider it to be acceptable given the unique constraints of the site.

6.3.5 In terms of the general site layout, the proposed semi-detached pair would have sufficient spacing towards the front and sides with generous amenity areas towards the rear, and therefore is not considered to appear as an overdevelopment of the site. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The surrounding area has no prevailing architectural style and consists of a mixture of bungalows, two storey dwellings and a 4-storey block of flats. The proposed dwellings would be set behind properties along Quarles Close and behind the flatted development along Turpin Avenue Way and would only partially be visible as part of this streetscene. Any potential impact is considered acceptable given that there are existing 2-storey dwellings within the vicinity as well as a 4-storey flat development. The proposal would therefore not be out of keeping in the streetscene or surrounding area.

6.4.3 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed semi-detached and detached dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The semi-detached pair of dwellings are situated approximately 5m from the common boundary of the nearest dwelling at No. 6 Quarles Close resulting in a separation distance of approximately 7m between the semi-detached pair and this dwelling. Staff consider the setback off the boundary to be sufficient not to result in an unacceptable impact to this neighbouring occupier in terms of loss of light. Also no impact would result in term of overlooking as the proposed flank windows at first floor would serve bathrooms and will have suitable conditions to be obscure glazed. To the west and east Staff consider the separation distances to be sufficient not to result in an unacceptable impact on these neighbouring occupiers.

6.5.3 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed semi-detached dwellings.

6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 2 No. dwellings would not give rise to a significant rise in the level of vehicular activity over and above that which was previously experienced as a result of the garages that were on the site before.

6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 2 No. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.

6.5.6 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 4 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 Strategic Property Services has confirmed that there are currently 6 units occupied out of a total of 18. Existing tenants were given the opportunity to rent a garage on Udall Gardens, approximately 2 minutes walk from the subject site, where there are 10 garages available.

6.6.3 A number of objectors raised concerns regarding the loss of parking spaces as a result of the development. At the time of the site visit however it was noted that there are plenty of parking spaces available on Turpin Avenue on both sides of the road. The on-street parking available combined with the opportunity to rent a garage on Udall Gardens would mitigate any potential impact as a result of the loss of parking.

6.6.3 A condition would be added to provide storage for 1 x no. cycle space per dwelling in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as only 6 No. (76.8m²) of the structures have been in use for 6 month of the last year. The applicable fee is based on a combined internal gross floor area for the two dwellings of 175.6m² minus the existing structures in use at 76.8m² which equates to a Mayoral CIL payment of £1976.

6.8. Planning Obligations

6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards

infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £12,000.

6.9 Other Issues

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days.

6.9.2 One of the objections raised relates to access to a garage in the rear garden of No. 6 Quarles Close. The occupier would lose access as a result of the development. Strategic Property Services advises that the occupier only has a temporary access license and would have been aware that the access could be removed on three months notice at anytime.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF). Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

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:

BACKGROUND PAPERS

Application forms and plans received on 31st July 2012, revised plans received 2 October 2012..

**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 October 2012

Subject Heading:

**P0952.12 – Garage court to the side of
No. 4 Cooks Close, Romford**

**Demolition of existing 18 garages and
erection of 1 No. 3 bed house and 2
No. 2 bed houses with associated
parking and garden area.**

(Application received 31st July 2012)

Report Author and contact details:

**Helen Oakerbee, 01708 432800
helen.oakerbee@havering.gov.uk**

Policy context:

Local Development Framework

Financial summary:

None

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

- | | |
|--|-----|
| Ensuring a clean, safe and green borough | [] |
| Championing education and learning for all | [] |
| Providing economic, social and cultural activity in thriving towns and villages | [X] |
| Value and enhance the life of our residents | [X] |
| Delivering high customer satisfaction and a stable council tax | [] |

SUMMARY

This application relates to a Council owned garage court. The application proposes the erection of 2 No. two-storey semi-detached dwellings and 1 no. two-storey detached dwelling with associated parking. The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement.

RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as only 11 No. (153.75m²) of the structures have been in use for 6 month of the last year. The applicable fee is based on a combined internal gross floor area for the three dwellings of 236.6m² minus the existing structures in use at 153.75m² which equates to a Mayoral CIL payment of £1,657.00.

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:

- A financial contribution of £18,000 to be used towards infrastructure costs.
- 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 Legal Agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a Legal Agreement prior to completion of the Agreement irrespective of whether the Agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to the 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:

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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 6 x No. off-street car parking spaces for use by Plot 1, Plot 2 and Plot 3 (as shown on plan 8770-1000 approved by the Council) thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:

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

5) Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the

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

Reason:

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7) Cycle storage: Prior to 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.

8) 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 Development Control Policies Development Plan Document Policy DC61.

9) Construction Methodology Statement: 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 Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason:

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

10) Highways Licence Agreement: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason:

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

11) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63

'Delivering Safer Places' of the LBH LDF

12) 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

13) Ground 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 (the Phase I Report having already been submitted to the Local Planning Authority);

- a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted 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.
- b) 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.

- c) 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

- d) 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.

14) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order"), no extensions, roof extensions, roof alterations or outbuildings shall take place 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 Development Control Policies Development Plan Document Policy DC61.

15) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

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

Reason:

To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. 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.

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

4. The developer, their representatives and contractors are advised that planning permission 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.

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or

a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

7. In aiming to satisfy Condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court located adjacent No. 4 Cooks Close. The site is currently occupied by 18 garages of which 11 are currently let.
- 1.2 The site for residential development is approximately 754m² in size. The ground slopes down from east to west. The site is surrounded to the south, east and west by the gardens of adjacent residential properties on Cooks Close and Horndon Road. Lawns Park is situated to the north. Only No's. 65 and 67 Horndon Road currently have access to the garage court.
- 1.3 Development in the vicinity is characterised by a mixture of largely 2-storey dwellings and are built from a mix of buff or red brick and render with some variation added in the form of cladding. Some of the surrounding properties are finished with Mansard roofs.

2. Description of Proposal

- 2.1 The application proposes the erection of 2 No. two-storey semi-detached dwellings (plot 2 and 3) and 1 No. two-storey detached dwelling (plot 1) with associated parking and amenity.
- 2.2 The semi-detached pair is set to the north-eastern portion of the site. The detached dwelling is situated to the southwest. To the south of the proposed dwellings are 6 parking spaces, set around an access way, pedestrian paths and soft landscaping framing each dwelling. Each dwelling will have 2 parking spaces.

- 2.3 The semi-detached two storey dwellings measure a total of 16.4m wide, 5.55m deep, 5m high to the eaves and 7.65m high to the top of the hipped roof. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are two bedrooms, a bathroom and an en-suite bathroom.
- 2.4 The two storey detached dwelling measures 5.65m wide, 9.45m deep, 4.9m high to the eaves and 7.25m high to the top of the hipped roof. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are three bedrooms, a bathroom and an en-suite bathroom.
- 2.5 Access to the dwellings is via the existing garage court access to the rear of 65 Cooks Close which would be widened and retained as a shared surface road (for pedestrians and vehicles).
- 2.6 Each dwelling has an area for private amenity space; these are conventionally provided towards the rear and side, enclosed by a 1.8m timber fence. Plot 1 has an amenity space covering 157m², plot 2 an amenity area of 115.6m² and plot 3 an amenity area of 84.6m².

3. Relevant History

- 3.1 None.

4. Consultations/Representations

- 4.1 Notification letters were sent to 11 neighbouring properties and 3 letters of objection were received raising the following concerns:
- Loss of garages would cause parking problems in surrounding area
 - Loss of privacy
 - Demolition will cause problems with asbestos
 - Noise, inconvenience, dust and untidiness caused by construction
 - Rear access to property would be lost
- 4.2 Revised plans were received and a second round of notification letters were sent to neighbouring occupiers. One letter of objection was received raising the following concerns
- the alternative garage sites suggested are not acceptable
 - lack of parking in the surrounding roads
- 4.3 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.
- 4.4 The Highway Authority has no objection to the proposals. However, according to their records part of the site shown in the plans is highway and will therefore have to go through the 'stopping up' procedure under Section

247 (Town and Country Planning Act). As this will also involve work to make good the remaining highway at the entrance to the site – Highways require the developer to enter into an agreement with The Highway Authority

- 4.5 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. 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.

- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 86m² for a 3-bed 5-person dwelling and 70m² for a 2-bed 4-person dwelling. The proposed dwellings have

internal floor space of 87.8m² for the 3-bed dwelling and 74.4m² for the 2-bed dwellings which is in line with the recommended guidance and considered acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 Each dwelling has a private area of amenity space provided to the side/ rear of the dwellings. Plot 1 has an amenity space covering 157m², plot 2 an amenity area of 115.6m² and plot 3 an amenity area of 84.6m². The amenity spaces are directly accessible from the living rooms of all dwellings, and are provided in single enclosed blocks. In all, they are considered to accord with the SPD for residential design.

6.3.3 Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwellings would comply with the requirements of the Residential Design SPD and are acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 40 units per hectare. The density is in line with the recommended range and is considered acceptable.

6.3.5 In terms of the general site layout, the proposed semi-detached dwellings would have sufficient spacing towards the front and sides with generous amenity areas towards the rear, and therefore is not considered to appear as an overdevelopment of the site. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

- 6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 The surrounding area is characterised by a mixture of largely 2-storey dwellings and are built from a mix of buff or red brick and render with some variation added in the form of cladding. The proposed dwellings would be set behind properties along Horndon Road and to the side of No. 4 Cooks Close and would be visible from Cooks Close. Any potential impact is considered acceptable given that there are existing 2-storey dwellings within the vicinity of similar nature. The proposal would therefore not be out of keeping in the streetscene or surrounding area.
- 6.4.3 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed semi-detached and detached dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.
- 6.5 Impact on Amenity
- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The semi-detached pair of dwellings is situated approximately 2.75m from the rear boundary of the nearest dwelling at No. 69 Horndon Road resulting in a front to back separation distance of approximately 20m between the semi-detached pair and this dwelling. Staff consider this separation distance to be sufficient and not to result in an unacceptable impact to this neighbouring occupier and others in Horndon Road in terms of loss of light. Also no impact would result in terms of overlooking as there are no flank windows located in the flank elevation and a sufficient separation distance between dwellings. Lawns Park is situated to the north.
- 6.5.3 The proposed detached property is situated approximately 5m off the flank boundary with No 4 Cooks Close alongside its rear garden. Although the detached property would have an impact in terms of outlook, Staff do not consider this to be unacceptable given the generous setback and the hipped roof design. The bulk and size of the proposed detached dwelling is

considered acceptable. Any loss of light is also mitigated by the hipped roof design and favourable orientation to the north of No. 4 Cooks Close. No flank windows are proposed and windows to the rear are set at such an oblique angle preventing any overlooking to the windows in the south-eastern elevation of No. 4 Cooks Close.

- 6.5.4 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed semi-detached and detached dwellings.
- 6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 3 No. dwellings would not give rise to a significant rise in the level of vehicular activity over and above that which was previously experienced as a result of the garages that were on the site before.
- 6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 3 No. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly a residential area.
- 6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 6 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The Highway Authority has stated that part of the site is shown as Highway and will have to go through the 'stopping up' procedure under Section 247 (Town and Country Planning Act). As this will also involve work to make good the remaining highway at the entrance to the site, Highways will

- require the developer to enter into an agreement with The Highway Authority.
- 6.6.3 Strategic Property Services has confirmed that there are currently 11 units occupied out of a total of 18. The current tenants would be offered alternative facilities at Mobrays Close, approximately 5 minutes away from the subject site, where there are 4 garages available.
- 6.6.4 A number of objectors raised concerns regarding the loss of parking spaces as a result of the development. At the time of the site visit however it was noted that there are plenty of parking spaces available in Horndon Road. The on-street parking available combined with the opportunity to rent a garage on Mobrays Close would mitigate any potential impact as a result of the loss of parking.
- 6.6.5 A condition would be added to provide storage for 1 x no. cycle space per dwelling in order to comply with the Council's standards.
- 6.6.6 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.
- 6.7 The Mayor's Community Infrastructure Levy
- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as only 11 No. (153.75m²) of the structures have been in use for 6 month of the last year. The applicable fee is based on a combined internal gross floor area for the three dwellings of 236.6m² minus the existing structures in use at 153.75m² which equates to a Mayoral CIL payment of £1,657.00.
- 6.8. Planning Obligations
- 6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £18,000.
- 6.9 Other Issues
- 6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days.
- 6.9.2 One of the objections raised relates to access to the rear garden of No. 71 Horndon Road. The occupier has stated that she does not use the access at the moment but may require it in the future. Strategic Property Services advised that there is no right of way to the rear of 71 Horndon Road and the property already benefits from pedestrian access to the rear garden via the shared tunnel access with 73 Horndon Road.

7. Conclusion

- 7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

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:

BACKGROUND PAPERS

Application forms and plans received on 31st July 2012.

REGULATORY SERVICES COMMITTEE

REPORT

25 October 2012

Subject Heading:

P0961.12 – 89-99 New Road, Rainham.

Demolition of existing buildings and redevelopment to provide 2 and 3 storey accommodation comprising 25 no. residential units with associated car parking, landscaping, amenity space and highway works. (Application received 30 July 2012, revised plans received 4 and 9 October).

Report Author and contact details:

Helen Oakerbee 01708 432800
Helen.oakerbee@havering.gov.uk

Policy context:

**Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

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

| | |
|---|-------------------------------------|
| Ensuring a clean, safe and green borough | <input type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns and villages | <input checked="" type="checkbox"/> |
| Value and enhance the life of our residents | <input checked="" type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

The application is for the redevelopment of this site to create 25 units, comprising 2 houses and 23 flats. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The development provides affordable housing in line with policy requirements and accords with the draft Planning Obligations SPD. The proposal is judged to be acceptable in all material respects and, subject to the completion of a Legal Agreement and conditions, it is recommended that planning permission is granted.

RECOMMENDATIONS

That the committee notes that the development is liable for a Mayoral Community Infrastructure Levy contribution in accordance with London Plan Policy 8.3 and that the applicable fee based on an internal gross floor area of 1814sq.m is £36,280.

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

- The provision of a minimum of 12 of the units within the development as affordable housing in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £138,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of a Legal Agreement prior to the completion of the Agreement irrespective of whether the Agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the Agreement.

That 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.

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 following plans and documents:

| | |
|--------------|------------------------------|
| 100 Rev A | Location plan |
| 101 Rev B | Existing site plan |
| 200 Rev F | Proposed site plan |
| 210 Rev B | Ground floor |
| 211 Rev C | First floor |
| 212 Rev B | Second floor |
| 213 Rev C | Elevations |
| 214 Rev C | Elevations |
| 220 Rev B | Sections & roof plan |
| 230 Rev C | 3D views |
| 250 Rev B | Ground floor tenure plan |
| 251 Rev B | First floor tenure plan |
| 252 Rev B | Second floor tenure plan |
| SK/001 Rev D | Sketch landscape layout plan |

Reason: To accord with the submitted details and 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 there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: 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 submitted to and 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 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 the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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. Biodiversity –The development shall be carried out in accordance with the recommendations set out in Section 4 of the Ecological Scoping Survey submitted with the application and received on 30 July 2012 and the developer shall provide evidence of this through the submission of a programme of work to accord with these recommendations, which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

12. 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.

13. 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 permanently 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.

14. 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.

15. 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 (the Phase I Report having already been submitted to the Local Planning Authority):

- a) 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) 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 two parts:

Part A - Remediation Scheme 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.

c) 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

d) 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.

16. Archaeology – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme for Investigation which has been submitted to and approved in writing by the Local Planning Authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part A.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the shall only take place in accordance with the detailed scheme pursuant to Written Scheme of Investigation approved under Part A. and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

17. 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.

18. Renewable energy - The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the residential occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

20. Site Waste Management – The development hereby approved shall be carried out in accordance with the submitted Site Waste Management Plan received on 30 July 2012 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable development practices.

21. Road Traffic Noise - Prior to the commencement of work on the development hereby approved, a scheme for protecting proposed dwellings from noise from road traffic shall be submitted to, and approved in writing by the Local Planning Authority. Such scheme shall conform to the report provided by Planning Solutions (reference 11351 R1) submitted and received on 30 July 2012. The approved works shall be completed before the units hereby approved are first occupied and shall be maintained permanently thereafter.

Reason: To protect future residents against the impact of road noise in accordance with the National Planning Policy Framework and Policy DC55 of the Local Development Framework.

22. Removal of Permitted Development Rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place within the curtilage of the two dwellings hereby permitted under Classes A, B, C or E, 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 Development Control Policies Development Plan Document Policy DC61.

23. Glazing Screen to Balcony: Prior to the commencement of development details of an obscure glazed privacy screen to the eastern side of the proposed rear balcony to unit number 18 shall be submitted to and approved in writing by the Local Planning Authority. The glazed screen shall be provided before unit 18 is first occupied and retained permanently thereafter in accordance with the approved details.

Reason: In the interests of maintaining future privacy and amenity and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

24. Alterations to Public Highway: The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

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

25. Licence to alter Public Highway: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

26. Sightlines: The development shall provide a 2.1 metre by 2.1 metre visibility splay on either side of the proposed accesses, set back to the boundary of the public footway. There shall be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. 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.
4. The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines. Archaeological monitoring of any forthcoming geotechnical (particularly test pits) would be a suitable initial method of assessing deposit survival on the site. The findings would inform the requirement for archaeological trial trenching.

Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document.

In addition, the proposal is considered to comply with Policy SSA12 of the LDF Site Specific Allocations Plan, the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD.

The development is considered to accord with the provisions of the National Planning Policy Framework, as well as Policies 3.3, 3.4, 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6, 7.8, 7.15, 7.19 and 8.2 of the London Plan.

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

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| REPORT DETAIL |
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1. Site Description

- 1.1 The application site has an area of 0.28 hectares and is located to the northern side of New Road (A1306) at its junction with Askwith Road. There are no significant changes in levels across the site. The site currently has two points of vehicular access, one from Askwith Road and one from New Road.
- 1.2 The site is presently vacant and appears to have been unused for some years. There are some derelict single storey workshop and outbuildings within the site dating back from the former commercial use of the site, which appears to have been for some form of light engineering, possibly vehicle workshops, and car sales use. The site is overgrown and has suffered from fly tipping. The site also incorporates a vacant detached two storey building, originally constructed as a dwelling but apparently later used in connection with the commercial use of the site, as well as a pair of two-storey semi-detached houses.
- 1.3 The southern boundary of the site faces on to the A1306. To the east of the site is a commercial building (Wag Bennett), which sells vehicle accessories and spares and carries out associated fitting and repair works. Further east of this is a relatively recent flatted development. West of the site, on the opposite corner of Askwith Road, is a garage/repair workshop

with commercial warehouse behind. The remainder of Askwith Road, to the north of the application site, is residential in character. Dwellings are primarily two storey but the nearest dwelling to the site, no. 2 Askwith Road, is a bungalow.

2. Description of Proposal

- 2.1 The application is for redevelopment of the site to provide a total of 25 residential units. The existing vehicular access to the site from New Road would be retained but relocated slightly further east than its present position with a further existing access closed. Existing accesses to the site from Askwith Road would be closed and a new access created further northwards.
- 2.2 The proposals involve the construction of one pair of semi-detached houses at the northern end of the site fronting on to Askwith Road. These measure 13.5m wide overall, 9m deep, 5m to eaves and 7.7m to the ridge of a hipped roof. The dwellings have private rear garden of 40sq.m. and 63sq.m. respectively and two in curtilage parking spaces each. The dwellings have a relatively traditional, bay fronted design and are indicated to be predominantly red brick with a central yellow brick section and a metal roof. Each dwelling has three bedrooms.
- 2.3 The remainder of the development is arranged within three flatted blocks, which are predominantly three storeys high. One of the blocks faces on to Askwith Road, with a second block located at the junction of Askwith Road and New Road, and the third block fronting on to New Road. The block fronting New Road steps down in height to two storeys where it adjoins the eastern site boundary. To the rear of the blocks there is a parking area providing 17 parking spaces, together with a further 4 spaces and cycle storage. In addition to a further 2 parking spaces proposed to the New Road frontage of the site, the development comprises a total of 23 parking spaces for the 23 flats proposed. At the rear of the blocks there is a communal amenity area in excess of 360 square metres and all of the upper floor units have balconies, with the ground floor units having semi-private garden areas to the front.
- 2.4 The flats are designed with a semi-modern appearance, which are distinctive by reason of a sloping roof arrangement. The roofs appear as a series of inter-connecting, shallow slopes, which fall in differing directions. Otherwise, the flats are generally of conventional design to be constructed from red and yellow brick with a metal roof detail and glazed balconies. There are 6 no. 3 bed flats, 6 no. 2 bed flats and 11 no. 1 bed flats.
- 2.5 The development proposes 12 of the units as affordable housing, which equates to 48% of the units. These would comprise the two, three bed houses and 10 flats (3 no. 1 bed, 1 no. 2 bed and 6 no. 3 bed), which are proposed to be offered as a mix of social/affordable rent and intermediate units at a ratio of 60:40, with the remaining 13 flats being for private sale.

- 2.6 The application is accompanied by a suite of supporting documents including a planning statement, design and access statement, right of light and sunlight/daylight study, ecological reports, archaeological report, contamination ground investigation report, site waste management plan, noise assessment and energy reports.

3. Relevant History

- 3.1 The following planning history is considered relevant:

P1263.01 (93-97 New Road) 25 residential units – withdrawn.

P1915.01 (91-97 New Road) Redevelopment of site to provide 2, 3 and 4 storey buildings containing 36 dwellings with associated car parking and amenity space (outline) – refused. Appeal dismissed.

P1468.02 (91-97 New Road) Redevelopment of site to provide 2 & 3 storey buildings containing 21 dwellings and associated car parking (outline) – refused. Appeal withdrawn.

P1342.03 (89-97 New Road) Erection of 24 flats and associated car parking and amenity space (outline) – refused. Appeal dismissed.

P0135.06 (91-95 New Road) Change of use to provide residential accommodation for 23 dwellings - refused.

P2175.06 (89-95 New Road & garden r/o 97 New Road) Change of use to provide residential accommodation for 21 dwellings – refused. Appeal dismissed.

U0012.06 (91-95 New Road and garden r/o 97 New Road) Change of use to provide residential accommodation for 21 dwellings – withdrawn.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press as a major development and neighbour notification letters have been sent to 43 local addresses. The applicants have also undertaken a community consultation event, held at the Orchard Estate community centre, prior to submission of this application. Further neighbour notification has been carried out following the receipt of revised plans. At the time of writing this report the consultation period had not yet expired but will have done by the time this report is considered by Members. At this time one letter of representation has been received, details of which are given below. Any further representations received will be reported verbally to the committee.
- 4.2 There letter of representation received acknowledges the site needs redeveloping but is concerned at the number of crossovers proposed and possible increase in on street parking, which would affect lorries getting in

and out of nearby yard. Concern is particularly raised during the construction phase and yellow lines are suggested in Askwith Road and only allowing construction traffic to access from New Road.

- 4.3 The Borough Crime Prevention Design Advisor has requested revisions relating to access arrangements, including the location of the gate and bin stores. Following the receipt of revised plans these issues have been dealt with to satisfaction and no objections are raised to the development subject to conditions relating to community safety.
- 4.4 Environmental Health request conditions relating to land contamination., noise insulation and working hours if permission is granted.
- 4.5 Highways have no objections to the proposals. It is acknowledged that parking provision is consistent with Policy SSA12.
- 4.6 Thames Water have not raised any objections but advise that they should be contacted if the development falls within 3m of pipes connecting to a public sewer and the developer should contact Thames Water in respect of surface water drainage proposals.
- 4.7 Essex & Suffolk Water advise apparatus does not appear to be affected by the development and consent to development provided a new water connection is made on to company network for each new dwelling.
- 4.8 The Fire Brigade (Access) has advised that access should comply with Section 11 of ADB volume 1 for the dwelling houses and 16.3 of ADB volume 2 for the flats. If this cannot be met then a dry rising main is to be provided and access to meet 16.6.
- 4.9 English Heritage (GLAAS) advise there may be remains of archaeological significance on the site and recommend a condition in respect of archaeological investigation if permission is granted.
- 4.10 Housing have indicated that they are supportive in principle of the proposals. The amount of affordable housing provided is just under 50% but is acceptable given the odd number of units proposed and the nature of the accommodation being offered as affordable, including the proposed 2 no. dwelling houses within the development.

5. Relevant Policies

- 5.1 Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

Policy SSA12 of the Site Specific Allocations Development Plan Document is a material consideration, as are the draft Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 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), 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) of the London Plan are material considerations.
- 5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of development, the density and layout of the new development and the impact of its design, scale and massing on the character and amenity of the locality, the quality of the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues, affordable housing and the impact on community infrastructure.

6.2 Principle of Development

- 6.2.1 The application site is within a part of Rainham that falls under the provisions of Policy SSA12 (Rainham West) of the Site Specific Allocations DPD. Policy SSA12 states that on the north side of the A1306 comprehensive residential redevelopment perpendicular to the A1306 will be encouraged. The proposed development is for residential development and incorporates a number of individual sites along the New Road frontage, such that the proposal is considered to comply, in principle, with the objectives of Policy SSA12. The proposed residential use of the site would also accord with Policy CP1 of the Local Development Framework (LDF) and would be compliant with Policies 3.3 and 3.4 of the London Plan.
- 6.2.2 The buildings to be removed from the site are not of any significant architectural or historical interest and there is no objection in principle to their demolition.

6.3 Density and Site Layout

- 6.3.1 The site is subject to the provisions of Policy SSA1, which sets the density range for development in this part of the Borough, of between 30 and 150 units per hectare. The application site has an area of 0.28 hectares and proposes 25 new dwellings. This equates to a development density of 89.3 units per hectare and is within the range specified in Policy SSA12. The density is also similar to a recent development approved and built at 105-109 New Road.
- 6.3.2 The development proposed is primarily flatted, although it also incorporates a pair of semi-detached houses. Policy SSA12 seeks a mixed development of houses and flats. It is considered that the approach taken for this development, with flatted development fronting New Road and at the site junction, reducing down to two storey housing where the site adjoins existing residential housing in Askwith Road is appropriate in this location. The development proposes a mix of one, two and three bed units, with eight of the 25 units providing three bedroom accommodation. Despite the predominance of flatted units within the scheme, it is considered that the accommodation provided complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. The majority of the units exceed the internal space standards set out in Policy 3.5 of the London Plan. Some of the one bed flats (units 4, 9, 12, 17, 20 and 25) at 49 square metres each are marginally below the 50 square metre requirement set out in the London Plan but not significantly far below to make them unacceptable.
- 6.3.3 In respect of site layout, the application proposes three flatted blocks within the development incorporating a corner block (block 2), flanked by a block facing Askwith Road (block 1) and a block facing onto New Road (block 3). The arrangement of the blocks within the site is considered to be acceptable in principle. To the north of block 1 is the principal access into the site from Askwith Road, beyond which are the pair of semi-detached houses. The vehicular access is gated for security and provides access to the rear part of the site, where there is the main parking area, cycle store and communal amenity space. The layout of the site is considered to provide a reasonably spacious arrangement, with access to a communal amenity area of just under 400 square metres. All of the upper floor flats have balconies, the majority of which are south or west facing, and a number of the units benefit from two balconies (both front and rear). The proposals have been revised to enlarge the depth of some of the balconies so they meet with the 1.5m minimum depth criteria set out in the Residential Design SPD. Staff are satisfied with the size of the balconies proposed. Each of the semi-detached dwellings has private rear garden. The areas are relatively small, at 40 sq.m. and 63 sq.m, although increased from that originally proposed. The Residential Design SPD does not set a minimum size for amenity space and the spaces provided are private and laid out in a useable configuration, such that they would provide a reasonably useable outdoor amenity area.

6.3.4 In considering the layout of the development, key issues for Staff have been how the development relates to the wider streetscene and issues of community safety. Staff have particularly considered issues such as how the layout of the parking areas works, boundary treatment, private amenity areas for the ground floor flats and how to provide safe, secure access to the blocks. Staff have therefore sought a number of revisions to the originally submitted proposals in respect of the following;

- to bring block 3 further forward in the streetscene
- improving the boundary treatment to the New Road and Askwith Road frontages of the development
- providing better defined, individual (rather than shared) front gardens for the pair of dwellings
- relocating bin stores and meter cupboards within the development and providing safer means of pedestrian access
- enhancing landscaping proposals to the site frontage
- providing much more clearly defined front doors and entrances to the development from the street.
- introducing direct access to the units from the street where possible.
- including a children's play area
- rearranging internal layouts so that habitable rooms benefit from the balconies.

6.3.5 Staff consider these changes have substantially improved the proposed layout of the site. Visually they create more traditional street frontages, with front entrance doors, low level boundary treatment and landscaped 'front gardens'. This is more in keeping with local character, visually more attractive and provides a safer living environment in accordance with the objectives of Secured by Design. The amenity for future occupiers is also improved with larger balconies, better relationship between internal and external living space and much more private ground floor garden areas. A children's play area will be included within the development, although specific details of this will be required by condition as the details shown on the submitted landscape drawing are not considered sufficient.

6.3.6 The Borough Crime Prevention Design Advisor has been consulted at pre-planning stage and has also been involved with discussions relating to the proposed revisions to the scheme. Following the amendments to the proposals, it is now considered that reasonable measures have been undertaken to make the development as safe as possible. It is however recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.

6.3.7 The development is designed to Lifetime Homes standards and 3 of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

6.4 Design and Visual Impact

- 6.4.1 At the northern end of the site, facing on to Askwith Road, the development proposes a pair of two storey houses. The scale, design and character of this pair of dwellings and position relative to the road frontage, is considered to be acceptable in the streetscene and in character with local development. Although taller than the neighbouring property, no. 2 Askwith Road, which is a bungalow, the proposed houses are generally consistent with the predominant two storey housing within the Askwith Road streetscene. The choice of materials, in particular the metal standing seam roof will need careful consideration but is not necessarily harmful to local character. The front gardens of the dwellings have been re-designed so that each dwelling has its own landscaped front garden and two parking spaces. This appears in keeping with the character of Askwith Road.
- 6.4.2 In terms of scale and massing, the proposed blocks are predominantly three storeys high, although they do reduce to two storeys at the eastern boundary of the site. Three storey development is acceptable in principle in this location and accords with Policy SSA12. It is also in keeping with other development permitted nearby at 105-109 New Road and judged acceptable in the streetscene. The flatted blocks are set back from the boundaries of the site within a landscaped setting. This is one of the elements which differentiates the current scheme from much earlier refused development proposals and is considered to give the development a softer edge, which is more characteristic with the residential character of surrounding roads and mitigates the impact of the height and mass of the blocks.
- 6.4.3 The proposed flats are of a semi-modern appearance. They are to be built of red and buff coloured brick with a metal roof and glass balconies. Staff consider the overall combination of materials is acceptable although samples should be required by condition to ensure the brick blend and colour of roofing selected is compatible with the locality. The blocks have a good use of articulation and the mono-pitched roof design is considered to provide the buildings with strong visual interest, whilst ensuring that the height and bulk of the development is not excessive.
- 6.4.4 A drawback of the design is that the flatted development relies on pedestrian access from the rear rather than the front of the blocks. In order to address this issue in terms of the design of the block a number of the ground floor units now benefit from dual access and the creation of semi-private front gardens with individual gated access onto Askwith Road and New Road. It is considered that this strengthens the ground floor elevations of the development, giving it an improved presence within the public realm and also increasing natural surveillance, thereby improving the security of the units. Whilst the provision of the principal access at the rear of the block is maintained, it is considered that the design and access measures now incorporated into the building frontage result in an acceptable form of development. Particular care will however have to be taken with the quality

of the boundary treatment and the landscaping of the semi-private gardens and it is recommended that further details of this be required by condition.

- 6.4.3 The internal facing elevations are considered to be acceptable. Whilst they do not have a strong degree of articulation, particularly the east facing elevations, interest is provided by a mix of brick colours and the internal facing balconies, as well as the full height glazing to the main stair core of blocks 1 and 2.

6.5 Impact on Amenity

- 6.5.1 In terms of the impact on amenity, the occupiers of the residential property to the immediate north of the site, 2 Askwith Road, are most directly affected by the proposals.

- 6.5.2 No. 2 Askwith Road is a bungalow, which is set in approximately 3m from the northern boundary of the application site. The bungalow has previously been extended to the rear by the addition of a single storey extension. The nearest part of the proposed development to this dwelling would be the pair of semi-detached houses. Block 1 is some 25m from the shared boundary and block 3 some 38m away, such that the flatted elements of the development are not considered to have any material impact on no.2 Askwith Road.

- 6.5.3 The pair of houses within the development are positioned perpendicular to the flank wall of no.2 Askwith Road. The footprint of the building does not project significantly beyond the rear of this dwelling. The houses are set in approximately 1.5m from the shared boundary and given the flank to flank separation distance of some 5m minimum the proposed dwellings would not have an overbearing impact on the neighbouring property or rear garden environment. There are no flank windows proposed to the north facing elevation of the new dwellings such that no direct overlooking of the neighbouring property would occur.

- 6.5.4 No. 2 Askwith Road has one window in the south facing elevation. A daylight/sunlight study, and a right of light report, have been submitted with this application. Staff have also visited the property at no.2 Askwith Road. The flank window serves a study area, although this is actually part of an open plan living room, which also benefits from glazed patio doors to the rear. The submitted report concludes that the window would continue to receive acceptable levels of daylight and sunlight and the proposed development would not result in unacceptable levels of overshadowing to the neighbouring property. Although the Council's planning policies do not specifically refer to the Building Research Establishment guidelines, which have been used for this study, they are an acknowledged industry standard and Staff therefore expect the conclusions of the report to be sound. Staff therefore consider sufficient work has been undertaken by the developer to demonstrate that the development would not be materially harmful to the amenity of the adjoining occupier and are satisfied that loss of light does not constitute material grounds to refuse the application. Windows to the front

and rear of the dwelling would not be materially affected owing to the position of the proposed building relative to these windows.

6.5.5 The layout of the proposed development places the main parking area in the north-eastern corner of the site, where it will be adjacent to the boundary with no. 2 Askwith Road. However, the parking is set off the boundary by 1m, enabling a buffer to be provided and a 1.8m high brick wall with trellis over is proposed along the party boundary. It is considered that these measures would prevent material harm to the amenity of the adjoining occupier through noise and disturbance and vehicle fumes.

6.5.6 To the east of the site is the Wag Bennett garage, which is in commercial use as a vehicle accessories and parts store with associated workshops. It is considered that these premises would not be materially affected by the development although Staff have considered whether the proposals could prejudice the opportunity to build on this site in the future. It is concluded that the limited projection of block 3 into the site and the distance of the rear of block 1, some 29m from the eastern site boundary would not preclude any future redevelopment of the Wag Bennett site. Furthermore, there are no flank windows to block 3 facing towards the site, which would be harmed by future development on the neighbouring site. There is a proposed first floor rear balcony proposed to unit 18 and it is recommended that a side glazing screen be added to the east facing flank of the balcony, details and provision to be secured through condition.

6.5.7 The site to the west of the development on the opposite corner of Askwith Road is in commercial use and would not be materially affected by the proposed development. Development on the south side of the A1306 is well separated from the development and in commercial use and not materially affected by the proposed development.

6.5.8 Staff have considered the living environment for future occupiers of the proposed development, in particular in relation to the road traffic noise on the A1306 and from the adjacent commercial premises. A noise assessment has been carried out and submitted with the application indicating that the development falls within Noise Exposure Category C, where development should only be approved subject to satisfactory mitigation measures. Environmental Health have raised no objection to the proposal in this respect subject to noise related conditions.

6.6 Environmental Issues

6.6.1 The application site is located in Flood Zone 1. The site area is less than 1 hectare and a Flood Risk Assessment (FRA) has not therefore been submitted in respect of this application. The proposal is not considered to present any material flood risk issues.

- 6.6.2 A land contamination desk top and site investigation study have been carried out. A condition is recommended in respect of land contamination issues.
- 6.6.3 The site is located on New Road (A1306) and also shares a boundary with commercial premises. As referred to earlier in this report, a noise assessment has been carried out and submitted with the application and indicate that the development would fall within Noise Exposure Category C of the former PPG24. This category does not preclude residential development on the site, although the development will need to be designed to mitigate against noise impacts. Details of noise mitigation measures can be required by condition.
- 6.6.4 An energy strategy and sustainability statement have been submitted with the application. The energy strategy indicates that the development will at a minimum meet Code for Sustainable Homes Level 3, with the Energy element meeting code level 4. This is compliant with current LDF policy and the London Plan and It is recommended that the aims of these statements be secured by condition.
- 6.6.5 An Ecological Scoping Survey and bat survey have been submitted with the application. A walkover of the site has been undertaken and does not indicate the presence of any rare or protected species, including the presence of bats. However, there is potential for the site to support roosting bats due to the presence of existing buildings that provide habitat potential. There is also giant hogweed, which is an invasive plant species, growing on site. The report makes recommendations relating to the impact of development on nesting birds and bats and opportunities for bio-diversity enhancement. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report.
- 6.6.6 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

6.7 Parking and Highway Issues

- 6.7.1 The application proposes a total of 27 parking spaces. This is arranged as one parking space per flat and two parking spaces for each of the semi-detached houses. The site is subject to the provisions of Policy SSA12, which gives a parking requirement of 1-1.5 spaces per unit. The proposed development is therefore in accordance with this policy and the amount of parking proposed does not constitute material grounds for refusal. The amount of parking is considered to be consistent with Policy 6.13 of the London Plan.

- 6.7.2 The development makes provision for cycle storage within a secure building in the grounds of the development. Cycle storage to meet the requirements of Annex 5 of the LDF can be secured by condition.
- 6.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals. Highways have indicated they have no objection to the retention of the access from New Road. An adequate visibility splay is required and can be secured through condition. No objection to the proposals has been received from the Fire Brigade.
- 6.7.4 The proposal makes provision for refuse stores to serve the flats. Full details of the refuse storage and collection arrangements will be required through condition.
- 6.7.5 Parking and access for construction traffic is not a material ground on which to refuse planning permission. A condition is however recommended requiring details of the construction methodology to be submitted.

6.8 Affordable Housing

- 6.8.1 The application provides a total of 25 units, of which it is proposed that 12 units will be affordable housing, which equates to 48% of the units. These would comprise the two, three bed houses and 10 flats (3 no. 1 bed, 1 no. 2 bed and 6 no. 3 bed). It is proposed that the affordable units would be provided as a mix of social/affordable rent and intermediate units at a ratio of 60:40, with the remaining 13 flats being for private sale. This mix is the preferred approach of the Council's Housing Service and it is considered that this would accord in principle with national and local planning policies. The amount of affordable housing proposed would need to be secured through S106 Legal Agreement.

6.9 Infrastructure

- 6.9.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £138,000 to be used towards infrastructure costs arising from the new development is required. This is calculated on the net increase of 23 dwellings on the site (25 units less the 2 existing houses to be demolished). The contribution should be secured through a S106 Legal Agreement.

7. The Mayor's Community Infrastructure Levy

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The development proposes a gross internal new build floorspace (GIA) of 2010 square metres but the development includes the demolition of a pair of semi-detached houses, which have a GIA of floor space of 200 square

metres. As these have been in use for at least six months of the part year, the GIA of the buildings to be demolished can be subtracted from the chargeable area. The CIL liable GIA of the development is therefore 1814 square metres (2010 sq.m. minus 196 sq.m.), which equates to a Mayoral CIL payment of £36,280.

- 7.2 However, as the development includes an element of affordable housing it is possible for the applicants to make an application for social housing relief. This will need to be calculated when/if an application for CIL relief is submitted.

8. Conclusion

- 8.1 The proposed residential development on the site is acceptable in principle and accords in principle with Policy SSA12. The design and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. Staff further consider the design, scale, bulk and massing of the proposed buildings to be acceptable and to be appropriate in the streetscene. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal makes acceptable provision for affordable housing within the development and will include a requirement to meet infrastructure costs associated with the development in accordance with the draft Planning Obligations SPD. The proposal is therefore judged to be acceptable, subject to a Section 106 Legal Agreement and conditions and it is recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None specifically arising from this development

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 is designed to meet Lifetime Homes criteria and policies relating to wheelchair accessible housing. The development makes provision for affordable housing, which includes larger units and houses, and thereby contributes to the provision of mixed and balanced communities and access to quality housing for all elements of the community.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 30 July 2012 and revised plans received 4 and 9 October 2012.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 October 2012

Subject Heading:

**P0993.12 – Former Premier Motors,
Jutsums Lane**

Report Author and contact details:

**Variation of Condition 2 of P0962.11-
relocation of vehicle access, including
part removal of building, and changes
to the external appearance of a
building and the addition of conditions
17 and 18 relating to highways .
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 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 checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This planning application proposes the variation of condition 2 of planning permission P0962.11 to allow for amendments to the approved details of that planning permission. The amendments would include changes to the site access,

including the part removal of a building, and changes to the external appearance of a building.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the completion of a deed to vary the Section 106 agreement completed on 13th June 2012, which broadly required, amongst other things:

- Agreement to set aside the Lawful Development Certificate (reference E0006.95) from the date of commencement of Planning Permission Reference P1578.11 or Planning Permission Reference P0962.11, whichever is commenced first; and
- That the use of 143 Crow Lane for the storing, sorting, handling, trading and processing of scrap metals or material and otherwise pursuant to the Lawful Development Certificate shall immediately cease on either the commencement of the Planning Permission Reference P1578.11 (143 Crow Lane) or Planning Permission Reference P0962.11 whichever is commenced first.

The proposed Deed of Variation would require the following:

- That the definition of “The Second Planning Permission” and “the Second Development” be varied by including reference in both to Planning Reference P0993.12 as an alternative to Planning Reference P0962.11 whichever is implemented;
- All consequential changes to recitals and clauses of the Section 106 Agreement dated 13th June 2012 pursuant to the first bullet point above otherwise the Section 106 dated 13th June 2012 to remain unchanged.
- The owner or developer to pay the Council’s legal fees in respect of the preparation of the Deed of Variation irrespective of whether the Deed is completed.

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.

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. 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.

4. Boundary Treatment - No development shall take place until details of the proposed boundary treatment between the site and the surrounding properties, including along the access route have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the proposal being brought into use.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Refuse Storage - Prior to the first use/occupation of the development hereby permitted, provision shall be made for the storage of refuse, arising from the offices and staff facilities, awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

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

6. Bicycle Storage - Prior to the first use/occupation of the development hereby permitted, provision shall be made for the storage of bicycles for use by staff, according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In order that the development accords with the Development Control Policies Development Plan Document Policy DC33.

7. Noise - No development shall commence until details of a scheme have been submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall be implemented prior to the first use of the site and thereafter retained for the life of the development. The applicant should have regard to the "reasonable" design range for reasonable resting conditions for living rooms (40 dB LAeq T) as prescribed in BS8233:1999-Sound insulation and noise reduction for buildings-Code of Practice.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

8. Landscaping - No development shall take place until a scheme of hard and soft landscaping has 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 Development Control Policies Development Plan Document Policy DC61.

9. Building Materials - No development shall take place until details of materials and colour scheme relating to the buildings at the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the approved development being brought into use and shall thereafter be retained for the life of the development.

Reason:-

In the interests of visual amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Dust Mitigation – No development shall take place until a scheme for the control of dust-drift has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented from the commencement of development and be retained for the life of the

development. Should dust be observed crossing the site boundary at any time, then any outdoor site operations shall cease immediately and not recommence until the dust-drift has been brought under control.

Reason:-

In the interests of local amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. Drainage - The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason:-

Waste activities, particularly metal recycling can give rise to water contamination. This contamination must be properly controlled and prevented from entering the surface water drainage system, and causing pollution.

12. Drainage - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:-

The site lies on a Secondary Aquifer and the previous use of the site could have resulted in contamination of the soil and groundwater. Infiltration of surface water would provide a potential pathway for contamination to migrate into the underlying secondary aquifer.

13. Operating Hours - No operations/activities shall be carried out on the site outside the hours of 08:00 and 18:00 Mondays to Fridays and the hours of 08:00 and 15:00 on Saturdays. No operations shall be carried out at any time on Sundays, Bank or Public Holidays.

Reason:-

In the interests of local amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Storage Heights – All waste material, containers, and plant to be stored in the open air shall be sited in accordance with the approved plan referenced

2737_CM03B. The height of any loose waste material stockpiled in the open air shall not exceed 3m in height.

Reason:-

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

15. Annual Throughput – The annual throughput of waste materials at the site shall not exceed 20,000 tonnes and shall not include any putrescible waste.

Reason:-

In the interests of residential amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. That the authorised use pursuant to this planning permission shall not commence on any part of the application site until the operation of the scrap metal facility at No. 143 Crow Lane permanently ceases and all plant, machinery, containers and materials associated with it are permanently removed from the site at 143 Crow Lane which for the avoidance of doubt is the area outlined in blue on Drawing Reference 2737_PL16.

Reason:-

To secure greater openness of the Green Belt in the vicinity of the application site and in particular at 143 Crow Lane which is located within the Green Belt and to improve the visual amenity of that site.

17. Highways – No development shall take place until the proposed alterations to the public highway 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 for the life of the development.

Reason:-

In the interests of highway safety and in accordance with the Development Control Policies Development Plan Document Policy DC61.

18. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the public highway shall be entered into prior to the commencement of development.

Reason:- In the interests of highway safety and in accordance with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

Reasons for Approval

Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal has been assessed in relation to the aims and objectives of Policies

DC10 - Secondary Employment Areas
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC55 - Noise
DC61 - Urban Design
DC63 - Delivering Safer Places

The following policies of the Draft Joint Waste DPD for the East London Boroughs ("the Joint Waste DPD"):

W2 - Waste Management Capacity, Apportionment and Site Allocation
W5 - General Considerations with Regard to Waste Proposals

National Planning Guidance

National Planning Policy Framework

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

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies. The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and also requires an Environmental Permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and /or land development works are waste.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with ourselves or by obtaining an Environmental Permit.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste legislation, which includes:

Duty of Care Regulations 1991
Hazardous Waste (England and Wales) Regulations 2005
Environmental Permitting Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

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

1. Site Description

- 1.1 The application site comprises land and buildings that were formerly occupied by Premier Automotive Parts. Prior to its closure, approximately two years ago, the site was used as a car retail, repair, and maintenance centre.
- 1.2 Part of the site's southern boundary runs alongside the rear of an existing building, which also formed part of the Premier Automotive Parts site, but which is separate from the site. The remainder of the southern boundary abuts Crow Lane, whilst the eastern boundary lies adjacent to Jutsums

Lane. The northern and western boundaries abut neighbouring sites in industrial or other employment uses. Neighbouring dwellings are located approximately 23m from the eastern boundary, on the opposite side of Jutsums Lane.

- 1.3 The site comprises several imposing buildings. A large, pitch-roofed works dominates the western end of the site, the length of which runs from north to south and attached to which is a smaller works building. Attached to these buildings is what appears to be a former show room building, which has an east-west orientation and is fronted by a hardstanding area alongside Crow Lane. This building and its hardstanding area are located outside of the site boundary and would be unaffected by this application. An office building, having the appearance of a dwelling, is located in the centre of the site and is fronted, to the east, by a vehicle parking area, which dominates the eastern end of the site. The buildings are currently boarded up and the site is fenced off.
- 1.4 The site is designated in the LDF as a Secondary Employment Area. The site's southern boundary abuts Crow Lane, which is washed-over Green Belt.

2. Description of Proposal

- 2.1 This planning application proposes the variation of condition 2 of planning permission P0962.11 to allow for an amended access, the partial demolition of a building, and changes to the external appearance of a building. The latter would involve amendments to the approved fenestration and cladding materials relating to the southern elevation of the main waste recycling building, resulting in the removal of several openings. The proposed demolition works would relate to the western end of an existing, single storey building and would provide space between this building and the waste recycling building for the proposed new vehicular access.
- 2.2 Planning permission P0962.11 granted approval for the change of use of a former car retail, repair and maintenance centre to a scrap yard for the recycling, processing, storage and distribution of scrap metal (excluding the dismantling of vehicles.) The throughput of the approved facility would be up to 20,000 tonnes per annum.
- 2.3 In the interests of reducing the noise impacts on neighbouring residential occupiers, the developer is proposing to move the primary vehicular access to the western end of the site's southern boundary, off Crow Lane. The approved, and historic, access off Justsums Lane would be retained for emergencies only and would otherwise be closed off by an acoustically screened gate.

3. Relevant History

- 3.1 The previous planning decisions of most relevance to this proposal are as follows:

- 3.2 P1011.15 - Material change of elevation – Approved.
- 3.3 P0962.11 - Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges – Approved.
- 3.4 P1578.11 - Change of use from storing, sorting, handling & processing of scrap metal to B1/B8 at No.143 Crow Lane – Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 24 neighbouring properties; a site notice was placed in the vicinity of the site; and an advertisement was placed in the local press. One representation has been received raising queries, which officers have responded to.
- 4.2 Highways Authority – No objections; conditions and informatives recommended.

5. Relevant Policies

- 5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

- DC10 - Secondary Employment Areas
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places

- 5.2 The following policies of the Joint Waste DPD for the East London Boroughs ("the Joint Waste DPD"):

- W2 - Waste Management Capacity, Apportionment and Site Allocation
- W5 - General Considerations with Regard to Waste Proposals

- 5.3 National Planning Guidance

- National Planning Policy Framework ("the NPPF")

6. Staff Comments

- 6.1.1 This application is put before Members as it would require, should planning permission be granted, a deed of variation to an existing legal agreement. The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

- 6.1.2 Planning permission P0962.11 is the subject of a legal agreement, which also relates to planning permission P1578.11. Planning permission was granted for the redevelopment of the site under consideration, in part, on the basis that an existing metal recycling facility at No.143 Crow Lane would be discontinued and transferred to the Former Premier Auto Parts site (“the Site”). Planning consent P0962.11 granted approval for the development of the Site as a metal recycling facility, whilst planning permission P1578.11 granted approval for the redevelopment of the Crow Lane site for B1/B8 purposes, following the transfer of the existing recycling facility to the Site. A legal agreement was completed that linked the two planning permissions and contained a requirement that the applicant cease to use the Crow Lane site for metal recycling once the new use at the Site had been implemented.
- 6.1.3 The application under consideration proposes an amendment to planning permission P0962.11 and, should approval be given, this would result in a new planning consent being issued. Should consent be granted, it would therefore be necessary to amend the afore mentioned legal agreement, by means of a deed of variation, so that it refers to the new permission.

6.2 Principle of Development

- 6.2.1 The proposal is for the variation of a condition relating to an extant planning permission, which was granted by Members in March 2012. The proposed amendment to the approved plans would allow for the creation of a new access, requiring the partial demolition of an existing building, and changes to the external appearance of an existing building. The proposal would not result in any change of use or other fundamental changes to the development already approved at the site. The proposal is therefore considered to be acceptable in principle.

6.3 Design Considerations

- 6.3.1 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. Policy W5 of the Joint Waste DPD states that proposals for new facilities managing non-apportioned waste should not result in material adverse visual and landscape impacts.
- 6.3.2 The site's southern boundary lies adjacent to the Green Belt and the site would be conspicuous from the Green Belt. However, it is considered that none of the proposed works would be detrimental to the visual amenities of the Green Belt, or to the character of the area. It is recommended that the conditions imposed on planning permission P0962.11 be re-imposed in this case, should planning permission be granted.
- 6.3.3 In terms of its visual impact, it is considered that the proposal would be in accordance with Policy DC61 of the LDF and Policy W5 of the Joint Waste DPD.

6.4 Amenity Considerations

- 6.4.1 Policy DC55 of the LDF states that planning permission will not be granted if it would result in a development causing exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy W5 of the Joint Waste DPD states that new waste facilities managing non-apportioned waste should not result in material adverse impacts on neighbouring amenity including noise.
- 6.4.2 The proposed changes to the previously approved scheme are intended to address concerns, raised by local residents and officers, that the proposal would result in significant adverse impacts on the amenity of residential occupiers at Jutsums Lane. The proposal under consideration would result in the main vehicular access being moved away from its current location on Jutsums Lane, where it faces residential properties, to an area of the site off Crow Lane. The submitted information states that the existing access would be retained for emergency access only. It is anticipated that the proposal would result in an improvement in relation to the impacts a metal recycling site would have on neighbouring occupiers.
- 6.4.3 It is recommended that the conditions imposed on planning permission P0962.11 be re-imposed in this case, should planning permission be granted.
- 6.4.4 It is considered that the proposed modifications, in themselves, would not result in any significant adverse impacts on the amenity of neighbouring occupiers. The proposal is therefore considered to be in accordance with Policies DC55 and DC61 of the LDF, and Policy W5 of the Joint Waste DPD.

6.5 Parking and Highway Issues

- 6.5.1 Policy DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. Policy W5 of the Joint Waste DPD states that proposals should avoid material adverse impacts on the highway network and access arrangements.
- 6.5.2 Planning permission P0962.11 allows for two vehicular access points into the site. The primary access would be from Jutsums Lane, whilst a further access onto Crow Lane would be used by smaller vehicles. The application under consideration proposes an amendment to the approved access arrangements, with the primary access for all vehicles being taken from Crow Lane. The currently approved primary access would be retained for emergency use only.
- 6.5.3 The Highway Authority has been consulted about the proposal and has raised no objections, subject to the imposition of conditions and informatives

relating to proposed works to the public highway. It is recommended that these conditions be imposed should planning permission be granted.

6.5.4 As the Highway Authority has raised no objections, the highway impact of the proposal is considered to be acceptable, having had regard to Policy DC33 of the LDF and W5 of the Joint Waste DPD.

7. Conclusion

7.1 Subject to the completion of a deed of variation to an existing legal agreement associated with planning permission P0962.11, and subject to the recommended planning conditions, officers consider the proposal to be acceptable having had regard to Policies DC10, DC33, DC45, DC55, DC61, DC63, and DC67 of the LDF, Policies W2 and W5 of the Joint Waste DPD, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement in respect of 143 Crow Lane.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Planning application P0993.12 and planning permission P0962.11.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 October 2012

Subject Heading:

P0680.12 – 44 Herbert Road, Emerson Park – Demolition of existing building; redevelopment of site to form four detached dwellings, formation of vehicular access and car parking (received 18 June 2012; revised plans received 30 August 2012; further information received 12 September 2012; revised layout plan received 19 September 2012)

Report Author and contact details:

**Helen Oakerbee
Planning Control Manager
(Applications)
helen.oakerbee@havering.gov.uk
01708 432800**

Policy context:

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

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| 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 type="checkbox"/> |
| 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 report concerns an application for the demolition of the existing dwelling and the erection of four detached houses with new access road and car parking. The proposal has been called-in by Councillor Steven Kelly on the grounds of overdevelopment in a back garden. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,403.08m² (which excludes the existing dwelling's 340.42 sq.m) which equates to a Mayoral CIL payment of £28,506. Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

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:

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

1. 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 Act 1990.

2. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. 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.

4. 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 the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. Prior to completion of the development 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.

6. The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal 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 the NPPF.

7. Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new properties and shall be permanently retained and maintained thereafter to the satisfaction of the

Local Planning Authority. In addition, until the proposed hedging to the eastern boundary attains the height of at least 1.8m, a screen fence of 2m in height shall be maintained on that boundary.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

8. The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

9. 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

10. The landscaping scheme as shown on drawing No. BAN 18182 – 11B (dated: 11/10/12) hereby approved shall be implemented. All planting, seeding or turfing 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

11. No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority, in order that the development accords with Policy DC60 of the LDF Core Strategy and Development Control DPD and SPD on the Protection of trees during development. Such a scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order.

12. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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):

a) 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) 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 two parts:

Part A - Remediation Scheme 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.

c) 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

d) 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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

13. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

15. The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

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

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

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A, B, D and E namely extensions, roof extensions, porches or outbuildings (or other structures in the curtilage), 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 Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will

require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. 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.
4. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC34, DC37, DC55, DC60, DC61, DC62, DC63, DC69, DC70 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,403.08m² (which excludes the existing dwelling's 340.42 sq.m) which equates to a Mayoral CIL payment of £28,506. Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises a single storey detached dwelling with accommodation in the roofspace and some outbuildings including a double garage at 44 Herbert Road. The site is located to the southern side of Herbert Road, on the western side of its junction with The Lombards. The site is within Sector 6 of the Emerson Park Special Policy Area. The site area is 0.48 ha. There is a relatively new fence to the south of the application site, beyond which is an area of land which appears to be part of the rear garden of No.44 Herbert Road.
- 1.2 The surrounding area otherwise is of large mainly 2 storey detached houses on large plots fronting onto Herbert Road, including some recent new-builds, and to The Lombards and Fairlawns Close on generally smaller plots also within Sector 6. There are smaller properties on smaller plots to the rear in Channing Close and Beverley Close (in Sector 5).
- 1.3 TPO 16/06 covers the application site. There are a large number of trees on site to the boundaries and rear garden area.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings including the existing dwelling and construction of 4, 2-storey houses with a new access road, car parking and amenity space.
- 2.2 The proposed layout is with the spine road to the west of the application site. The proposed dwellings would be laid out with one fronting onto Herbert Road and the other 3 facing west towards the spine road. Each plot would have a minimum width of 23m with a depth of 30m – 37m.
- 2.3 Each house (excluding the proposed garages) would be approximately 14.4m wide and 15.3m deep at ground floor with the upper floor being a maximum of approximately 11.5m. The house on Plot 1 would have a fully pitched roof with a maximum ridge height of 11m above ground level with dormer windows to the front and rear elevations. Those to the rear would have a section of flat roof and would have a maximum height of 9.6m above ground level with dormers only to the rear elevation.
- 2.4 The proposed rear amenity areas would be a minimum of 10m and 12m deep and 24m-32m wide.
- 2.5 The proposed cul-de-sac road would have a length of 94m and width of 4m. There would be a turning head provided which would use the area to the front of Plot 3's garage. Plot 1 would have its own new access onto Herbert Road, to the east of the application site.

- 2.6 It is proposed to provide each house with an attached garage. Those to the rear would be provided with a double garage whereas that to the Herbert Road frontage would have a triple garage.
- 2.6 The proposal would result in trees being removed. The proposal would include 36 replacement trees, mainly to the western side of the proposed cul-de-sac road and to the boundary with The Lombards. In addition hedging would be located to the front and rear boundaries of the proposed properties; that to the rear boundaries with The Lombards is to be maintained at a height of 1.8m.
- 2.7 A Tree Report and Ecological Survey were also submitted with the application.
- 2.8 The main differences between the current scheme and that dismissed at appeal are:
- reduction in number of proposed dwellings from 6 to 4
 - re orientation of houses to either front Herbert Road or the west
 - reduction in the ridge height of the properties to the rear
 - increase in depth for individual properties from 14.45m to 15.3m and increase in width from 13.6m to 14.4m

3. **History**

- 3.1 P1870.11 – demolition of the existing bungalow and construction of 6 detached houses with associated vehicular access and landscaping – refused 9/2/12; subsequent appeal dismissed 7/8/12.

4. **Consultation/Representations**

- 4.1 46 neighbouring occupiers were notified of the proposal. There were 5 replies objecting to the proposal on the following grounds:
- Trees on the boundary of the property should be protected to provide a screen between the proposed and existing residential development
 - The proposed dwellings are inconsistent with existing properties
 - Loss of wildlife
 - Visual intrusion due to three-storey design and close proximity to existing development, particularly if boundary trees are removed
 - Back garden development is not in accordance with the Emerson Park SPD
 - Proposed density is not supported by the Emerson Park SPD
 - The scheme suggests that this is a smaller development than the 6 house scheme but each house is much bigger
 - Children walking along Herbert Road to School will be affected by large industrial vehicles going in and out
 - Possible accident hot spot
 - Loss of all trees on the eastern boundary would result in an unacceptable loss of privacy and security both during and after construction
 - Loss of trees (subject to a preservation order 16/06) resulting in detriment to the character of the area
 - The Council should not require developers to remove trees from this site

- There are no properties in Emerson Park with accommodation in their roofspace and this is therefore inconsistent with existing development
- The additional floorspace would increase the selling potential of the scheme
- Noise intrusion
- the site forms the northern part of a larger site where further development is likely to the south which can be accessed from Fairlawns Close.

A letter was received in response to the revised plans reiterating the above objections.

- 4.3 Thames Water has written to advise that they have no objection with regard to sewerage infrastructure. Essex and Suffolk Water indicate that their apparatus does not appear to be affected by the proposed development and given consent subjected to a new water connection being made to their network for each new dwelling.
- 4.4 The Metropolitan Police Crime Prevention Design Advisor has written to advise that he has concerns regarding the vulnerability of the proposed garages/parking spaces as they lack natural surveillance. He requests the addition of a condition and informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage if permission is granted. This has been communicated to the applicants.
- 4.5 The Fire Brigade (LFEP) indicate that access should meet 16.3 of ADB Volume 2 but if this cannot be achieved a fire main should be provided in accordance with 15.3 and access meet 16.6 with a fire hydrant within 90m of the inlet to the fire main. These are the Building Regulations documents and a separate application would be needed.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP4, CP17, DC2, DC4, DC33, DC35, DC36, DC60, DC61, DC63, DC69 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, and the SPDs on Emerson Park Policy Area, Residential Design and Planning Obligations (draft) are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF. The Planning Inspector's Decision letter dated 7 August 2012 in relation to the refused/dismissed scheme is also relevant.
- 5.2 *Principle of development*
- 5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the existing urban area. The National Planning Policy Framework (NPPF) indicates that back garden do not form "brownfield" sites and that the proposal would, as it involves a back garden form of development, would be unacceptable in principle. The NPPF does not however preclude all development of back gardens and if there are material circumstances which

suggest that development might be appropriate then this can be considered as an exception.

- 5.2.2 The NPPF nonetheless indicates that sustainable development should normally be granted planning permission and, while the PTAL is low, the site would be in a sustainable location. The details of the scheme will therefore be paramount in deciding whether the proposed development can be considered as an exception, with the main consideration being whether the proposal would accord with the character of the area in which it is located, i.e., Sector 6 of the Emerson Park Policy Area (Policy DC69) and the guidance set out in its related SPD.
- 5.2.3 The Emerson Park Policy SPD indicates that in Sector 6 “Infill development will be permitted in this sector provided it does not give a cramped appearance to the street scene and its massing and architectural style is in keeping with surrounding properties. Redevelopment of a number of properties or backland development generally result in increased density and reduced rear garden lengths, both of which are harmful to the special character of Sector 6, and such proposals will not normally be permitted.”
- 5.2.4 The Planning Inspector in dismissing the 6 house scheme in August 2012 did not specifically consider the issue of whether the proposal was acceptable in principle, nonetheless she did address the issue of how the scheme related to the design aims of the NPPF, and in this respect she effectively identified that the scheme was not unacceptable in principle, only in respect of the details of the previously dismissed scheme.

5.3 *Density/Site Layout*

- 5.3.1 The proposal is to demolish the existing detached property and replace it with 4 houses; one fronting onto the existing highway and the other three fronting onto a new cul-de-sac road to the western side of the application site. Clearly the density of the site would increase, in this case to 8.8 dwellings per hectare. Policy DC29 indicates that the density ranges in Policy DC2 do not apply in the Policy Area since the character of area generally is of large houses on larger plots, and it is the special character of the area which the Policy seeks to ensure is not undermined by proposed development, nonetheless the proposed density is similar to other development within the Emerson Park area.
- 5.3.2 The Emerson Park SPD indicates that new development should be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area.
- 5.3.3 The Planning Inspector indicated that “the southern side of Herbert Road is more densely developed than the opposite side. ... To the east of the appeal site is a short cul-de-sac of three detached houses, and further west is a larger cul-de-sac that appears more close-knit and suburban than most of the frontage housing on Herbert Road.” Given the presence of other cul-de-sacs in the vicinity, the Inspector took the view that the principle of this pattern of development would not conflict with the aims of Policy DC69.

- 5.3.4 The acceptability of the development therefore rests on it being of a high standard of design and layout. In dismissing the previous appeal, the Inspector took the view that six dwellings of the footprints proposed meant that none would be perceived as having a particularly spacious plot. This perception, in the Inspector's view, would be exacerbated by the height and scale of the dwellings and overall would give rise to an excessive amount of development compared to the general pattern in the vicinity.
- 5.3.5 To address the Inspector's comments, the current proposals have reduced the number of houses proposed from six to four. Only one dwelling is proposed at the site frontage to Herbert Road, rather than the two previously proposed. Within the rear portion of the site, three houses are proposed in a linear arrangement facing westwards, whereas previously there were four houses facing both west and north. Ridge heights are also generally lower, for example plot 2 and 3 dwellings have reduced from 10.2m to ridge to 9.6m. Plot 4 reduces from 10m to ridge to 9.7m.
- 5.3.6 Staff consider that these changes significantly improve the spaciousness of the proposed development. To the site frontage the reduction from two dwellings to one creates a more generous plot that is in keeping with the character of Herbert Road. The reduction in unit numbers to the rear of the site leads to more separation from the eastern site boundary compared to the previous scheme and more space between the dwellings. Combined with the reduction in ridge heights and alterations to the design of the dwellings, Staff consider that the resultant development is compatible with the spacious character of this part of Emerson Park and would overcome the grounds for dismissal of the earlier appeal.
- 5.3.7 The London Plan indicates at Policy 3.5 (Table 3.3) that 2-storey houses with 4 bedrooms for 6 people should have a minimum gross internal floorspace of 107sq.m and for a 3-storey property with the same number of bedrooms/people, 113 sq.m. Each of the proposed properties would have 5 bedrooms on three floors of accommodation (one in the roof area) with a floorspace of approximately 526 sq.m. Staff consider that the houses are significantly larger than the minimum size but would be for larger/wealthier families and that they would be of a similar size to others in Sector 6 such that they would be of appropriate floorspaces for the likely future occupiers.
- 5.3.8 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. In this case, the proposal should meet guidance in the SPD on Emerson Park Policy Area which indicates that properties should be provided in well landscaped grounds. The proposed amenity space for each property ranges from approximately 370sq.m to around 465sq.m and existing trees would be retained. Staff therefore consider that the amenity space would be similar to

existing amenity areas of the majority of properties to this side of Herbert Road which is appropriate to the nature and size of the proposed units such that this scheme would provide an acceptable level of amenity space.

5.3.9 Staff consider that the proposed density and the new layout (reducing the scheme from 6 houses to 4 houses) would be similar to other existing development, in particular The Lombards. The proposed density/layout now proposed would, in Staff's view, overcome the previous refusal reasons as the proposal would not now be for an overly cramped form of development in the Emerson Park Policy Area.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The Sector 6 guidance is that "In relation to new dwellings in this sector the following criteria will apply:

- Be of detached, single family, large and architecturally varied dwellings;
- Provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.

In relation to new dwellings and extensions to existing dwellings and the resultant space between buildings, each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained. In every case, the space that is retained between buildings should reflect the character of the street scene in the immediate surroundings.

5.4.2 The minimum requirement will be that no part of any new building or extension to an existing building will be permitted to be built within a minimum of 1m from an adjoining common party boundary at ground floor or 2m at first floor. It is emphasised, however, that these are minimum requirements and that in the majority of cases, the Council will expect them to be exceeded."

5.4.3 The proposed dwellings would be of exactly the same footprint. The front property has a fully pitched roof and a triple garage whereas the 3 properties behind would have a section of flat roof (crown roof) and a double garage and minor architectural detailing differences, e.g., window details and external materials. Otherwise, the properties would be very similar in scale, massing and form.

5.4.4 The proposed properties would however be similar to those in the cul-de-sac to the east in respect of there being very little difference in the architecture of these properties. The properties would nonetheless be detached, single family and large.

5.4.5 The proposed plot widths would be between 23m (Plots 2 and 3) – 33m (Plot 1) and would meet the SPD's minimum requirement and each property would be at least 1m from the boundary at ground floor and 2m from the flank boundary at first floor. Staff thereby judge that the proposal would maintain the characteristic spaciousness of the locality.

5.4.6 It is proposed to retain a number of trees which are protected under the Tree Preservation Order 16/06 and to replace the existing hedge to the eastern boundary. It is considered that in respect of visual amenity, the proposal would result in the loss of poorer quality and some self-seeded trees from the application site but would retain good quality trees which are of public amenity value. The hedge to the east of the site has not been well maintained and has become significantly overgrown over time. Given that if it was now significantly cut back it would be likely to not regrow, the proposal to replace the hedge is considered to be appropriate. Staff consider that while limited, the retention of existing trees, together with the provision of a new hedge with other new landscaping would ensure that the proposal has an acceptable impact on visual amenity in the streetscene. A suitable condition is proposed to be attached to any grant of planning permission to ensure that new landscaping becomes established.

5.4.7 Staff therefore consider the proposal for large 2-storey houses with some accommodation in the roof space to be similar to other development in the vicinity and that it would not be harmful to local character.

5.5 *Impact on Amenity*

5.5.1 There are existing residential occupiers to the east, west and north (on the opposite side of Herbert Road). The nearest being those to the two cul-de-sacs of The Lombards and Fairlawns Close. The Planning Inspector considered in relation to the dismissed scheme for 6, 2.5-3 storey houses that “with appropriate boundary treatment sufficient separation would be retained from existing properties to avoid material loss of privacy or overshadowing.”

5.5.2 Staff consider that the current proposal would have a suitable boundary treatment and given the existing separation, there would similarly be no material loss of privacy or overshadowing, such that there would be no undue harm to residential amenity from the proposed development.

5.5.3 Noise during construction and general everyday noise and activities associated with new residential development of this scale are not reasons to refuse planning permission. Noise insulation details would be required by a suitably-worded condition to prevent the occupiers being affected by noise caused from outside.

5.6 *Highway/Parking/Servicing*

5.6.1 The proposed new cul-de-sac road would be 4m wide and 94m long. It would have a turning head.

5.6.2 Within this area, Policy DC2 indicates that between 1.5 and 2 parking space should be provided for each property. At least 2 parking spaces per dwelling would be provided.

5.6.3 In line with Annex 6, cycle parking provision would need to be provided on site and would be subject to a suitable planning condition.

5.6.4 Vehicle tracking details have been submitted (drawing no 0532/ATR/001/A) which show that a refuse vehicle can enter and turn within the proposed cul-de-sac. Refuse storage details would be required by an attached condition.

5.6.5 There are no highways objections to the proposed development.

6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £18,000 (3 additional houses).

7. *Mayoral CIL*

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,403m² and amounts to which equates to a Mayoral CIL payment of £28, 506.

8. *Other Issues*

8.1 The Secured by Design Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage, boundary treatment and landscaping.

9. **Conclusions**

9.1 The proposal is for the demolition of a single house and its replacement with 4 houses together with a new cul-de-sac road. It is considered that the proposal would be acceptable in principle, particularly having regard to the recent appeal decision. It is further considered that the design, density, impact on neighbouring occupiers' amenity, trees and highways/parking would be acceptable in respect of the site's location in Emerson Park and that the proposal would overcome the concerns raised by the Planning Inspector in her recent Decision. It is considered that the proposal would be acceptable in accordance with Policy DC2, DC3, DC33, DC60, DC61, DC69 and DC72 of the LDF Core Strategy and Development Control Policies and SPDs on Emerson Park Policy Area, Landscaping and Residential Design such that it would not result in any significant adverse impact.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

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| BACKGROUND PAPERS |
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1. Application forms and plans received 18 June, 30 August, 12 and 19 September 2012.

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REGULATORY SERVICES COMMITTEE

REPORT

25 October 2012

Subject Heading:

P1009.12 – 111 Albany Road,
Hornchurch– Conversion of existing
house into 2 self-contained flats (received
13 August 2012)

Report Author and contact details:

Helen Oakerbee
Planning Control Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

| | |
|--|-------------------------------------|
| 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 type="checkbox"/> |
| 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 report concerns an application for the conversion of a dwellinghouse into 2 self contained flats. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to a Legal Agreement

and conditions. The application is being referred to Committee by Officers as there is a significant Planning Enforcement and Appeals history.

RECOMMENDATIONS

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

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Legal Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such a Legal Agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the following conditions:

1. 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 Act 1990.

2. Before any of the development hereby permitted is commenced, samples of the proposed hardstanding materials (which should be porous) to be used shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications submitted to and approved by the Local Planning Authority.

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.

4. Details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse and recycling storage, including provision for all refuse and recycling materials to be properly contained within the approved facility, together with arrangements for disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the first occupation of the flatted development hereby approved and retained permanently thereafter.

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

5. Prior to completion of the development 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.

6. The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal 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 the NPPF.

7. 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

8. Prior to first occupation of the flats hereby approved, clear and unobstructed pedestrian visibility splays 2.1m wide by 2.1m deep shall be provided to the satisfaction of the Local Planning Authority either side of each vehicular

access. The approved splays shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in accordance with Policy DC60 of the LDF Core Strategy and Development Control Policies DPD.

10. Prior to commencement of the development, details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the flats.

Reason: To ensure that the proposal has an acceptable impact on visual amenity in the street scene in accordance with Policy DC61 of the LDF Development Control Policies DPD.

11. The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with Policies CP10, CP17 and DC61 of the LDF Core Strategy and Development Control Policies DPDs.

12. The necessary agreement, notice and/or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development. A Commercial standard access will be required for demolition and construction activities.

Reason: To ensure the interests of the travelling public are maintained and to comply with Policies CP10, CP17 and DC61 of the LDF Core Strategy and Development Control Policies DPDs.

13. Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned 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 residential amenity and creating safer, sustainable communities, reflecting guidance set out in NPPF, and The LONDON PLAN, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Community Safety - Informative:

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

3. Reason for approval:

The proposal accords with Policies CP1, CP7, CP17, DC2, DC4, DC33, DC61 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Documents, the London Plan and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85.00 is required per submission pursuant to discharge of condition.

4. 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.

Mayoral CIL

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

REPORT DETAIL

1. Site Description

- 1.1 The application property is a two-storey semi-detached house with extensions on one and two-storeys to the rear, two-storeys to the side and one-storey to the front elevation. It is currently in use for multiple occupation although this is not authorised and is the subject of an Enforcement Notice. While the submitted plans show a layout approved in 2009 (P0815.08), the internal layout of the property currently comprises on the ground floor: 2 single bedrooms, a "Room", 1 kitchen, 2 shower/toilet; a TV room and a 11.8 sq.m store (bedroom size) and at first floor level: 4 bedrooms (2 double and 2 single), 1 kitchen, 2 shower/toilet; and a 6 sq.m store.
- 1.2 There are two parking spaces to the front and an access to the rear.
- 1.3 The surrounding area is mainly of two-storey semi-detached properties to Albany Road with terraced properties to Adelphi Crescent. There is a small parade of shops to the south of the site.

2. Description of Proposal

- 2.1 The proposal is for the conversion of the existing building into two flats.
- 2.2 It is proposed to separate the use into two separate flats by keeping the existing front porch and subdividing the hallway so that the upper flat is accessed directly via the existing staircase. There would be no change to the external appearance of the property.
- 2.3 The proposal would provide the ground floor flat with two bedrooms (one with en suite), a kitchen, separate lounge and dining rooms, a shower room and a study (of bedroom size). To the upper floor, the proposal would provide the same with the exception that there would not be an en-suite and the study room would be smaller.
- 2.4 It is proposed to split the existing garden into roughly equal parts with a dividing fence and a shared alleyway to the side of the property. This would provide an amenity space for the ground floor flat immediately to the rear of the building of approximately 103 sq.m and that for the upper flat beyond that of approximately 114 sq.m (excluding the parking area).
- 2.5 It is proposed to provide 2 additional parking spaces at the far end of the existing garden on pervious hardstand.

3. History

- 3.1 P1677.07 Three bed attached house - refused 18.10.2007

P2287.07 Proposed attached 2 bed house and detached garage - refused 11.03.2008
P0815.08 Single storey side/rear with two storey side/rear extensions - approved 19.06.2009
P0115.09 Retention of single storey front extension and insertion of new flank door - refused 30.06.2009
P1640.09 Change of use: dwellinghouse to house in multiple occupancy (HMO) - recommended for refusal 31-03-2010 but withdrawn on 14-06-2011 (see below in relation to Enforcement Notice).
P1066.11 – change of use to house in multiple occupancy (HMO) – refused 5-10-11; Subsequent appeal dismissed 1/5/12

An Enforcement Notice was served on 22/12/09 in connection with the use of the building as an HMO. The applicant appealed against the Enforcement Notice on 17/3/10 including on Ground A, that planning permission should have been granted, however the Planning Inspector upheld the Enforcement Notice, refusing planning permission on 11/5/11, requiring the applicant within 3 months to stop using the property as a HMO.

A second Enforcement Notice was served on 22/12/09 in connection with the ground floor front extension and the insertion of a new flank door. The applicant appealed against the notice. The Planning Inspector allowed the appeal and quashed the enforcement notice on 11/5/11 subject to a condition that within 3 months the extension was rendered to match the existing property. The rendering works have been undertaken satisfactorily.

In dismissing the appeal earlier this year (P1066.11), the Planning Inspector indicated that in relation to a the proposal for a House in Multiple Occupation that “The general level of activity and coming and going at the site and use of the garden are ... likely to generate noise and disturbance which would not be characteristic of this quiet residential area” and further that “The change of use to a house in multiple occupation therefore does not comply with Policy DC4.” Such that “For these reasons I conclude that the proposed change of use is harmful to the living conditions of neighbouring residents, particularly those at 109 Albany Road. While the changed ground floor layout would separate the communal T V room from the individual bedsits, it would not alter my conclusions regarding the effect of the development on its neighbours.”

4. Consultation/Representations

- 4.1 42 neighbouring and nearby properties were notified of the application for a time extension. There have been 4 replies objecting to the proposal on the following grounds:
- it will still be a house in multiple occupation
 - there is insufficient space for two cars to the front of the building
 - cars will park on the junction
 - the proposal is an attempt to circumvent the planning system and get what the developer has already been refused permission for

- a new access is being proposed resulting in an unacceptable increase in vehicles and traffic to the rear of existing residential properties
- the application form contains inaccuracies relating to the existing development
- while the plans show 2, 2-bedroom flats, other rooms will also be used as bedrooms and it will continue to be used for as a HMO rather than by families
- the proposed front parking access at the junction would be dangerous
- only a single dwellinghouse would be in character in this area

Also concerns were raised in relation to the existing arrangements and rubbish associated with the current unauthorised use.

- 4.2 The Metropolitan Police Crime Prevention Design Advisor raises a concern at the remoteness of the parking area at the rear of the site and the need for 2m gates and has requested that conditions and an informative are attached in relation to Secured by Design, together with conditions requiring details of proposed cycle storage and boundary treatments.
- 4.3 The Fire Brigade (LFEPA) have written to indicate that they are satisfied with the proposals.

5. **Staff Comments:**

- 5.1 The main issues are the principle of the development, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/car parking issues. Policies CP1, CP7, CP17, DC2, DC4, DC33, DC61 and DC72 of the Local Development Framework Core and Development Control Policies Development Plan Documents are relevant, as are the Residential Design and Planning Obligations (Draft) SPDs. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

5.2 *Principle of development*

- 5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The proposal is for the conversion of an existing residential unit to two flats. Policy DC4 indicates that "Planning permission will only be granted for proposals involving conversions to residential and subdivision of existing residential dwellings provided the following criteria are satisfied:
- residents/visitors are able to park without detriment to highway safety taking into account the availability of on and off street parking with regard to the standards set out in DC33
 - there is no conflict with surrounding uses
 - the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining properties by reason of overlooking and, should by its layout, provide a suitable degree of privacy and private sitting out/amenity space
 - the living rooms of new units do not abut the bedrooms of adjoining dwellings

Where the conversion or subdivision involves the provision of self contained residential accommodation provided that:

- each flat has a reasonable outlook and aspect
- at least one, one bed self-contained flat is provided with a separate sleeping area. Studio flats will not be permitted
- the property has safe and secure access from the street.”

5.2.2 The proposal is for the provision of additional housing within the urban area. Staff consider that the site accords with Policy CP1 in that it would help to meet the housing targets and be located within the existing urban area and would be on land not designated for other uses within the urban area. The site is also served by public transport (a walk to the north) and there are some limited shops in the locality.

5.2.3 The London Plan and the NPPF promote the better use of urban land and support in general the provision of a range of housing to meet identified needs. Staff therefore consider that the proposed development would be acceptable in principle.

5.3 *Density/Site Layout*

5.3.1 The proposal is for the conversion of the existing extended two-storey semi-detached properties into two flats. The proposed density on this 0.0533 hectare site would be 37.5 units per hectare. The expected density range would be 30-50 units per hectare and the proposal would fall within this range. Nonetheless, the main consideration is whether the proposal has a high quality of design and layout which is considered in greater detail below.

5.3.2 The London Plan indicates at Policy 3.5 (Table 3.3) that a 2-bedroomed, 4 person unit should have a minimum floorspace of 107 sq.m each. The submitted drawings show that the ground floor flat would be 109.55 sq.m and the first floor flat would have a gross internal floor area of 79 sq.m. Staff consider that while the second flat would be below the minimum space indicated, there are individual bedrooms and separate kitchen, dining room and lounge room and that its layout would provide acceptable accommodation in line with Policy DC4 (See below).

5.3.3 Each flat would have a reasonable outlook and aspect, and the proposed conversion would result in at least one, one bed self-contained flat provided with a separate sleeping area (in this case, 2, 2-bedroom units) and have a safe and secure access from the street (shared lobby area), in line with Policy DC4.

5.3.4 In respect of amenity space provision, the SPD on Residential Design is relevant. The SPD indicates that amenity space should be large enough for the needs of the proposed occupiers for daily use. In this case the amenity space provided for each flat would be 103 sq.m (ground) and 114 sq.m (first floor). The SPD also specifies that the space should be private, screened from public view and convenient. In this case the proposed amenity space to

the rear would be allocated to the upper floor flat enabling the ground floor flat to have their private area directly adjacent to their property. It would nonetheless require the occupiers of the upper floor to exit out of the front door and walk down a passageway to the rear of the application site. At a minimum distance of 26m from the shared front lobby, it is considered that the amenity area would be somewhat remote. However, the proposed parking area for the upper floor flat is also located at the rear and the upper floor flat would have a direct view over their amenity/parking area such that it is likely that more use would be made of the amenity area as a result. Staff therefore consider that that the proposal would provide a satisfactory level and quality of amenity space.

5.3.5 In conclusion, Staff consider that the proposal would be of a satisfactory density and layout.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The development would not result in any external changes to the building such that apart from the garden being divided in two and there being two areas of parked vehicles, the proposed flats would operate without having any significant impact on visual amenity in the streetscene.

5.5 *Impact on Residential Amenity*

5.5.1 The proposal would have bedrooms adjacent to the party wall with the attached neighbouring property at 109 Albany Road. It is considered, in line with the criteria for conversions (Policy DC4) that the proposal would not result in any significant harm to this neighbouring occupier. The proposal to site a bedroom in the extension to the building which would be located adjacent to a living space at No.109 Albany Road would be a choice for the residents (as this could easily be swapped with the adjoining study which is of similar size, however Staff consider that as there is no party wall, that this would not of itself result in a substandard level of amenity for any future occupiers.

5.5.2 It is recognised that the external changes would split the garden area into two and they would be used independently. Nonetheless given the scale of the existing building Staff do not consider that the day-to-day use of the garden area(s) would be so significantly greater than might be expected from possible residents in the enlarged dwellinghouse. It is recognised that there may be a greater level of garden furniture; nonetheless since flats do not benefit from permitted development allowances for outbuildings, any such proposals would require planning permission.

5.5.3 Parking already occurs to the front of the building and the proposal would add two parking spaces to the rear. While this would introduce parking at the end of the garden accessed from the side road, this is similar to large numbers of corner properties across the Borough. Given that the provision is for two spaces to the rear of the property Staff do not consider that this

would result in a level of noise and disturbance which would cause significant harm to existing residential amenity.

5.6 Highway/Parking/Servicing

5.6.1 Policy DC2 indicates that parking would be needed within the range of 1.5-2 parking spaces per property. The proposal provides 2 parking spaces for each property which is considered to be acceptable.

5.6.2 The proposal includes a section of public highway. Separate consent would need to be sought to enable the stopping up of the highway. If such permission is not granted, then the scheme may need to be revised. Suitable conditions will be attached to require the submission of the details of the alterations to the highway and to provide suitable pedestrian visibility splays for each new vehicular access.

5.6.3 Suitable refuse storage would be capable of being provided within the amenity areas of each of the proposed flats and a suitable condition will be attached to any grant of planning permission requiring details of refuse and recycling storage.

5.6.4 In line with Annex 6, cycle parking provision would need to be provided on site. Suitable provision can be made for cycle storage and further details can be submitted through a condition if planning permission is granted.

5.7 Planning Obligations

5.7.1 It is considered that as the proposal would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £6,000. The applicant has indicated a willingness to enter into such an agreement.

5.8 Mayoral CIL

5.8.1 The proposed development would not involve any new build and is not therefore liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

5.9 Other Issues

5.9.1 The Secured by Design Officer indicates that further crime prevention measures would be needed and asks if conditions and an informative can be attached.

6. Conclusions

6.1 The proposal is for the conversion of the existing large single residential unit into two flats. The scheme itself is considered to be acceptable in principle, in line with Policy CP1.

- 6.2 While the dwelling is half of a semi-detached pair of properties, Staff consider that there would be no undue impact on residential amenity and that the proposal would not result in any significant harm to visual amenity in the streetscene or rear garden environment or to Highways/parking. The proposal is therefore considered to be in line with Policy DC4 on residential conversions.
- 6.3 Although the proposal is for two flats, rather than a House in Multiple Occupation, Staff consider that the proposal would overcome the reasons why the Planning Inspector dismissed the appeal earlier this year as bedrooms (rather than bedsits) would be provided adjacent to the attached neighbour's party wall. Also, while the activities/comings and goings of two families could be greater than one family occupying the whole of this large property, Staff consider that they would not be so significantly greater as to result in the levels of noise and disturbance identified by the Planning Inspector in relation to the occupation of the large unit as a House in Multiple Occupation occupied solely by adults in bedsit accommodation. Staff therefore consider that the proposal for two flats would also overcome the concerns raised by the Planning Inspector.
- 6.4 A legal agreement would be needed to cover additional local infrastructure costs arising.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

8.1 A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

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

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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