



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Tuesday
21 May 2013**

**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 P0360.13 - BRIAR SITE 1B- GARAGE/PARKING COURT AT JUNCTION WITH CLOUDBERRY ROAD & LUCERNE WAY, ROMFORD (Pages 1 - 16)

5 P0362.13 - BRIAR SITE 3A - GARAGE COURT ADJACENT TO 1 & 13 JENNY PATH AND 36 HAREBELL WAY, BRIAR ROAD, ROMFORD (Pages 17 - 32)

- 6 **P0363.13 - BRIAR SITE 3B GARAGE/PARKING COURT ADJACENT TO 8,25 & 32 HAREBALL WAY, ROMFORD (Pages 33 - 48)**
- 7 **P0368.13 - BRIAR SITE 6C - OPEN SPACE ADJACENT TO 45 & 46 LUCERNE WAY, COLTSFOOT PATH, ROMFORD (Pages 49 - 64)**
- 8 **P0369.13 - BRIAR SITE 6E - OPEN SPACE ADJACENT TO COLTSFOOT PATH, 24 & 25-28 LUCERNE WAY AND 87 CHATTERIS AVENUE, ROMFORD (Pages 65 - 80)**
- 9 **P0386.13 - BRIAR SITE 9B- GARAGE/PARKING COURT BETWEEN 6 BUCKBEAN PATH & 25 CLEMATIS CLOSE, ROMFORD (Pages 81 - 96)**
- 10 **P0392.13 - BRIAR SITE 9C- GARAGE/PARKING COURT BETWEEN 6 WILLOWHERB WALK & 2 BUCKBEAN PATH, ROMFORD (Pages 97 - 112)**
- 11 **P0392.13 - BRIAR SITE 9D- GARAGE/PARKING COURT BETWEEN 6 HENBANE PATH & 2 WILLOWHERB WALK, ROMFORD (Pages 113 - 128)**
- 12 **P0371.13 - BRIAR SITE 9E - GARAGE/PARKING COURT BETWEEN 1, 2 & 13 BELLFLOWER PATH, CLEMATIS CLOSE & 38 HAREBELL WAY, ROMFORD (Pages 129 - 144)**
- 13 **P0372.13 - BRIAR SITE 9G - GARAGE COURT ADJACENT TO 1 SNOWDROP PATH, CLEMATIS CLOSE, ROMFORD (Pages 145 - 160)**
- 14 **P0373.13 - BRIAR SITE 9I - OPEN SPACE ADJACENT TO 37-47 AND 121 BRIAR ROAD, ROMFORD (Pages 161 - 174)**
- 15 **P0374.13 - BRIAR SITE 9J - GARAGE/PARKING COURT ADJACENT TO 48 COLTSFOOT PATH, BETWEEN 95-101 COLTSFOOT PATH & 127 BRIAR ROAD, CLEMATIS CLOSE, ROMFORD (Pages 175 - 190)**
- 16 **P0375.13 - BRIAR SITE 9N - GARAGE/PARKING COURT BETWEEN 3 & 4-7 LAVENDER CLOSE, ROMFORD (Pages 191 - 206)**
- 17 **P0380.13 - BRIAR SITE 10D- GARAGE/PARKING COURT BETWEEN ANDROMEDA COURT & 1-13 BARBERRY CLOSE, ROMFORD (Pages 207 - 222)**

**18 P0382.13 - BRIAR SITE 10P- GARAGE/PARKING COURT BETWEEN 19
HONEYSUCKLE CLOSE & 24 MYRTLE ROAD, ROMFORD (Pages 223 - 238)**

19 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 Burns
Acting Assistant
Chief Executive**

REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0360.13: Briar Site 1B-
Garage/parking court at junction with
Cloudberry Road & Lucerne Way,
Romford**

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,900.00. This is based on the creation of 95m² of new gross internal floor space.

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 £12,000 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is located at the junction of Cloudberry Way and Lucerne Way. It currently comprises a garage block, totalling eight units, with surface parking of 13 spaces. Levels fall gently to the east and south.
- 1.2 There are residential properties in Pimpernel Way, which back on to the north boundary of the site. There are also residential properties located to the east, west and south of the site.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage block and the construction of a pair of 3 bedroom, semi-detached houses, fronting on to Cloudberry Road.
- 2.2 The dwellings have a combined width of 11.6m and are 10.2m deep. They are two storey dwellings with a hipped roof and of a traditional design and external appearance.
- 2.3 Provision will be made within the site for 6 parking spaces. Two spaces are proposed adjacent to the south flank wall of one of the dwellings. The other four spaces are provided within a parking area at the south-eastern end of the site. Four of the spaces will be allocated to the new dwellings, with the other two spaces for general use.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 20 local addresses. A pro-forma letter has been received objecting on the following grounds:

- parking surveys are insufficient
- the garages are rented out
- shortage of car parking
- spaces that are provided are too far away
- access issues through construction works, especially for emergency services
- disturbance during construction
- properties out of character

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

4.4 The fire brigade (water and access) have no objection to the proposals.

4.5 The Borough Crime Prevention Design Advisor notes there is an alleyway and has requested this be gated for security purposes. A community safety related condition is requested if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a

general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development occupies the site of a former garage block and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwellings would front on to Cloudberry Road but would be consistent with the building line set by neighbouring dwellings to the south such that they are not considered to appear unduly prominent in the streetscene. The proposed dwellings are also set in from the southern boundary of the site on to Lucerne Way, which is considered will relate well to the character of the Lucerne Way streetscene.

6.4.3 Each dwelling is provided with private, rear amenity space, which is over 9m in length and considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site, which is generally two or three storeys. The traditional scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.

6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.

6.4.6 The application notes that the existing alley way will be closed off in the future and, subject to this, the Borough Crime Prevention Design Advisor considers the proposal to be acceptable. No other significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

6.5 Impact on Amenity

6.5.1 To the north, the site is backed on to by residential dwellings at 1-7 Pimpernel Way. There is a back to flank relationship of some 10.5m between the dwellings in Pimpernel Way and the application site, which is considered sufficient to prevent material harm to the amenity of occupiers of these properties.

6.5.2 To the east, the site backs on to the rear garden of no. 8 Pimpernel Way. Given the distance of some 22m separating these properties this relationship is not considered harmful to amenity.

6.5.3 Dwellings to the south of the site are some 15m away, measured flank to flank, and this relationship is considered acceptable. The development would face towards the flank wall/rear garden of the house opposite at 1 Honeysuckle Close. However, given this is at a distance of around 10m across a public highway this is not considered to result in material harm to amenity.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 6 parking spaces. Each dwelling will be dedicated two parking spaces each, with the remaining two for general use. The proposal complies with LDF parking requirements for the proposed dwelling.

6.6.2 It is acknowledged that the proposal will involve the loss of an existing garage block and 13 surface parking spaces. Overall therefore it will result in a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and

garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.

- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access. Details of refuse collection and servicing can be required by condition.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 191 square metres less 96 square metres of floorspace (i.e. 95 square metres), which equates to a Mayoral CIL payment of £1,900.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with

local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

P0362.13: Briar Site 3A – Garage Court adjacent to 1 & 13 Jenny Path and 36 Harebell Way, Briar Road, Romford

Demolition of existing garages and erection of two storey building to provide 4 terraced houses (4 x 3 bed); creation of parking area (application received 28 March 2013)

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £4340.00. This is based on the creation of 217m² of new gross internal floor space.

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 £24,000 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the north side of Briar Road, some 90 metres west of its junction with Charteris Avenue. The site is currently occupied by two garage blocks, totalling 14 units, associated surface parking and an area of green space with a semi-mature tree.
- 1.2 Along the western boundary of the site is a two storey flank wall, front and rear gardens and amenity area to Hareball Way. To the northern boundary is the flank wall and front and rear gardens of terrace at 1-5 Jenny Path. To the east is flank wall and rear garden and amenity area of terrace 13-21 Jenny Path. Opposite the site are industrial shed type buildings forming part of the Harold Hill Employment Area.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a two storey terrace providing 4 no, 3 bedroom dwellings. The existing semi-mature tree within the site will be removed.
- 2.2 The dwellings have a combined width of 22.8m and are 10.8m deep. They are two storey dwellings with a gable ended roof and of a traditional design and external appearance.
- 2.3 Provision will be made within the site for 8 parking spaces, all of which are proposed to be allocated for use by the occupiers of the new dwellings.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

4.1 Neighbour notification letters have been sent to 35 local addresses. Two representations have been received objecting to the proposal on the following grounds:

- overlooking of property, including bedrooms and garden
- noise from new occupiers and use of parking spaces
- anti-social behavior from new parking area
- loss of sunlight and daylight
- loss of parking spaces where parking is a continuing problem
- position of replacement spaces not suitable
- construction noise and disturbance

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

4.4 The fire brigade (water and access) and LFEPa have raised no objection to the proposals.

4.5 The Borough Crime Prevention Design Advisor has requested the opportunity for natural surveillance to be improved and requests community safety related condition if permission is granted.

5. Relevant Policies

5.1 The National Planning Policy Framework

5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.

5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has

contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.

- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of

'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 **Layout, Design and Visual Impact**

6.4.1 The proposed development occupies the site of a former garages/parking court and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwellings would be orientated such that the rear gardens and boundary face Briar Road. This follows the pattern of development either side of the application site. The eastern flank of the terrace would be particularly visible in the street scene, but given the context of this particular site, the width of the highway and existing development, the street scene impact is not considered to be unacceptable.

6.4.3 Each dwelling is provided with private, rear amenity space, which is some 45 square metres in area (6m wide by 7.5m deep). The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

- 6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site. The design of the roof form differs in that the majority of dwellings close to the site have mono-pitched roofs. However, there are houses nearby with traditional pitched roofs and therefore the scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.
- 6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue.
- 6.4.6 The proposal would result in the loss of a semi-mature Ash tree to the front of the site, with two trees just outside the site, an Ash and a Norway Maple being retained. The tree survey accompanying the application considers that the Ash to be removed is of a lower quality than those retained, being of low quality and value. The tree does add to the quality of the street scene, but given its lower grading assessment, its retention is not considered essential in this case, subject to new planting being part of any landscaping scheme (subject to condition).

6.5 Impact on Amenity

- 6.5.1 The proposed siting of the dwellings results in no direct window to window relationships, except at oblique angles and this is considered to be acceptable. Windows in the proposed dwellings would face toward the rear gardens of properties 1-5 Jenny Path, but at a distance of 16.8 metres away, the degree of overlooking is not considered to be of significant concern. Given the siting, there would be no significant impact in terms of loss of outlook, daylight or sunlight.
- 6.5.2 The proposed parking for the houses would be set 2 metres off the boundary with 1 Jenny Path, where there are currently garages. Given that the potential level of activity would reduce and that suitable landscaping provided to the parking spaces and boundary (to be secured by condition), it is considered that the degree of noise and disturbance would be limited.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 8 parking spaces. Each dwelling will be dedicated two parking spaces each, which complies with LDF parking requirements for the proposed dwellings.
- 6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. The plans give an indication that 12 new parking spaces can be formed fronting Briar Road – but as this is outside the application site, this can only be taken as indicative. Overall, therefore, there will be a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a

package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

- 6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £24,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 385 square metres less 168 square metres of floorspace, which equates to a Mayoral CIL payment of £4,340.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0363.13: Briar Site 3B –
Garage/Parking Court adjacent to 8, 25,
32 & 38 Harebell Way, Romford**

**Demolition of existing garages and
erection of a pair of two storey semi-
detached houses (2 x 3 bed); creation
of parking area (application received 28
March 2013)**

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1280.00. This is based on the creation of 64m² of new gross internal floor space.

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 £12,000 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is a current garage and parking court located at the northern end of the Harebell Way carriageway. The site is currently occupied by two garage blocks, totalling 15 units and a central area providing surface parking.
- 1.2 Along the western boundary of the site is a two storey flank wall, front and rear gardens of 8 Harebell Way and access path/green. To the northern boundary is the flank wall of 25 Harebell Way and access path/green. To the east is part flank wall and front garden of 38 Harebell Way, rear garden of 32 Harebell Way and green amenity area. To the south is the access path and front gardens of 39 to 41 Harebell Way.

2. Description of Proposal

- 2.1 The application will involve the demolition of 11 of the existing garage blocks, retaining four along the flank of 25 Harebell Way and the construction of a pair of semi-detached 3 bedroom dwellings.
- 2.2 The dwellings have a combined width of 19m and are 6.8m deep. They are two storey dwellings with a hipped roof and of a traditional design and external appearance.
- 2.3 Provision will be made within the site for 4 parking spaces, which are proposed to be allocated for use by the occupiers of the new dwellings, plus 4 retained and refurbished garages.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

4.1 Neighbour notification letters have been sent to 20 local addresses. Eight representations have been received objecting to the proposal on the following grounds:

- increased security risks and inconvenience by cutting off existing routes
- loss of parking spaces where parking is already a problem
- increased pressure on green spaces to be used by cars
- emergency vehicle access concerns
- overlooking and loss of privacy
- loss of outlook
- increase in noise from new housing
- removal of garages exposes property
- inability to maintain flank wall

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

- 4.4 The fire brigade (water and access) have raised no objection to the proposals. LFEPA have commented that they have not been able to scale the access width to check requirements for fire access – Note: the access is a minimum of 4.7m wide, in excess of the recommended 3.7m for fire appliance access.
- 4.5 The Borough Crime Prevention Design Advisor has requested that a buffer to the flank wall be provided and requests community safety related condition if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet

quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern

Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 **Layout, Design and Visual Impact**

6.4.1 The proposed development occupies the site of a former garages/parking court and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwellings would be located within an existing grouping of housing and would not look out of place. The street scene impact is considered to be acceptable.

6.4.3 Each dwelling is provided with private, rear amenity space, Plot 1 would be 77 square metres in area (9.4m wide by 8.2m deep), Plot 2 98 square metres in area (12m wide by 8.2m deep). The amenity space is slightly

larger in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site. The design of the roof form differs in that the majority of dwellings close to the site have mono-pitched or staggered pitched roofs. However, there are houses nearby with traditional pitched roofs and therefore the scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.

6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue and landscaping to provide a buffer to the exposed flank wall.

6.5 Impact on Amenity

6.5.1 The proposed building would introduce a two storey flank approximately 9.6 metres from the front of 39 to 41 Harebell Way. This would be instead of a single storey garage block currently 7 metres away. The proposed flank has a hipped roof and no flank windows are proposed. It is considered that there would be no significant loss of amenity through overlooking, loss of outlook or light to the properties at 29 to 41 Harebell Way.

6.5.2 The proposed siting of the dwellings results in no direct window to window relationships, except at oblique angles and this is considered to be acceptable. Windows in Plot 2 would face toward the rear gardens of properties 8-10 Harebell Way, 11.2 metres across an access road. Given this relationship, the degree of overlooking is not considered to be of significant concern. The proposed dwellings are sited such that there are no significant overlooking or amenity issues to the terrace at 36-38 Harebell Way. Given the siting, there would be no significant impact in terms of loss of outlook, daylight or sunlight.

6.5.2 The introduction of two houses and parking on a previous garage /parking block does not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 4 parking spaces. Each dwelling will be dedicated two parking spaces each, which complies with LDF parking requirements for the proposed dwellings.

6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. The plans give an indication that 16 new parking spaces can be formed to the area north of the

application site – but as this is outside the application site, this can only be taken as indicative. Overall, therefore, there will be a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

- 6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based

on an internal gross floor area of 196 square metres less 132 square metres of floorspace, which equates to a Mayoral CIL payment of £1,280.

- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 May 2013

Subject Heading:

P0368.13: Briar Site 6C – Open Space adjacent to 45 & 46 Lucerne Way, Coltsfoot Path, Romford

Erection of a pair of two storey semi-detached houses (2 x 3 bed); creation of parking (application received 28 March 2013)

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]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £3,920.00. This is based on the creation of 196m² of new gross internal floor space.

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 £12,000 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. No additional flank or rear 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 or rear 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.

11. Obscure Glazing – Except for the window to Bedroom 3 of Plot 1, the rear facing windows at first floor level shall be permanently glazed with obscure glass and fixed shut, with the exception of a top hung fan light and thereafter be maintained to the satisfaction of 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.

12. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

13. 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.

14. 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.

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. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 16 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC18, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is an area of open space, including footpaths, located toward the western end of the carriageway of Coltsfoot Path, before the route becomes a footpath.
- 1.2 Along the western boundary of the site is a two storey flank wall and rear gardens of 46-50 Lucerne Way. To the northern boundary is the flank wall, front and rear garden of 45 Lucerne Way. To the east and south across the road are open spaces.

2. Description of Proposal

- 2.1 The application will involve the construction of a pair of semi-detached 3 bedroom dwellings.
- 2.2 The dwellings have a combined width of 19m and are 6.8m deep. They are two storey dwellings with a gable end roof and of a traditional design and external appearance.
- 2.3 Provision will be made within the site for 2 parking spaces, which are proposed to be allocated for use by the occupiers of Plot 1. Two parking spaces are shown to be allocated outside the site for Plot 2.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further

details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 25 local addresses. No representations have been received.
- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals. LFEPA have raised no objections.
- 4.5 The Borough Crime Prevention Design Advisor has requested that the exposed flank wall have an anti graffiti treatment and requests community safety related condition if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with

poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The site is not previously developed land and the NPPF does not place any weight in favour of development of such land. Therefore an assessment on the loss of the open space in terms of the character of the area should be made (see section 6.4 below).

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development would occupy what is currently open space by erection of a two storey building resulting in a loss of some of the characteristic openness of this part of the estate. Policy DC18 of the LDF seeks to retain open space unless surplus to requirements. Balanced against this is that some of the open space either side of Coltsfoot Path would remain (further open space loss proposed on site 6E (P0369.13)) and that this particular site does not appear to provide any particular amenity function other than an area of lawn. There are no trees or recreational facilities on the site. Overall, it is considered that the loss of part of the open area at this point would not significantly impact upon the character and appearance of the area, nor the availability of open space in the area.

6.4.2 The proposed dwellings would be located closer to the road than other properties on the north side of Coltsfoot Path, with resultant change to the street scene. However, the domestic scale and design of the proposal and set back from the street similar to houses opposite would mean that the new houses would not look out of place. Landscaping and tree planting is proposed to the front of the site which would help the setting of the development. The street scene impact is considered to be acceptable.

- 6.4.3 Each dwelling is provided with private, rear amenity space 68 square metres in area (9.4m wide by 7.2m deep). The amenity space is similar in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.
- 6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site. The design of the roof form differs in that the majority of dwellings close to the site have mono-pitched, staggered pitched or hipped roofs. Given the variety of design of existing housing the scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.
- 6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue.

6.5 Impact on Amenity

- 6.5.1 The proposed siting of the dwellings results in no direct window to window relationships, except at oblique angles and this is considered to be acceptable. The proposed building would be 7.2 metres from the boundary with 45 Coltsfoot Path, at this distance there would be potential for overlooking. However, in this case, the floorplans indicate that only landing and bathroom windows to Plot 2, which faces the rear garden, would face the rear, such that a condition requiring obscure glazing could be attached to any permission. The proximity and orientation of the proposed building will result in some loss of sunlight and outlook from the garden area of 45 Coltsfoot Path, however, not to such a degree that would warrant the refusal of planning permission.
- 6.5.2 The flank wall of the proposed building would be 5.4 metres east of the rear garden boundary of 46 Coltsfoot Path. No windows are proposed in the flank wall so there are no overlooking concerns. There would be some loss of sunlight and outlook from the rear garden but not to a significant degree. Two parking spaces are proposed close to the boundary, but limited use does not raise any significant concerns for residential amenity.
- 6.5.3 The introduction of two houses and parking not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 4 parking spaces. Two spaces are outside the application site, but the applicant has indicated that they will have control of this area. Each dwelling will be dedicated two

parking spaces each, which complies with LDF parking requirements for the proposed dwellings.

6.6.2 The plans give an indication that a significant number of new parking spaces can be formed either side of Coltsfoot Path – but as this is outside the application site, this can only be taken as indicative.

6.6.3 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 196 square metres, which equates to a Mayoral CIL payment of £3,920.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

P0369.13: Briar Site 6E – Open Space adjacent to Coltsfoot Path, 24 & 25-28 Lucerne Way and 87 Chatteris Avenue, Romford

Erection of two/three storey building to provide terrace of three houses (2 x 3 bed and 1 x 4 bed)(application received 28 March 2013)

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £6,300.00. This is based on the creation of 315m² of new gross internal floor space.

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 £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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. No additional flank or rear 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 or rear 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is an area of open space, including footpath, located on the north side of Coltsfoot Path, approximately 45 metres west of the junction with Chatteris Avenue.
- 1.2 Along the western boundary of the site is a two storey flank wall and rear gardens of 25-28 Lucerne Way, a two storey flatted block. To the northern boundary is the flank wall, front and rear garden of 24 Lucerne Way. To the east are the rear gardens of terrace at 81-87 Chatteris Avenue. To the south and across the road are open spaces.

2. Description of Proposal

- 2.1 The application will involve the construction of a terrace of three houses. Two of the houses (3 bed) are two storey with pitched roof and gable end, whilst the southernmost house (4 bed) would be three storey to the front, falling to two storey to rear.
- 2.2 The dwellings have a combined width of 17m and are 10.5m deep.
- 2.3 Provision will be made outside the site, along Coltsfoot Path, for 6 parking spaces which are proposed to be allocated for use by the occupiers of the houses.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 41 local addresses. One objection has been received, raising the following concerns:

- three storey element would affect appearance of the terrace

- Loss of light
- Loss of privacy
- Damage from construction works
- Additional chaos, noise and smells from more people living in area
- The area is not suitable for any more houses.

4.2 A pro-forma letter has been received objecting on the following grounds:

- parking surveys are insufficient
- the garages are rented out
- shortage of car parking
- spaces that are provided are too far away
- access issues through construction works, especially for emergency services
- disturbance during construction
- properties out of character

4.3 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.4 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

4.5 The fire brigade (water and access) have raised no objection to the proposals.

4.6 The Borough Crime Prevention Design Advisor has raised some issues over surveillance and requests community safety related condition if permission is granted.

5. Relevant Policies

5.1 The National Planning Policy Framework

5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.

5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC18, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.
- 6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

- 6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The site is not previously developed land and the NPPF does not place any weight in favour of development of such land. Therefore an assessment on the loss of the open space in terms of the character of the area should be made (see section 6.4 below).
- 6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

- 6.4.1 The proposed development would occupy what is currently open space by erection of a two/three storey building resulting in a loss of some of the characteristic openness of this part of the estate. Policy DC18 of the LDF seeks to retain open space unless surplus to requirements. Balanced against this is that some of the open space either side of Coltsfoot Path would remain (further open space loss proposed on site 6C (P0368.13)) and that this particular site does not appear to provide any particular amenity function other than an area of lawn. There are no trees or recreational facilities on the site. Overall, it is considered that the loss of part of the open

area at this point would not significantly impact upon the character and appearance of the area, nor the availability of open space in the area.

- 6.4.2 The proposed dwellings would be located a similar distance from the road as other properties on this part of Coltsfoot Path. The proposal does introduce a three storey dwelling, but there are similar three storey dwellings nearby on Chatteris Avenue. It is considered that the design of the proposal and set back from the street would mean that the new houses would not look out of place. Landscaping is proposed to the front of the site which would help the setting of the development. The street scene impact is considered to be acceptable.
- 6.4.3 Each dwelling is provided with private, rear amenity space 7.2m deep, with areas varying from 47 sq m (plot 1), 31 sq m (plot 2) and 40 sq m (plot 3). The amenity space is similar in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.
- 6.4.4 The proposed dwellings are two/three storeys high and are of a scale that is compatible with surrounding properties in the vicinity of the site. The design of the roof form is similar to those nearby which have varied roof forms. Given the variety of design of existing housing the scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.
- 6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue.

6.5 **Impact on Amenity**

- 6.5.1 The proposed siting of the dwellings results in no direct window to window relationships, except at oblique angles and this is considered to be acceptable. The proposed building would be 9.2 metres from the boundary and rear garden of 87 Chatteris Avenue and 5.5 metres from the boundary and communal rear garden of 25-28 Lucerne Way. At these distances there would be increased overlooking to garden areas and subsequent loss of privacy. However, these types of building relationships already exist nearby such that to apply a more restrictive standard of privacy is not considered justified in this case. Furthermore, those gardens that would be overlooked are already overlooked by neighbours.
- 6.5.2 The proximity and orientation of the proposed building will result in some loss of sunlight and outlook from the garden areas of 87 Chatteris Avenue and 25-28 Lucerne Way, however, not to such a degree that would warrant the refusal of planning permission.

6.5.3 To the north the proposed terrace would project 1.4 metres from the rear building line adjacent at 24 Lucerne Way, but this limited projection would not result in any adverse impact.

6.5.3 The introduction of three houses does not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 6 parking spaces. These spaces are outside the application site, but the applicant has indicated that they will have control of this area. Each dwelling will be dedicated two parking spaces each, which complies with LDF parking requirements for the proposed dwellings.

6.6.2 The plans give an indication that a significant number of new parking spaces can be formed either side of Coltsfoot Path – but as this is outside the application site, this can only be taken as indicative.

6.6.3 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 315 square metres, which equates to a Mayoral CIL payment of £6,300.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an

acceptable impact on parking and the public highways across the estate as a whole.

- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0386.13: Briar Site 9B-
Garage/parking court between 6
Buckbean Path & 25 Clematis Close,
Romford**

**Demolition of existing garages and
erection of three, two storey terraced
houses (3 x 2 bed); creation of parking
(application received 28 March 2013)**

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £3,400.00. This is based on the creation of 170m² of new gross internal floor space.

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 £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 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 be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the south side of Clematis Close, to the west of Buckbean Path.. The site is currently occupied by a single garage block, totalling 7 units, and associated surface parking. There is an area of grass verge to the north of the garage block, which includes two trees, included within the application site..
- 1.2 To the immediate south of the application site is a further garage block, which is not included in the proposals. Beyond this is the flank wall of a residential property (35 Clematis Close). To the east of the site is the flank wall of the dwelling at no.6 Buckbean Path. To the west of the site is the flank wall of no. 25 Clematis Close. Dwellings within the vicinity of the site are two storey but with a sloped roof form, which creates a particularly tall front elevation to the dwellings.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage block and the construction of a 3 no. 2 bedroom dwellings.
- 2.2 The dwellings have a combined width of 16m and are 9.7m deep, with the end unit having a slightly staggered building line. They are two storey dwellings but designed with a high front elevation and steeply sloped roof, akin to other dwellings in the locality. The front elevation is 8.7m high and the rear elevation reduces to 5.7m high.
- 2.3 Provision will be made within the site for 6 parking spaces, 3 of which will be allocated specifically for use by the occupiers of the new dwellings.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

4.1 Neighbour notification letters have been sent to 30 local addresses. Five letters of representation have been received, including one petition, objecting to the proposal on the following grounds:

- inadequate emergency services access
- lack of parking
- increased levels of traffic
- noise and disruption during buildings works
- devaluation of property
- loss of existing garages
- should retain existing green areas
- garages have high degree of usage
- if walls are removed people will be able to drive onto footpath
- development will put pressure on local services
- development will cause highway safety issues and risk to users of green play spaces
- concerns about accuracy of traffic surveys
- development will create overlooking and closed in feeling
- loss of sunlight

One of the letters of representation also raises health issues suffered by their family and impact loss of garage space would have

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number

of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals.
- 4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series

of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.

- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.
- 6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

- 6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.
- 6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 **Layout, Design and Visual Impact**

- 6.4.1 The proposed development occupies the site of a former garage block and is previously developed land. Whilst the site incorporates an area of existing grass verge to the site frontage, given the developed nature of the site and

the scope to provide landscaped front gardens to the new houses, the proposal is not considered to compromise the character and openness of the estate. A condition will be imposed to require new soft landscaping within the development.

- 6.4.2 The proposed dwellings would front on to Clematis Close but are aligned with the front building line of the adjacent terrace of houses to the east. The end unit is set slightly further back into the site, such that the development is not considered to appear overbearing or out of character in the wider street scene. The proposed dwellings are also set in from the western boundary of the site and considered to relate acceptably to the Clematis Close streetscene.
- 6.4.3 Each dwelling is provided with private, rear amenity space, which ranges between 41.2 square metres and 55 square metres in area. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.
- 6.4.4 The proposed dwellings are two storeys high and are of a design that is compatible with that of surrounding property. The houses are taller than the neighbouring properties but not to an extent that is considered to be materially out of scale or character with the neighbouring dwellings.
- 6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.
- 6.4.6 The Borough Crime Prevention Design Advisor raises no objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

6.5 **Impact on Amenity**

- 6.5.1 To the east, the nearest residential property is 6 Buckbean Path, which shares a side boundary with the application site. The proposed new dwellings would sit adjacent to the flank wall of this dwelling, such that no material harm to amenity is considered to result. To the west, the nearest property no.25 Clematis Close, is set 7.5m from the flank wall of the nearest proposed dwelling and also further back than the proposed dwellings. Therefore, no material harm to the amenity of this property is considered to result.
- 6.5.2 To the south of the site the existing garage block will be retained, which provides a separation between the application site and no.35 Clematis Way. Whilst the rear of the proposed dwellings would face towards this dwelling, it is at a distance of over 26m from the boundary with no.35 Clematis Way and not considered to result in material loss of amenity.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 14 parking spaces. Each dwelling will be dedicated one parking space each. This is below the LDF parking requirement of 1.5-2 spaces per unit but is considered sufficient for a two bedroom dwelling. It is further noted that, although outside of the application site, the existing garages to the south of the site are, as part of the wider regeneration proposals for the Estate, intended to be retained and refurbished.
- 6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. Overall therefore it will result in a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.
- 6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

6.8 Other Issues

6.8.1 Issues raised in representations have been noted. Some of those matters raised, such as disturbance during construction and devaluation of property are not material planning conditions, although Staff are recommending a condition relating to the proposed construction methodology.

6.8.2 Concerns regarding loss of parking and green space are noted but have been considered in the light of the wider regenerations strategy for the Briar Estate as a whole, which are detailed in Sections 6.2 and 6.6 above.

6.8.3 It is noted that an individual has raised health issues in representations, which will be impacted due to loss of parking facilities. Staff acknowledge these concerns but they do not constitute material grounds to refuse the application.

6.8.4 The removal of an existing wall has also been raised in representations and resultant impact on the safety of the adjacent green. The green is outside of the application site but the Council's Estates department has confirmed that it is intended to construct a replacement wall to protect the green. This will be outside of the planning application process.

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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 254 square metres less 84 square metres of floorspace (ie 170 square metres), which equates to a Mayoral CIL payment of £3,400.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an

acceptable impact on parking and the public highways across the estate as a whole.

- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0392.13: Briar Site 9C-
Garage/parking court between 6
Willowherb Walk & 2 Buckbean Path,
Romford**

**Demolition of existing garages and
erection of three, two storey terraced
houses (3 x 2 bed); creation of parking
(application received 28 March 2013)**

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,240.00. This is based on the net creation of 62m² of new gross internal floor space.

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 £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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

16. Works of Reinstatement – Prior to the demolition of the garage block at the southern end of the site, details of works for the making good/repair of the flank wall of no.1 Buckbean Path and for the reinstatement of the boundary, shall be submitted to and approved in writing by the Local Planning Authority, together with a timescale for the carrying out of the work. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the resulting development has a satisfactory impact on neighbouring amenity and local character and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the south side of Clematis Close, to the east of Buckbean Path.. The site is currently occupied by a two garage blocks, one each at the northern and southern ends of the site totalling 14 units, and associated surface parking. There is an area of grass verge to the north included within the application site.
- 1.2 To the immediate south of the application site is the flank wall of a residential property (1 Buckbean Path). To the east of the site is the flank wall of the dwelling at no.6 Willowbean Walk. To the west of the site is the flank wall of no. 2 Buckbean Close. Dwellings within the vicinity of the site are two storey but with a sloped roof form, which creates a particularly tall front elevation to the dwellings.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a 3 no. 2 bedroom dwellings.
- 2.2 The dwellings have a combined width of 16m and are 9.7m deep, with the end unit having a slightly staggered building line. They are two storey dwellings but designed with a high front elevation and steeply sloped roof,

akin to other dwellings in the locality. The front elevation is 8.7m high and the rear elevation reduces to 5.7m high.

- 2.3 Provision will be made within the site for 13 parking spaces, 3 of which will be allocated specifically for use by the occupiers of the new dwellings.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 22 local addresses. Seven letters of representation have been received, objecting to the proposal on the following grounds:

- inadequate emergency services access
- lack of parking
- increased levels of traffic
- noise and disruption during buildings works
- devaluation of property
- loss of existing garages
- should retain existing green areas
- garages have high degree of usage
- if walls are removed people will be able to drive onto footpath
- development will put pressure on local services
- development will cause highway safety issues and risk to users of green play spaces
- concerns about accuracy of traffic surveys
- development will create overlooking and closed in feeling
- loss of sunlight
- loss of direct access to rear garden
- impact of removal of garage on flank wall and boundary of neighbouring property

- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle

parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals. LFEPA have raised no objections.
- 4.5 The Borough Crime Prevention Design Advisor has requested that a buffer strip be placed against the proposed flank wall. A community safety related condition is requested if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy

for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the

ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.

6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.

6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development occupies the site of a former garage block and is previously developed land. Whilst the site incorporates a small area of existing grass verge to the site frontage, given the developed nature of the site and the scope to provide landscaped front gardens to the new houses, the proposal is not considered to compromise the character and openness of the estate. A condition will be imposed to require new soft landscaping within the development.

6.4.2 The proposed dwellings would front on to Clematis Close but are aligned with the front building line of the adjacent terrace of houses to the east. The end unit is set slightly further back into the site, such that the development is not considered to appear overbearing or out of character in the wider street scene. The proposed dwellings are also set in from the western boundary of the site and considered to relate acceptably to the Clematis Close streetscene.

6.4.3 Each dwelling is provided with private, rear amenity space, which ranges between 39.2 square metres and 52.5 square metres in area. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are two storeys high and are of a design that is compatible with that of surrounding property. The houses are taller than the neighbouring properties but not to an extent that is considered to be materially out of scale or character with the neighbouring dwellings.

6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.

6.4.6 The Borough Crime Prevention Design Advisor raises no substantial objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives. A buffer strip could be included in the details of landscaping.

6.5 Impact on Amenity

6.5.1 To the east, the nearest residential property is 6 Willowherb Walk, which shares a side boundary with the application site. The proposed new dwellings would sit adjacent to the flank wall of this dwelling, such that no

material harm to amenity is considered to result. It is noted that the loss of a side access is raised in representations but this is not a matter that would be governed under planning legislation and would not constitute material grounds for refusal. To the west, the nearest property no.2 Buckbean Path, is set 7.5m from the flank wall of the nearest proposed dwelling and also further back than the proposed dwellings. Therefore, no material harm to the amenity of this property is considered to result.

6.5.2 To the south of the site is no.1. Buckbean Path. Whilst the rear of the proposed dwellings would face towards this dwelling, it is at a distance of approximately 28m from the boundary with no.1 Buckbean Path and not considered to result in material loss of amenity. The proposals involve the demolition of the existing garage block adjoining the flank wall of this dwelling. No details of measures to make good the flank wall have been submitted, nor measures to protect the boundary, such as kerbs or planting. It is recommended that such details be secured by condition to ensure a suitable degree of amenity for the adjoining occupier.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 13 parking spaces. Each dwelling will be dedicated one parking space each. This is below the LDF parking requirement of 1.5-2 spaces per unit but is considered sufficient for a two bedroom dwelling, particularly as there are ten further spaces provided within the vicinity of the application site. It is further noted that, although outside of the application site, plans indicate a further three spaces will be created, although these do not form part of this application.

6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. Overall this development will result in a net loss of one parking space. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

6.6.3 A detailed transport assessment has been carried out, taking into consideration the whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.

6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays,

some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.

6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.

6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 254 square metres less 192 square metres of floorspace (ie 62 square metres), which equates to a Mayoral CIL payment of £1,240.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0392.13: Briar Site 9D-
Garage/parking court between 6
Henbane Path & 2 Willowherb Walk,
Romford**

**Demolition of existing garages and
erection of two storey terrace
providing three houses (3 x 2 bed);
creation of parking (application
received 28 March 2013)**

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]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,240.00. This is based on the net creation of 62m² of new gross internal floor space.

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 £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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

16. Works of Reinstatement – Prior to the demolition of the garage block at the southern end of the site, details of works for the making good/repair of the flank wall of no.1 Willowherb Walk and for the reinstatement of the boundary, shall be submitted to and approved in writing by the Local Planning Authority, together with a timescale for the carrying out of the work. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the resulting development has a satisfactory impact on neighbouring amenity and local character and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the south side of Clematis Close, to the east of Willowherb Walk. The site is currently occupied by a two garage blocks, one each at the northern and southern ends of the site totalling 16 units, and associated surface parking. There is a vehicle layby just in front of the application site on Clematis Close..
- 1.2 To the immediate south of the application site is the flank wall of a residential property (1 Willowherb Walk). To the east of the site is the flank wall of the dwelling at no.6 Henbane Path. To the west of the site is the flank wall of no. 2 Willowherb Walk. Dwellings within the vicinity of the site are two storey but with a sloped roof form, which creates a particularly tall front elevation to the dwellings.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a 3 no. 2 bedroom dwellings.
- 2.2 The dwellings have a combined width of 16m and are 9.7m deep, with the end unit having a slightly staggered building line. They are two storey dwellings but designed with a high front elevation and steeply sloped roof,

akin to other dwellings in the locality. The front elevation is 8.7m high and the rear elevation reduces to 5.7m high.

- 2.3 Provision will be made within the site for 15 parking spaces, 3 of which will be allocated specifically for use by the occupiers of the new dwellings.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 27 local addresses. No representations have been received.
- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals. LFEPA have commented that they have not been able to scale form the plans to confirm whether a fire tender could access the site. Note: The proposed dwellings front the street and the access to the rear is a minimum of 4m in width, meeting the
- 4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A

limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 **Layout, Design and Visual Impact**

6.4.1 The proposed development occupies the site of a former garage block and is previously developed land. The proposal is not considered to compromise the character and openness of the estate. A condition will be imposed to require new soft landscaping within the development.

6.4.2 The proposed dwellings would front on to Clematis Close but are aligned with the front building line of the adjacent terrace of houses to the east. The end unit is set slightly further back into the site, such that the development is

not considered to appear overbearing or out of character in the wider street scene. The proposed dwellings are also set in from the western boundary of the site, with landscaping proposed and considered to relate acceptably to the Clematis Close streetscene.

- 6.4.3 Each dwelling is provided with private, rear amenity space, which ranges between 36.5 square metres and 50 square metres in area. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.
- 6.4.4 The proposed dwellings are two storeys high and are of a design that is compatible with that of surrounding property. The houses are taller than the neighbouring properties but not to an extent that is considered to be materially out of scale or character with the neighbouring dwellings.
- 6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.
- 6.4.6 The Borough Crime Prevention Design Advisor raises no objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

6.5 Impact on Amenity

- 6.5.1 To the east, the nearest residential property is 6 Henbane Path, which shares a side boundary with the application site. The proposed new dwellings would sit adjacent to the flank wall of this dwelling, such that no material harm to amenity is considered to result. To the west, the nearest property no.2 Willowherb Walk, is set 9m from the flank wall of the nearest proposed dwelling and also further back than the proposed dwellings. Therefore, no material harm to the amenity of this property is considered to result.
- 6.5.2 To the south of the site is no.1. Willowherb Walk. Whilst the rear of the proposed dwellings would face towards this dwelling, it is at a distance of over 24m from the boundary with no.1 Willowherb Walk and not considered to result in material loss of amenity. The proposals involve the demolition of the existing garage block adjoining the flank wall of this dwelling. No details of measures to make good the flank wall have been submitted, nor measures to protect the boundary, such as kerbs or planting. It is recommended that such details be secured by condition to ensure a suitable degree of amenity for the adjoining occupier.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 15 parking spaces. Each dwelling will be dedicated one parking space each. This is below the LDF parking requirement of 1.5-2 spaces per unit but is considered sufficient for a two bedroom dwelling, particularly as there are ten further spaces provided within the vicinity of the application site. It is further noted that, although outside of the application site, plans indicate a further three spaces will be created, although these do not form part of this application.
- 6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. Overall this development will result in a net loss of one parking space. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.
- 6.6.3 A detailed transport assessment has been carried out, taking into consideration the whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 254 square metres less 192 square metres of floorspace (ie 62 square metres), which equates to a Mayoral CIL payment of £1,240.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0371.13: Briar Site 9E –
Garage/Parking Court between 1, 2 &
13 Bellflower Path, Clematis Close & 38
Harebell Way, Romford**

**Demolition of existing garages and
erection of three two storey terraced
houses (2 x 2 bed); creation of parking
area (application received 28 March
2013)**

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]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1720.00. This is based on the creation of 86m² of new gross internal floor space.

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 £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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notices.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is a current garage and parking court located on the north side of Clematis Close, approximately 60 metres northeast of the junction with Mimosa Close. The site is currently occupied by two garage blocks, totalling 14 units and a central area providing surface parking.
- 1.2 Along the western boundary of the site is a two storey flank wall, front and rear gardens of 1-11 Bellflower Path and access path/green. To the northern boundary is the flank wall, front and rear gardens of 13-23 Bellflower Path. To the east is flank wall and rear garden of 2 Bellflower Path and access path/green. Opposite the site are similar terraced houses and garage/parking courts (the other garage parking courts on Clematis Close are subject to planning applications for residential development).

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a terrace of three 2 bedroom dwellings. 8 parking spaces would be provided to the north part of the site, replacing existing garages, with 3 of the spaces allocated to the new houses.
- 2.2 The dwellings would have a combined width of 15.8m and are 9.6m deep. They are two storey dwellings with mono pitched a gable end roof.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 29 local addresses. Four representations and a petition containing 11 signatories have been received objecting to the proposal on the following grounds:

- loss of parking spaces where parking is already a problem
- increased security fears if vehicles cannot park close to home
- loss of green spaces
- emergency vehicle access concerns
- overlooking and loss of privacy
- loss of sunlight
- building works will affect my children's asthma
- construction impact on foundations
- increase in noise from new housing
- loss of community spirit by introducing new residents
- impact on emergency vehicle access
- increased traffic

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

4.4 The fire brigade (water and access) have raised no objection to the proposals. LFEPA have commented that they have not been able to scale the access width to check requirements for fire access – Note: the access is

a minimum of 4.7m wide, in excess of the recommended 3.7m for fire appliance access.

- 4.5 The Borough Crime Prevention Design Advisor has requested that a buffer to the flank wall be provided and requests community safety related condition if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework

- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.

- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.
- 6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

- 6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.
- 6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 **Layout, Design and Visual Impact**

- 6.4.1 The proposed development occupies the site of a former garages/parking court and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.
- 6.4.2 The proposed dwellings would be orientated such that the rear gardens and boundary face Clematis Close. This follows the pattern of development either side of the application site. The eastern flank of the terrace would be visible in the street scene, but given the context of this particular site, the width of the highway and existing development, the street scene impact is not considered to be unacceptable.
- 6.4.3 Each dwelling is provided with private, rear amenity space, Plot 1 would be 39 square metres in area (3.6-5.4m wide by 9m deep), Plot 2 46.8 square metres in area (5.2m wide by 9m deep), Plot 3 57.6 square metres in area

(6.4 m wide by 9 m deep). The amenity space is similar to the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site. The design of the roof form matches the style of the terrace immediately to the west with a mono-pitch roof. The scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.

6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue and landscaping to provide a buffer to the exposed flank walls of existing and proposed houses.

6.5 Impact on Amenity

6.5.1 The proposed siting of the dwellings results in no direct window to window relationships, except at oblique angles and this is considered to be acceptable. Front windows in the proposed houses would face toward the rear gardens of properties at 13-23 Bellflower Path, 15.4 metres across the parking area. Given this relationship, the degree of overlooking is not considered to be of significant concern. The proposed dwellings are sited such that there are no significant overlooking or amenity issues to the terraces at 1 to 11 Bellflower Path and 2 to 8 Bellflower Path. Given the siting, there would be no significant impact in terms of loss of outlook, daylight or sunlight.

6.5.2 The introduction of three houses and parking on a previous garage /parking block does not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 8 parking spaces. Each dwelling will be dedicated one parking space each. This is below the LDF parking requirement of 1.5-2 spaces per unit but is considered sufficient for a two bedroom dwelling.

6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. The plans give an indication that a number of new parking spaces can be formed to the areas adjacent to Clematis Close – but as this is outside the application site, this can only be taken as indicative. Overall, therefore, there will be a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be

considered in the context of the proposed parking strategy for the estate as a whole.

- 6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 254 square metres less 169 square metres of floorspace, which equates to a Mayoral CIL payment of £1,720.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 May 2013

Subject Heading:

P0372.13: Briar Site 9G – Garage Court adjacent to 1 Snowdrop Path, Clematis Close, Romford

Demolition of existing garages and erection of a two storey houses (1 x 3 bed); creation of parking (application received 28 March 2013)

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]
- Valuing and enhancing the lives of our residents [X]
- Delivering high customer satisfaction and a stable council tax []

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

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 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

Planning Authority (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.

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design

Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development

REPORT DETAIL

1. Site Description

- 1.1 The application site is a current garage court and green located on the north side of Clematis Close, approximately 160 metres northeast of the junction with Mimosa Close. The site is currently occupied by two garage blocks, totalling 12 units and a grassed green area.
- 1.2 Along the western boundary of the site is a two storey flank wall, front and rear gardens of 1-5 Iris Path and access path/green. To the northern boundary is the flank wall, front and part rear gardens of 1-5 Snowdrop Path. To the east is access road/path and staggered terrace of 2-16 Clematis Close. Opposite the site are similar terraced houses and garage/parking courts (the other garage parking courts on Clematis Close are subject to planning applications for residential development) and shed type buildings of the Harold Hill Industrial Area.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a single 2 storey dwelling. 12 parking spaces would be provided south of the proposed dwelling, with 2 of the spaces allocated to the new houses.
- 2.2 The dwelling would have a width of 9.2m and depth of 6.6m deep. The dwelling would have a mono-pitch roof.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 26 local addresses. One representation has been received objecting to the proposal on the following grounds:
- loss of current access
 - spaces should not be allocated
 - upheaval of construction

- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

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- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
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- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development occupies the site of a former garage court and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwelling would directly adjoin the terrace at 1-5 Snowdrop Path. The front eaves level and maximum height of the proposed building would not match that existing being 0.5m and 1m higher. Being set back some distance from the road and the proximity of other buildings, the building would not particularly out of place despite the height difference. Given the context of this particular site, the width of the highway and existing development, the street scene impact is not considered to be unacceptable.

6.4.3 The dwelling would be provided with a private, rear amenity space, 59.5 square metres in area (9.6m wide by 6.2m deep). The amenity space is similar to the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwelling would be two storeys high and is of a scale that is compatible with surrounding property in the vicinity of the site. The design of the roof form matches the style of the others in the vicinity. The scale, design and appearance of the proposed dwelling is judged to be compatible with the character of the surrounding area.

6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue and landscaping to provide a buffer to the exposed flank walls of existing and proposed houses.

6.5 Impact on Amenity

6.5.1 The proposed siting of the dwellings results in a window to window relationship to 16 Clematis Close with facing windows 12.2 metres apart, with a distance of 5.6 metres to the boundary and rear garden. This is a fairly close relationship, but it is the same as existing between this property and those in Snowdrop Path. As a result, the loss of privacy resulting is not considered to be significantly greater. Elsewhere window to window relationships are at oblique angles and this is considered to be acceptable.

6.5.2 The proposed dwelling is sited such that there are no significant overlooking or amenity issues to the terraces at 1 to 5 Iris Path and 1 to 5 Snowdrop Path. Given the siting, there would be no significant impact in terms of loss of outlook, daylight or sunlight.

6.5.2 The introduction of a house and parking on a previous garage block does not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 12 parking spaces. The dwelling will be dedicated two parking spaces, which complies with LDF parking requirements for the proposed dwellings.

6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks, with the potential number of spaces available to existing residents reducing by 2, although a number of the garages are not presently in use. The plans give an indication that a number of new parking spaces can be formed to the areas adjacent to the site – but as this is outside the application site, this can only be taken as indicative. Overall, therefore, there will be a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.

- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

7. The Mayor's Community Infrastructure Levy

- 7.1 The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The garages to be demolished contain more floorspace than the proposed dwelling and therefore there is no increase in floorspace against which to apply the levy.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 May 2013

Subject Heading:

P0373.13: Briar Site 9I – Open Space adjacent to 37-47 and 121 Briar Road, Romford

Erection of a two storey house (1 x 3 bed); creation of parking (application received 28 March 2013)

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]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1920.00. This is based on the creation of 96m² of new gross internal floor space.

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 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

11. 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.

12. 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.

13. 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.

14. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 14 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is an area of green space on the north side of Briar Road, opposite the junction with Bellflower Path.

- 1.2 Along the western boundary of the site is green space adjacent to the 3 storey flank wall of a block of flats at 37-47 Briar Road and the communal amenity area to these flats. To the northern boundary is a continuation of the open space between existing flats and houses. To the east is the front garden, flank wall and rear gardens of a 3 storey terrace of town houses at 121-127 Briar Road. Opposite the site is Bellflower Path and a garage court.

2. Description of Proposal

- 2.1 The application will involve the construction of a single 2 storey dwelling. 2 parking spaces would be provided alongside the proposed dwelling.
- 2.2 The dwelling would have a width of 6m and depth of 10m deep. The dwelling would have a pitched roof with gable end.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 40 local addresses. One representation has been received objecting to the proposal on the following grounds:
- Our house will no longer be an end of terrace
 - Disruption during building works
 - Increase in demand for parking in the area

- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the

existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals.
- 4.5 The Borough Crime Prevention Design Advisor has requested increasing surveillance be considered and requests community safety related condition if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC18 DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.

- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.
- 6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

- 6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The site is not previously developed land and the NPPF does not place any weight in favour of development of such land. Therefore an assessment on the loss of the open space in terms of the character of the area should be made (see section 6.4 below).

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development would occupy what is currently open space by erection of a two storey building resulting in a loss of some of the characteristic openness of this part of the estate. Policy DC18 of the LDF seeks to retain open space unless surplus to requirements. Balanced against this is that the open space to the rear would be retained and this provides more useful amenity, both visually and functionally for nearby residents. This particular site does not appear to provide any particular amenity function other than an area of lawn. There are no trees or recreational facilities on the site. Overall, it is considered that the loss of part of the open area at this point would not significantly impact upon the character and appearance of the area, nor the availability of open space in the area.

6.4.2 The proposed dwelling would directly adjoin the terrace at 121-127 Briar Road. The design would not match the adjoining terrace, being a conventional two storey pitched roof building, and the building would project 1.2m further forward. However, in the context of surrounding development, where there are a variety of building forms and scales, the proposal would not appear particularly out of place despite the design differences. Given the context of this particular site, the street scene impact is not considered to be unacceptable.

6.4.3 The dwelling would be provided with a rear amenity space 48.4 square metres in area (4.4m wide by 11m deep). The amenity space is similar in size to the prevailing pattern of development locally and provides a useable amenity area. However, the amenity space provided cannot be said to be particularly private as it would be less than 5m from the rear facing windows of the adjoining flat block. This is similar to the existing relationship between the flat block and townhouses. Any potential occupier would be aware of this relationship when choosing whether to live in the property, so on balance it is considered that the poor living environment would not be sufficient justification in itself to refuse planning permission, but it is recognised that this is a matter that Members may place a different weight on as a matter of judgement.

6.4.4 The proposed dwelling would be two storeys high and is of a scale that is compatible with surrounding property in the vicinity of the site. The design of the roof form differs from that adjacent but does match the style of the others in the vicinity. The scale, design and appearance of the proposed dwelling is judged to be compatible with the character of the surrounding area.

6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue and landscaping to provide a buffer to the exposed flank walls of existing and proposed houses.

6.5 Impact on Amenity

6.5.1 The proposed siting of the dwelling results in no direct window to window relationships, except at oblique angles and this is considered to be acceptable. The proposed building would be in very close proximity to the communal amenity area of the adjoining flats and there would be increased overlooking. However, as this area is not particularly private, this is not a major concern.

6.5.2 The proximity and orientation of the proposed building will result in some loss of sunlight and outlook from the adjoining flats, however, not to such a degree that would warrant the refusal of planning permission.

6.5.3 The introduction of a house and parking on a previous garage block does not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides 2 parking spaces, which complies with LDF parking requirements for the proposed dwellings.

6.6.2 The plans give an indication that a number of new parking spaces can be formed to the areas adjacent to the site – but as this is outside the application site, this can only be taken as indicative.

6.6.3 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 applicable charge is based on an internal gross floor area of 96 square metres, which equates to a Mayoral CIL payment of £1,920.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The proposed amenity area would not be private and whether the proposal provides a suitable quality for future occupiers is a matter of judgement, but in itself is not considered a justification for refusal. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 May 2013

Subject Heading:

**P0374.13: Briar Site 9J –
Garage/Parking Court adjacent to 48
Coltsfoot Path, between 95-101
Coltsfoot Path & 127 Briar Road,
Clematis Close, Romford**

**Demolition of existing garages and
erection of a two storey house (1 x 2
bed) (application received 28 March
2013)**

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] |
| Valuing and enhancing the lives of our residents | [X] |
| Delivering high customer satisfaction and a stable council tax | [] |

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

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 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

11. 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.

12. 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.

13. 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.

14. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 14 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is a current garage and parking court located on the north side of Briar Road, approximately 75 metres west of the junction with Clematis Close. The garage/parking court itself is currently occupied by two

garage blocks, but the southern block of 7 garages is not included in the application site. Within the parking court is a large mature tree.

- 1.2 Along the western boundary of the site is a three storey flank wall, front and rear gardens of 121-127 Briar Road and access path/green. To the northern boundary is the two storey flank wall, front and rear gardens of 38-48 Coltsfoot Path. To the east is two storey flank and rear garden of flats at 95-101 Coltsfoot Path and access path/green. Opposite the site are terraced town houses.

2. Description of Proposal

- 2.1 The application will involve the demolition of the northern garage blocks and the construction of a single 2 storey dwelling. 1 space within the remaining parking court would be allocated to the new houses.
- 2.2 The dwelling would have a width of 5.8m and depth of 10m. The dwelling would have a pitched roof with gable end.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 53 local addresses. Two representations have been received objecting to the proposal on the following grounds:

- Increased noise
- Overlooking
- Reduction in parking for existing properties
- Other applications combined result in loss of parking
- Other applications combined result in loss of green spaces
- Loss of garage which provides secure area for vehicle

- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of

car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals. LFEPA have raised no objections.
- 4.5 The Borough Crime Prevention Design Advisor has requested that a buffer to the flank walls be provided and requests community safety related condition if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.

6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.

6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.

- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.
- 6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.
- 6.3 **Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development occupies part of the existing garage/parking court and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwelling would directly adjoin the terrace at 38-48 Coltsfoot Path. The front eaves level and maximum height of the proposed building would not match that existing being 0.3m and 1.2m higher. Being set back some distance from the road and the proximity of other buildings, the building would not particularly out of place despite the height difference. Given the context of this particular site, the width of the highway and existing development, the street scene impact is not considered to be unacceptable.

6.4.3 The dwelling would be provided with a private, rear amenity space, 45 square metres in area (5.4m wide by 8.4m deep). The amenity space is similar to the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwelling would be two storeys high and is of a scale that is compatible with surrounding property in the vicinity of the site. The design of the roof form matches the style of the others in the vicinity. The scale, design and appearance of the proposed dwelling is judged to be compatible with the character of the surrounding area.

6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue and landscaping to provide a buffer to the exposed flank walls of existing and proposed houses.

6.5 Impact on Amenity

6.5.1 The proposed siting of the dwellings results in window to window relationships that are either in excess of 30 metres or at oblique angles and this is considered to be acceptable.

6.5.2 The proposed dwelling is sited such that there are no significant overlooking or amenity issues to the terraces at 38-48 Coltsfoot Path and 121-127 Briar Road, nor to the adjacent flats at 95-101 Coltsfoot Path. Given the siting,

there would be no significant impact in terms of loss of outlook, daylight or sunlight.

- 6.5.2 The introduction of a house and parking on a previous garage block does not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 14 parking spaces. The dwelling will be dedicated one parking space. This is below the LDF parking requirement of 1.5-2 spaces per unit but is considered sufficient for a two bedroom dwelling.
- 6.6.2 It is acknowledged that the proposal will involve the loss of an existing garage block, with the potential number of spaces available to existing residents reducing by 1, although a number of the garages are not presently in use. Overall, therefore, there will be a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.
- 6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

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

7. The Mayor's Community Infrastructure Levy

7.1 The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The garages to be demolished contain more floorspace than the proposed dwelling and therefore there is no increase in floorspace against which to apply the levy.

8. Conclusion

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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**REGULATORY
SERVICES
COMMITTEE**

21 May 2013

REPORT

Subject Heading:

**P0375.13: Briar Site 9N –
Garage/Parking Court between 3 & 4-7
Lavender Close, Romford**

**Demolition of existing garages and
erection of two storey building
providing 2 houses (1 x 3 bed and 1 x 2
bed); creation of parking area
(application received 28 March 2013)**

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £980.00. This is based on the creation of 49m² of new gross internal floor space.

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 £12,000 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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

11. 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.

12. 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.

13. 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.

- 14 Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 14 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is a current garage and parking court located on the west side of Lavender Close, just past the junction Briar Road. The site is currently occupied by two garage blocks, totalling 10 units and a central area providing surface parking.
- 1.2 Along the western boundary of the site is an access path/green – Cypress Path – beyond which are terraced houses. To the northern boundary is the flank wall and rear amenity area of flats at 4-7 Lavender Close an access path/green. To the south is flank wall, front and rear garden of 1-3 Lavender Close and access path/green. Opposite the site are similar terraced houses and a garage/parking court (subject to planning application for residential development).

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a pair of dwellings, one 3 bed and one 2 bed. 8 parking spaces would be provided with 3 of the spaces allocated to the new houses.
- 2.2 The dwellings would have a combined width of 11.4m and are a maximum of 10.6m deep. They are two storey dwellings with pitched and gable end roof.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 28 local addresses. No representations have been received.
- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand

for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals. LFEPA have raised no objections
- 4.5 The Borough Crime Prevention Design Advisor has requested that surveillance be improved a buffer to the flank wall be provided and requests community safety related condition if permission is granted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual

impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore

provided a very strong mandate for further detailed consultation on regeneration.

6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.

6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development occupies the site of a former garage/parking court and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwellings would be attached to the existing terrace at 1-3 Lavender Close and would not match the form or design of these dwellings with a higher eaves and ridge line (approximately 2.4m higher). This would provide a contrast in appearance, but there are a wide variety of housing styles within the immediate area such that to replicate the adjoining houses is not considered essential. Given the context of this particular site, the width of the highway and existing development, the street scene impact is not considered to be unacceptable.

6.4.3 Each dwelling is provided with private, rear amenity space, Plot 1 would be 35 square metres in area (5m wide by 7m deep), Plot 2 41 square metres in area (6m wide by 6.8m deep). The amenity space is similar to the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site. The scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.

6.4.5 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue and landscaping to provide a buffer to the exposed flank wall of the proposed houses.

6.5 Impact on Amenity

6.5.1 The proposed siting of the dwellings results in direct window to window relationships in excess of 30m or at oblique angles and this is considered to be acceptable. The proposed dwellings are sited such that there are no significant overlooking or amenity issues to the terraces at 1-3 Lavender Close, 1-3 Harebell Way, 11-15 Cypress Path or the flats at 4-7 Lavender Close. Given the siting, there would be no significant impact in terms of loss of outlook, daylight or sunlight.

6.5.2 The introduction of three houses and parking on a previous garage /parking block does not raise any concerns with regard to increase in noise and disturbance.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 8 parking spaces. Each dwelling will be dedicated either 1 (2 bed) or 2 (3 bed) parking spaces each. For the 2 bed unite, this is below the LDF parking requirement of 1.5-2 spaces per unit but is considered sufficient for a two bedroom dwelling.

6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. Overall, therefore, there will be a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.

6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.

6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.

6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 181 square metres less 132 square metres of floorspace, which equates to a Mayoral CIL payment of £980.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0380.13: Briar Site 10D-
Garage/parking court between
Andromeda Court & 1-13 Barberr
Close, Romford**

**Demolition of existing garages and
erection of two storey building to
provide a terrace of three houses (3 x 3
bed); creation of parking (application
received 28 March 2013)**

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	<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 checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,180.00. This is based on the creation of 109m² of new gross internal floor space.

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 £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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the south of Andromeda Court, east of its junction with Barberry Close. The site is currently occupied by two garage blocks, totalling 15 units, and associated surface parking.
- 1.2 Andromeda Court is a three storey residential block, which backs on to the north boundary of the site. There are two storey residential properties, which face towards the south boundary of the site (1-13 Barberry Way). There are also residential properties located to the east and west of the site.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a 3 no, 3 bedroom dwellings. Existing trees within the site will be removed.
- 2.2 The dwellings have a combined width of 17m and are 10.2m deep. They are two storey dwellings with a gable ended roof and of a traditional design and external appearance.
- 2.3 Provision will be made within the site for 22 parking spaces, of which 6 are proposed to be allocated for use by the occupiers of the new dwellings..

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 84 local addresses. Four letters of representation have been received objecting to the proposal on the following grounds:

- loss of garages and parking

- there are other sites Council could build on
- how accurate are the parking surveys
- resultant parking provision is insufficient

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

4.4 The fire brigade (water and access) have raised no objection to the proposals.

4.5 The Borough Crime Prevention Design Advisor has requested the opportunity for natural surveillance to be improved and requests community safety related condition if permission is granted.

5. Relevant Policies

5.1 The National Planning Policy Framework

- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development occupies the site of a former garage block and the construction of a two storey building on this site is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwellings would front on to Barberry Close but are set well back into the site by some 20m such that it would not appear overbearing or out of character in the wider street scene. The proposed dwellings are also set in 11m from the southern boundary of the site on to Barberry Walk, which is considered would relate acceptably to neighbouring properties.

6.4.3 Each dwelling is provided with private, rear amenity space, which is some 36 square metres in area (6m wide by 6m deep). The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site, given the three storey units to the north and two storey houses to the south. The traditional scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.

6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.

6.4.6 No significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition relating to this issue.

6.5 Impact on Amenity

6.5.1 To the north, the site is backed on to by the flatted development at Andromeda Court. This is a three storey building. The back to flank distance between the respective dwellings is some 11.5m, which Staff consider to be sufficient to maintain acceptable levels of residential amenity for existing residents and future occupiers of the proposed dwellings.

6.5.2 To the east, the site backs on to the communal amenity area of Andromeda Court. The rear elevation of the flatted block is some 15m from the party boundary and the back to back distance is some 21.5m. Given this distance the resultant impact on amenity of existing and future residents is considered to be acceptable.,

6.5.3 Dwellings to the south of the site are some 15.5m away, measured from the flank of the new houses to the front elevation of the Barberrry Walk dwellings. This distance is considered sufficient to maintain acceptable levels of residential amenity. Dwellings to the west are around 35m plus away from the front elevation of the dwellings. This relationship is considered acceptable.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of 22 parking spaces. Each dwelling will be dedicated two parking spaces each, which complies with LDF parking requirements for the proposed dwellings.

6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. Overall therefore it will result in a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.

- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 289 square metres less 180 square metres of floorspace (ie 109 square metres), which equates to a Mayoral CIL payment of £2,180.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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REGULATORY SERVICES COMMITTEE

21 May 2013

REPORT

Subject Heading:

**P0382.13: Briar Site 10P-
Garage/parking court between 19
Honeysuckle Close & 24 Myrtle Road,
Romford**

**Demolition of existing garages and
erection of two storey building to
provide a terrace of three houses (3 x 3
bed); creation of parking areas
(application received 28 March 2013)**

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]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £3,860.00. This is based on the creation of 193m² of new gross internal floor space.

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 £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 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 be carried out in complete accordance with the approved drawings as listed on page 1 of this decision notice.

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 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 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 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. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

12. 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.

13. 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.

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

15. Secure by Design - Prior to the commencement of the development hereby approved, details of the measures to be incorporated in to the development demonstrating how the principles and practices of the Secured by Design Scheme have been included 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

16. Tree Protection – The existing trees shown on drawing no. 1117_10P-100 Rev C to be retained shall be protected during the course of construction in accordance with Section 11 of the Arboricultural Implications Assessment report submitted with this application.

Reason: To enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Reason for Approval:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the south side of Myrtle Road, to the west of Honeysuckle Court. The site is currently occupied by a single garage block, totalling 8 units, and associated surface parking. There are areas of grass verge to the site frontage, included within the application site. There are trees within one of the verges.
- 1.2 To the south-west of the application site is a terrace of three storey town houses (nos. 26-32 Myrtle Road). Other dwellings within the vicinity of the application site are two storeys high.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a 3 no, 3 bedroom dwellings. Three of the existing trees within the site will be removed.
- 2.2 The dwellings have a combined width of 17m and are 10.2m deep. They are two storey dwellings with a gable ended roof and of a traditional design and external appearance.
- 2.3 Provision will be made within the site for 14 parking spaces, including provision for spaces to be allocated specifically for use by the occupiers of the new dwellings.

3. Relevant History

3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report.

4. Consultations/Representations:

4.1 Neighbour notification letters have been sent to 23 local addresses. No letters of representation have been received.

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

4.4 The fire brigade (water and access) have raised no objection to the proposals.

4.5 The Borough Crime Prevention Design Advisor notes there is an alleyway and has requested this be gated for security purposes. A community safety related condition is requested if permission is granted.

5. Relevant Policies

5.1 The National Planning Policy Framework

5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.

5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design 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 are material considerations.

6. Staff Comments

6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

6.2 Background

6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.

6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.

6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.

6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.

6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.

6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed

physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed development occupies the site of a former garage block and is previously developed land. Whilst the site incorporates areas of existing grass verge with consequent tree loss, some trees will be retained and there is scope for soft landscaping to the site frontage, such that the proposal is not considered to compromise the character and openness of the estate.

6.4.2 The proposed dwellings would front on to Myrtle Road but would be set back from the building line set by nos16-24 Myrtle Road, such that it is not considered to appear overbearing or out of character in the wider street scene. The proposed dwellings are also set in from the western boundary of the site and from the site frontage. It is considered the dwellings would therefore relate acceptably to the Myrtle Road streetscene.

6.4.3 Each dwelling is provided with private, rear amenity space, which is some 52 square metres in area (5.5m wide by 9.5m deep). The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

- 6.4.4 The proposed dwellings are two storeys high and are of a scale that is compatible with surrounding property in the vicinity of the site, given the three storey units to the south-west and two storey houses to the south and east of the site. The traditional scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area.
- 6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.
- 6.4.6 The application notes that the existing alley way will be closed off in the future and, subject to this, the Borough Crime Prevention Design Advisor considers the proposal to be acceptable. No other significant community safety issues have been raised and Staff are satisfied with the proposal in this respect subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

6.5 Impact on Amenity

- 6.5.1 To the south, the nearest residential property is 19 Honeysuckle Close, which is side on to the rear boundary of the site. The proposed dwellings would back on to this dwelling at a distance of 12.5m from the boundary of 19 Honeysuckle Close. Staff consider this distance sufficient to maintain the privacy and amenity of the neighbouring occupier as well as the future occupiers of the development.
- 6.5.2 To the east of the site nos. 20-22 Honeysuckle Close face towards the side boundary of the application site. They are situated at a distance of 12.5m from the side boundary of the site and this distance is considered to maintain an acceptable degree of privacy and amenity for both existing residents and future occupiers of the proposed development. The flank wall of no.24 Myrtle Road is located towards the north-eastern boundary of the site. It sits forward of the proposed front building line of the houses. Given the orientation of the dwellings facing northwards and the degree of separation however it is not considered this materially harms residential amenity.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 14 parking spaces. Each dwelling will be dedicated two parking spaces, which complies with LDF parking requirements for the proposed dwellings.
- 6.6.2 It is acknowledged that the proposal will involve the loss of existing garage blocks and associated surface parking spaces. Overall therefore it will result in a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the

development need to be considered in the context of the proposed parking strategy for the estate as a whole.

- 6.6.3 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.4 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.5 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.6 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 289 square metres less 96 square metres of floorspace (ie 193 square metres), which equates to a Mayoral CIL payment of £3,860.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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