



# Havering

L O N D O N B O R O U G H

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
25 June 2015**

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

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative  
(5)**

Robby Misir (Chairman)  
Melvin Wallace (Vice-  
Chair)  
Ray Best  
Philippa Crowder  
Steven Kelly

**Residents'  
(2)**

Stephanie Nunn  
Reg Whitney

**East Havering  
Residents'(2)**

Alex Donald  
Linda Hawthorn

**UKIP  
(1)**

Phil Martin

**Independent  
Residents  
(1)**

Graham Williamson

**For information about the meeting please contact:  
Richard Cursons 01708 432430  
richard.cursons@onesource.co.uk**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

## **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.

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.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **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 P1754.14 - THE POMPADOURS, EDENHALL ROAD, ROMFORD (Pages 1 - 22)**

### **5 P1356.14 - LAND AT 215-227 ST MARY'S LANE, UPMINSTER (Pages 23 - 44)**

### **6 P0634.15 - 65 LAMBS LANE SOUTH, RAINHAM (Pages 45 - 62)**

**7 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

**Andrew Beesley  
Committee Administration  
Manager**

# REGULATORY SERVICES COMMITTEE

# REPORT

25 June 2015

**Subject Heading:**

P1754.14 The Pompadours, Edenhall Road, Harold Hill, Romford

Demolition of the existing pub "The Pompadours", and the construction of 25 no. new residential units

Application Received 02/02/2015 & revised plans received 22/04/2015 & 29/04/2015

**Ward**

Gooshays

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework  
National Planning Practice Guidance

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

## SUMMARY

The application is for the redevelopment of this site to create 25 units, comprising 11 houses, 7 maisonettes and 7 flats. The site is currently occupied by a public house, including car park, beer garden and rear amenity areas. The public house includes first floor residential accommodation. An appraisal has been submitted that seeks to demonstrate that the development could not support any affordable housing, which has been independently verified. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is therefore judged to be acceptable and, subject to the prior completion of a S106 legal agreement to secure a financial contribution towards education costs associated with the development in accordance with LDF Policy DC72.

## RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £31,420 subject to indexation. This is based upon a net increase of 1,571 square metres of new internal floor space.
2. 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 £144,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
  - 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.
  - The payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

- A financial contribution of £325,000 towards the provision of affordable housing in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72.

That the Head of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 985. 13-PA-110F has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

Reason: To ensure that there are adequate parking facilities to serve the development 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* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that



phase of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. *Secured by design* - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

10. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas, including the courtyard parking area of the development and the pedestrian access to the second floor flats, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter.

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

11. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing

of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

12. *Vehicle Cleansing* – Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;
- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
  - b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
  - c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
  - d) A description of how vehicles will be cleaned.
  - e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
  - f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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

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

14. *Vehicle access* - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each parking area.

Reason: The submission of details prior to commencement will protect highway safety and ensure that all legislative provisions are followed to ensure good design and public safety in accordance with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

15. *Pedestrian Visibility Splay* - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

16. *Parking forecourt access management* - Prior to the occupation of any flat or maisonette a car park access management scheme shall be submitted

to and approved in writing by the Local Planning Authority. The management scheme shall provide for traffic light controls that give priority to vehicles entering the site. The access control measures approved under this condition will be retained and managed thereafter in accordance with a management scheme.

Reason: It is essential to ensure that access management measures are in place prior to first occupation of the development and insufficient information has been submitted with the application to demonstrate how this will be achieved. The submission of details prior to occupation will ensure good design and highway safety are achieved and to comply with Policies CP10, DC32 and DC61 of the Core Strategy and Development Control Policies DPD.,

17. *Land contamination* - No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following contaminated land reports (as applicable) are submitted to and approved in writing by the local planning authority.

a) A Phase II (Site Investigation) Report (a Phase 1 Report having been submitted) which 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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

18. *Sustainability* – The development hereby permitted shall not be occupied until the developer has provided a copy of the Interim Code Certificate confirming that the development design of the relevant phase achieves a minimum Code for Sustainable Homes Level 4 rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Within 6 months of the final occupation of any residential unit within the relevant phase the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

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

19. *Renewable energy* - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

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

20. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 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 order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the

development accords with Development Control Policies Development Plan Document Policy DC61.

21. *Obscure-glazing* – Prior to the occupation of any second floor flat or maisonette screening panels shall be erected along the edge of the external access walkway in accordance with details the have previously been submitted to and agreed in writing by the local planning authority.

Reason: Insufficient information has been supplied with the application to address the overlooking of neighbouring properties from the access walkway to the second floor accommodation. Submission of details of screening panels and the implementation of the approve details is necessary in the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

22. *Ground Levels* - No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application in relation to ground levels and the local planning authority wishes to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

## INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Miguel Rocha by e-mail and telephone on 15th April and 21<sup>st</sup> April 2015. The revisions involved design and layout changes to proposed new dwellings in Bridgwater and Hilldene Avenue. The amendments were subsequently submitted on 29<sup>th</sup> April 2015.
2. Secured by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

3. Changes to the public highway - 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. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. 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 relevant approval process. Unauthorised work on the highway is an offence.
4. Highway legislation - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
5. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and StreetCare should be contacted on 01708 434343 to make the necessary arrangements.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site, which is broadly rectangular in shape, amounts to 0.3 hectare. The site falls gently from north to south. It is bounded by Hildene Avenue to the south, Edenhall Road to the west and Bridgwater Road to the north. The site is currently occupied by the Pompadours Public House with associated car park to the front and side, beer garden and rear amenity area. There are two access points one from Hildene Avenue the other from Edenhall Road.

- 1.2 There is a low wall around the highway boundary of the site between the access points. Along the Bridgwater Road frontage and part of the Eden Hall Road frontage is a 1.8 metre wooden fence which encloses the external seating and garden area for the first floor residential accommodation. There is some vegetation, including a conifer hedge in the east part of the site and along part of the Hilldene Avenue frontage.
- 1.3 To the north, west and east of the development site the locality is primarily residential, principally comprising two storey terraced housing. Further to the east is the Harold Hill Minor District Centre which includes retail and other commercial units. Further to the east is the site of the Hilldene North development which comprises 100 new dwellings. The main part of the development on Bridgwater Road to provide affordable housing is substantially completed. The other two sites still remain to be redeveloped.

## 2. **Description of proposal**

- 2.1 This is a full application for the redevelopment of the site following the demolition of all existing buildings and structures. The development comprises 25 new dwelling units: 8 three-bed and 3 two-bed houses; 2 three-bed and 5 two-bed maisonettes and 2 two-bed and 5 one-bed flats. These would be arranged around all three street frontages. The houses in a terrace of eight along Bridgwater Road; a semi-detached pair on the eastern edge of the site in Hilldene Avenue and a single unit attached to the adjoining three-storey block. All the houses would be two-storey. The maisonettes would be in a single 2-3 storey block fronting onto Edenhall Road and Hilldene Road. The new dwellings would reflect the existing building line of houses adjoining the site.
- 2.2 The development would step up from two-storeys to three along the Hilldene Road frontage in stages culminating with a gable ended elevation on the corner itself. The block would continue northwards along Edenhall Road towards the corner with Bridgwater Road. There would be a gap between the block and the end of the terrace. The form of the development is similar to that recently permitted for phase two (Plot A) of the Hilldene North scheme further to the east along Hilldene Avenue.
- 2.3 Parking for the houses would be to the front of the properties and that for the maisonettes in a rear courtyard. Access to the courtyard would be under the block from Edenhall Road. Car parking for the houses would be provided to the front with each having two off-street spaces. Within the courtyard there would be 24 spaces: 2 each for the three-bed units and 16 for the remaining 12 flats. There would be cycle and bin storage in the courtyard.
- 2.4 The materials to be used would be brick (light brown) under pitched tiled roofs. The windows and balustrades would be in painted aluminium or other agreed materials. Landscaping is proposed along the street frontages and within the parking courtyard.



2.5 All of the dwellings would be constructed to lifetime homes standards and would be capable of adaption for wheel chair users. The scheme has been designed to meet Secured by Design standards and Code for Sustainable Homes Level 4.

2.6 All of the houses would have private rear and front amenity space. The flats and maisonettes would have some amenity space to the front and a communal area to the rear. Some of the units would also have balconies.

### 3. **Relevant History**

None

### 4. **Consultation/Representations**

4.1 The application has been advertised on site and in the local press as major development and notification letters sent to 91 neighbouring occupiers. There have been 40 representations in response and two petitions 242 with signatures. The following matters are raised:

- No more new housing required in Harold Hill would prefer the public house to be kept as there are few in the area or other places to socialise in;
- Inadequate parking proposed so would lead to increased parking congestion in the area;
- Public house is an integral part of the community and should be retained;
- Overshadowing of adjoining properties would make them difficult to sell;
- Security issues for neighbours as development would make rear boundaries more vulnerable;
- Reduction in house values would result;
- Would impact on local services e.g. GPs, school places;
- Loss of character building and local history;
- No social housing should be provided;
- Four storeys is too much should be three max;
- Overlooking of existing properties, especially from balconies;
- Construction noise;
- Lack of A3 or A4 use in area so public house should be retained or converted to A3;
- Loss of sun light, overshadowing and rights to light issues.
- Petitions oppose the loss of PH and object to the scale of the redevelopment.

4.2 StreetCare – no objections subject to conditions covering pedestrian visibility splays, a traffic light system to control access to parking court, vehicle cleansing and highways agreements.

4.3 Public Protection - requests condition on noise insulation.

4.4 Essex and Suffolk Water - no objections.

4.5 Thames Water – no objections in terms of sewerage capacity.

4.6 London Fire Brigade – no response.

## 5. **Relevant Policy**

5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 ((Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (Affordable Housing); DC7 (Lifetime Homes and Mobility Housing); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC70 (Archaeology and Ancient Monuments); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).

5.2 Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs); Residential Design (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough’s Biodiversity SPD and Sustainable Design and Construction SPD are also material considerations.

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (children’s play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self-sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan.

5.4 The provisions of the National Planning Policy Framework and the National Planning Practice Guidance.

## 6. **Staff Comments**

6.1 This is a brownfield site within a residential area that is not designated for any other purpose and the preferred use is for housing. There are no policies for the protection of public houses and the Pompadours is not a

designated community asset. Therefore there are no objections in principle to a residential redevelopment.

#### Density and layout

- 6.2 In accordance with Policy DC2 the site is classified as 'rest of borough, as it has a low PTAL value of 1-2 being outside of the defined area on the proposals map. A density range of 30-50 dwellings per hectare is indicated as appropriate outside of the defined PTAL areas. The application site has an area of 0.3 hectare and proposes 25 new dwellings. This equates to a development density of 83 units per hectare, which is above the range specified in Policy DC2. The London Plan in Policy 3.4 and Table 3.2 give a higher density of up to 65 units per hectare. However, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties.
- 6.3 It is also relevant to have regard to the recent planning permission granted recently as part of the Hilldene North development. For that proposal a similar density was judged to be acceptable as it was part of a wider regeneration programme that allowed for higher densities. Account was also taken of the proximity to the Harold Hill Minor District Centre and to other community facilities, giving good access to local services, including good levels of access to local bus routes. Whilst not part of a wider programme the site has similar accessibility to local services.
- 6.4 In terms of housing mix, this is for one, two and three-bed properties which would meet the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.
- 6.5 In respect of site layout, the development would be similar to the scheme at Hilldene North. That scheme also provides for perimeter development in a similar manner with development fronting onto the highway with the majority of the car parking in a courtyard behind. This is also similar to the perimeter development fronting onto other roads elsewhere in the area so would help to maintain the general character of the area.
- 6.6 The layout is reasonably spacious and whilst the development would be set much further forward within the site than the Pompadours the new buildings would respect the building lines of existing houses. The development would, therefore, respect the existing residential character of the wider area.. Overall the built coverage of the site would be much greater than at present, but given its location with the established residential area and the wide open landscaped area of Hilldene Avenue it is considered that the overall height and degree of prominence of the proposed buildings would not appear overly dominant or intrusive in the local streetscene.
- 6.7 The majority of trees will be removed from the site. However, the landscaping proposals indicate that this will be compensated for by the

planting of trees in the front garden areas in Bridgewater Road and Hilldene Avenue. There would also be planting in the rear courtyard areas.

- 6.8 In terms of amenity space provision, each of the dwellings has its own private rear garden area. These vary in size and depth but typically are between 4.5m and 6m in depth with the smallest garden being 32 square metres. The gardens for the dwellings are well configured, private and useable and are considered not to be materially different from those approved at Hilldene North and would accord with the principles of the Residential Design SPD.
- 6.9 The flats have a communal landscaped setting and each of the flats has a balcony of at least 1.2m in depth, which is less than the 1.5 metres recommended in the Residential Design SPD. However, there would be landscaped areas to the front which would provide a level of amenity, although the areas would not be private. Additionally, there are communal amenity areas to the rear. There are play facilities being provided elsewhere in the Hilldene North development and the site is also within an 800m radius of Central Park, where the Council is upgrading the play facilities there and where there is a significant area of public open space. Whether the amenity space provision is acceptable will be a matter of judgement for members, but overall Staff consider that the provision would be acceptable bearing in mind the wider provision and that accepted at developments nearby.
- 6.10 The Borough Crime Prevention Design Advisor has been consulted during the design process and reasonable measures have been incorporated to make the development as safe as possible. It is however recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 6.11 The development is designed to Lifetime Homes standard and also meets the minimum floorspace standards of the London Plan. The units would also be capable of easy adaption for wheelchair users. These provisions would accord with LDF Policy DC7 and London Plan policies 3.5 and 3.8.

#### Design and visual impact

- 6.12 In terms of scale and massing, the site contains an element of three storey housing, although this is limited to the corner of Hilldene Avenue and Edenhall Road. The three storey scale of the development is considered to be compatible with local character as the width of the carriageway is wider on this corner which is suited to a larger scale of development. The development would step up in stages from the existing two-storey scale housing so that there would be a gradual transition to the high element such that staff consider that that the scale and massing of the proposed buildings would not appear intrusive or overbearing.
- 6.13 There are no objections in principle to the varying scale and bulk of the buildings which would provide visual interest in the streetscene, whilst

respecting local character. The three-storey element would read as a separate corner building. When considering similar proposals as part of the Hilldene North development the issue of the impact of three-storey development was presented to members as being one of judgement which the committee considered to be acceptable. Having regard to these matters Staff consider that the transition in building height does work successfully and is, on balance, acceptable.

- 6.14 Architecturally, the proposed units have adopted a traditional building form. Materials are principally proposed to be a light coloured brick with contrasting grey brick entrance porches and 'slate' roof tiles. This palette of materials is different to the reddish brick which prevails in the locality but it is considered that it would be acceptable and give a modern degree of contrast to the prevailing local housing character. The proposal is considered to have a bold visual impact but with sufficient traditional elements to complement the locality. Staff consider the development need not necessarily fully reflect the height or architecture of surrounding buildings and would have an acceptable visual impact in its own right. Details of materials are given in the application but it is considered that the submission of samples for approval should be required by condition.

#### Impact on Amenity

- 6.15 The application site has a direct boundary with two residential properties. The land adjoining currently comprises the rear garden area of the first floor flat and unused vegetated areas. The proposed new dwellings adjoining would be two-storey and set on the same building line. Staff consider, therefore, that there would be no material adverse impact on the amenities of the occupiers of these properties or any material overlooking issues. The relationship between the existing and proposed dwellings would comply with LDF Policy DC61 and the Residential Design SPD.
- 6.16 Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots. Whilst the siting of a two storey flank wall directly on the rear boundary of proposed dwellings is not ideal, similar relationships have been judged acceptable within nearby developments. There would also be some overlooking of rear gardens from the proposed three-storey development, although this can be partly overcome by the use of obscured glazing and screening panels. In view of these factors staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions such as amount to a material objection to the proposal.

#### Parking and Highway Issues

- 6.17 The proposal provides a total of 42 parking spaces which equates to 1.68 spaces per dwelling. This would meet the LDF parking requirements of 2-

1.5 spaces per dwelling. Most of the parking for the flats would be in a rear courtyard accessed under the flats in Edenhall Road. This access would be single width. Subject to a traffic light control system giving priority to vehicles entering the courtyard being installed, Streetcare (Highway Authority consider the access acceptable. The overall amount and layout of the courtyard parking is also considered to be acceptable. The proposals also make provision for cycle parking, which would be secured by condition.

- 6.18 Pedestrian visibility splays at the entrance also need to be secured and a condition is recommended. The proposal is also considered to make suitable provision for the collection of refuse as the proposed bin storage would be within 25m of the highway. This is within the guidance distance so that refuse vehicles would not need to enter the courtyard where there is restricted turning.

#### Affordable Housing

- 6.19 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would be 12.5 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable with a policy compliant affordable housing payment. The valuation report concludes that the residual land value is less than the benchmark value, thus producing no surplus for planning obligations. However, the valuation has been independently appraised and that appraisal has concluded that the scheme can support some affordable housing as the build costs have been overestimated by between £250,000-£400,000. In response, the applicant has offered a sum of £325,000.
- 6.20 The guidance in the NPPF and National Planning Practice Guidance is that to ensure viability the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standard infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer. Viability will vary with different housing types.
- 6.21 The NPPF also states that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should

not be sought without regard to individual scheme viability. The NPPG sets out guidance on how viability should be assessed. The land value should reflect policy requirements and provide a competitive return to willing developers and landowners. The assessment should also reflect comparable market-based evidence. Such evidence is included in the viability assessment which concludes that the land value assessed meets the criteria above.

- 6.22 On this basis Staff consider that it has been demonstrated that the development cannot provide any on site affordable housing in accordance with LDF and London Plan policies, however, an off-site contribution has been offered which would ensure that the scheme would remain viable. The offer is midway within the range identified in the independent appraisal carried out for the Council and Staff consider that it is acceptable. In accordance with the guidance in the NPPF and NPPG Staff consider that the proposals would be acceptable without the level of affordable housing contribution offered.

#### Infrastructure impact of the development

- 6.23 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 6.24 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.25 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.26 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.22 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the

impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

- 6.23 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.24 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6,000 per dwelling for educational purposes would be appropriate.
- 6.25 The proposed new dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72. There would be a net addition of 24 units and a charge of £144,000 is considered necessary to make the development acceptable in accordance with the policy and which would need to be secured through a S106 Planning Obligation.

## **7. Mayor's Community Infrastructure Levy (CIL)**

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. In assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The residential accommodation that forms part of the Pompadours is currently occupied and the building has also been used as a public house. The existing floorspace of 405 square metres can, therefore, be taken into account. The applicable fee is charged at £20 per square metre based on a proposed internal gross floor area of 1,976 square metres less the current floorspace. With this allowance the CIL contribution would be £31,420 subject to indexation.



## 8. Conclusions

- 8.1 The site lies within the urban area and is brownfield land. Its redevelopment of the site for housing is considered acceptable under LDF Policies CP1 and the guidance in the NPPF. The design, scale and layout of the proposed development is judged to be in keeping with the character and appearance of the locality and would provide a suitably high quality living environment. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal does not include any affordable housing; however, a viability appraisal has been submitted which has been subject to independent assessment. As a result a sum of £325,000 has been offered in accordance with LDF Policy DC6 towards off-site provision. This is judged to be an acceptable figure that would enable the proposals to remain viable in accordance with the NPPF.
- 8.3 There would also be a contribution to meet education costs associated with the development in accordance with Policy DC72. These contributions would be secured through a S106 Planning obligation. The proposal is therefore judged to be acceptable, subject to the prior completion of the obligation and conditions, and it is recommended that planning permission is granted accordingly.

## IMPLICATIONS AND RISKS

**Financial Implications and risks:** None

**Legal Implications and risks:** Legal resources will be required to prepare and complete the legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**Human Resource Implications:** None

**Equalities and Social Inclusion Implications:** The Council's planning policies are implemented with regard to equality and diversity.

## **BACKGROUND PAPERS**

1. Application and supporting details and plans received on 02-02-2015 and revised plans received on 22/04/2015 & 29/04/2015

# REGULATORY SERVICES COMMITTEE

25 June 2015

# REPORT

**Subject Heading:**

P1346.14 Land at 215-227 St Marys Lane, Upminster.

Erection of 8no. new dwellings

**Ward**

Upminster

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
helen.oakerbee@havering.gov.uk  
01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework  
National Planning Practice Guidance

**Financial summary:**

Not relevant

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

## SUMMARY

This application is for the redevelopment of land previously occupied by Upminster police station for eight new three and four bed dwellings. Seven would front onto St. Marys Lane and one onto St. Lawrence Road. Car parking would be provided in a rear parking area accessed off St. Lawrence Road. The proposed redevelopment would be acceptable in principle result in the effective use of brownfield land within the urban area. As a matter of judgement Staff consider that the proposed new dwellings would achieve a satisfactory transition between the adjoining buildings and the scale of development to the west and east of the site. The scale of the development is also considered acceptable and would have an overall positive impact on the character and appearance of the area. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 planning agreement to secure a financial contribution towards education costs associated with the development in accordance with LDF Policy DC72.

## RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £17,480 subject to indexation. This is based on the creation of 874 m<sup>2</sup> of new gross internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £54,000 to be used for educational purposes.
  - 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 the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above contribution and upon

completion of that obligation, grant planning permission subject to the conditions set out below.

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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

3. *Car parking* - No dwelling unit shall be occupied until the car parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. *Landscaping* - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting,

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

10. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter.

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

11. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm

on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

12. *Vehicle Cleansing* – No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.

c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.

f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will



also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: The submission of details prior to commencement will protect highway safety and ensure that all legislative provisions are followed to ensure good design and public safety in accordance with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

15. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards.

The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: Insufficient information has been supplied with the application to demonstrate how lifetime homes standards would be achieved. The submission of details prior to commencement of buildings works will ensure that the amenities of future residents and visitors are protected and that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

16. *Land Contamination* - No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following contaminated land reports (as applicable) are submitted to and approved in writing by the local planning authority.

a) A Phase II (Site Investigation) Report (a Phase I Report having been submitted) which 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.

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.

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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

17. *GPDO restriction* - Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development under Part 7 Classes A, B, C or E shall be erected or carried out except in accordance with plans showing the siting and design of such enlargement or extension which shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

18. *No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

19. *Pedestrian visibility splays* – Pedestrian visibility splays shall be provided on either side of the access points onto the public highway of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splay shall be permanently retained and kept free from obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

20. *Archaeology* - a) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and

approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority.

b) If heritage assets of archaeological interest are identified by the evaluation under part a), then before development commences the applicant shall secure the implementation of a programme archaeological investigation in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

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

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under Part b) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

21. *Ground Levels* - No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application in relation to ground levels and the local planning authority wishes to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

#### Informatives

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with James Cole by e-mail and telephone on 23<sup>rd</sup> March and 17<sup>th</sup> April. The revisions involved design and layout changes to unit 8 and units 2 & 3. The amendments were subsequently submitted on 17<sup>th</sup> April 2015.

2. Secured by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
3. Changes to the public highway - 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. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. 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 relevant approval process. Unauthorised work on the highway is an offence.
4. Highway legislation - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
5. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
7. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £17,480 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the

commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is an area of vacant land previously occupied by Upminster police station. It amounts to 0.18 hectares and lies on the north side of St Marys Lane. The immediate surroundings are mixed in terms of land uses and building styles, with the site lying between commercial properties to the west and residential properties to the east. It also has a frontage onto St Lawrence Road which is a residential street comprising a mix of semi-detached and terraced housing. The former police station was located towards the southern boundary of the site with access from St. Lawrence Road to a car park to the rear.
- 1.2 There is a surfaced seating area to the front of the site at the eastern end which forms part of the public highway. This area would not be affected by the development. There is also a bus stop on the pavement at the eastern end which would also be unaffected.

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

- 2.1 The application proposes the erection of eight dwellings comprising a single detached property on St. Lawrence Road and seven properties fronting St. Marys Lane. There would be two detached four-bed properties and three pairs of semi-detached three-bed properties. All would have rear amenity and parking spaces. There would be sixteen spaces in total in the rear parking court, with six pairs in tandem. Unit 8 in St. Lawrence Road with have a single space to the front.
- 2.2 The proposed garden areas of units 4-7 would back onto a rear access track behind 54-60 St. Lawrence Road. The remaining units would back on to the rear parking court. There would be only pedestrian access to the front of the properties which would be set back from the highway. Units 1 and 4-7 would follow the building line of the former police station with units 2 & 3 set further forward. A paved path within the application site is proposed across the St. Marys Lane frontage to provide access from the rear parking court between units 3 and 4 to the fronts of the proposed dwellings.
- 2.3 Landscaping is proposed along the site boundaries, including the retention of some existing trees.

### 3. **History**

- 3.1 P0598.12 - Erection of a 40 bed residential care home for the elderly, associated amenity space, access, parking and a reconfigured public seating area - refused & appeal dismissed.

### 4. **Consultation/Representations**

#### Representations

- 4.1 The application was publicised by way of neighbour notification and eight letters of representation have been received. Most support the principle of the development but the following issues are raised:

- Overlooking of adjoining properties due to three storeys;
- Concerns about adequacy of parking, especially tandem bays;
- Overdevelopment;
- Design issues – out of keeping with the area;
- Impact during construction;
- Good for the area but units should be re-aligned to that of the original police station;
- Dwelling in St. Lawrence Road should be omitted;
- Traffic impact and disturbance
- Parking in rear garden environment;
- Concerns about the way the original buildings were demolished;
- Design is generally in keeping with the area.

#### Consultations

- 4.2 Environment Agency – No objections.
- 4.3 Thames Water – No comments.
- 4.4 Public Protection - Contaminated land and construction management plan conditions requested.
- 4.5 Streetcare (Highways) – No objections, but request conditions covering pedestrian visibility splays, vehicle cleaning and access details.
- 4.6 Essex and Suffolk Water – No objections.
- 4.7 Streetcare (Refuse) – No objections, new residents will need to leave waste sacks at boundary of properties.
- 4.8 English Heritage (Archaeology) – Requests archaeological condition.

### 5. **Relevant Policy**

- 5.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17

(Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).

- 5.2 In addition the Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs); the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD.
- 5.3 Policies 2.15 (town Centres); 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments); 4.7 (Retail and town centre development); 6.13 (Parking); 7.3 (Designing out crime) and 8.2 (planning obligations) of the London Plan.
- 5.4 The National Planning Policy Framework and the National Planning Practice Guidance.

## 6. **Staff Comments**

Principle of the development

- 6.1 The site lies within the existing urban area of Upminster just outside of the designated town centre. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development outside town centres and the Green Belt, non-designated land should be prioritised for housing. The site is on land which is not designated land in the LDF; therefore, its use for housing would be acceptable in principle. The site is also considered to be previously developed (brownfield) land and the re-use of such land would meet one of the core sustainability principles of the NPPF. The residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets.
- 6.2 The NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development. The relevant policies for the supply of housing set out in the LDF and the London Plan are considered to be up to date and the application should, therefore, be determined in accordance with the relevant policies of the development plan.
- 6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF planning



permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. This is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants. The main issues are whether the new dwellings would be acceptable in terms of the character and appearance of the area, have an acceptable impact on nearby residential properties and be acceptable in terms of parking and highways issues.

#### Density/layout

- 6.4 The density of the residential element would be 45 units per hectare or 233 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The site lies within PTAL Zone 3-4 as defined in policy DC2 of the LDF Core Strategy and Development Control Policies DPD. This gives an indicative density of 30-65 units per hectare or 150-200 habitable rooms per hectare for detached and semi-detached development. The Housing SPG gives a higher density range for PTAL 4. The proposal conforms to the guidance and is considered acceptable in terms of density. The unit sizes would also meet the minimum space standards set out in the London Plan, Table 3.3.
- 6.5 An additional consideration is that the type and size of new housing needed to meet housing need should make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF.
- 6.6 However, whilst meeting the density guidance indicates that the development would be broadly acceptable, account also needs to be taken of the character of the local area and whether the scale of the development is appropriate in terms of its appearance in the local context. The conclusions reached by the appeal inspector are relevant in this regard. Account also needs to be taken of any adverse impact on the amenity of nearby occupiers. These issues are addressed below.
- 6.7 Each of the proposed dwellings would have rear amenity areas which are both usable and private. Whilst smaller than gardens of existing properties nearby, the proposed amenity areas are considered to be acceptable in terms of Policy DC61 and the Residential Design SPD. The relationship between the proposed dwellings is also judged to be acceptable.

#### Design/Impact on the streetscene

- 6.8 Along the St. Marys Lane frontage the site marks a transition between the commercial buildings in the town centre to the west and the smaller scale domestic properties lying to the east. In order to be acceptable the development needs to respect both of these characteristics. To the west

and opposite the site are buildings that form part of the town centre. These include a retail food store (opposite) with roof level car park and smaller retail units with flats above. These buildings are flat roofed and have a 2.5-3 storey scale. The residential units opposite and to the east are two storey. The site also has a frontage to St. Lawrence Road which is residential comprising a mix of semi-detached and terraced two-storey dwellings. The residential development to the east of the site in St Marys Lane is also predominantly two-storey, only interrupted by the Clockhouse and the adjoining flatted development.

- 6.9 In St. Lawrence Road the single dwelling proposed would fill part of the gap between existing dwellings that was previously the vehicular access to the police station. The properties are mainly semi-detached or terraced. The proposed new single dwelling would have a similar ridge height to the dwellings adjoining and whilst detached would have a similar general appearance to other properties in the road. The partial infilling of the gap between dwellings would have an overall positive impact on the character and appearance of the area.
- 6.10 The appeal inspector for the 2012 application for a care home on the site paid particular attention to the need to respect the change in scale and character of the buildings in St Marys Lane. The St. Lawrence Road frontage would have provided access and parking for the care home so would have been largely unchanged. The inspector considered that the proposed building should respect the scale and character of adjoining development. The proposed development would have been significantly higher than adjoining buildings and as a single building the inspector concluded that it would have appeared unacceptably dominant in the streetscene. The appeal was dismissed.
- 6.11 The National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context.
- 6.12 This application seeks to address these issues by proposing a smaller scale residential development of individual new buildings that are of similar scale to those adjoining. The proposed buildings are two and a half-storey and whilst higher than the dwellings to the east are judged to mark an acceptable transition between them and the higher town centre buildings to the west. A range of house styles is proposed which is in keeping with this part of St. Marys Lane and would help to maintain the visual character of the area. The frontage is on a bend in St. Marys Lane where properties are generally staggered and the setting of one pair of dwellings further forward is not considered to materially affect the character of the streetscene. As a matter of judgement Staff consider that in terms of their design and

appearance the new dwellings would be acceptable in the streetscene and improve the overall character and appearance of the area.

- 6.13 This impact will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members judge that the proposal would be harmful to the streetscene and character of the area, this could amount to a material objection to the application.

#### Impact on amenity

- 6.14 The main potential impacts would be on the amenities of adjoining residents to the north in St. Lawrence Road and the dwelling immediately to the east of the site. None of the rear gardens would back directly onto those of properties in St. Lawrence Road due to the rear access track to nos. 54-60 and the location of the proposed parking area. The back to back distance between units 4-7 and 54-60 St. Lawrence Road would be 30 metres. The parking area is proposed between unit 8 and unit 1 which would have a back-to-back distance of 33 metres. The separation of the proposed new dwellings from existing properties would ensure that there would not be any material overlooking of rear gardens areas. There would also be an acceptable relationship between proposed unit 1 and no. 229 St. Marys Lane.

- 6.15 The rear parking court lies in the rear garden environment of a number of existing properties and there is the potential for some noise and disturbance. However, given the scale of the development and the number of cars involved any disturbance is judged unlikely to be significant. The spaces are closest to the rear of the gardens which would limit any adverse impact. Fencing along the boundaries would limit noise and any potential headlight glare. The layout of the development has been design so that there would be no material overlooking of any rear gardens areas.

#### Parking and Highway Issues

- 6.16 The proposed access is in a similar location to the existing and no objections have been raised by the highway authority (Streetcare) for the level of use proposed. There would be 17 parking spaces, sixteen in the rear parking court and one to the front of unit 8. The spaces would be arranged in a parking court to the rear of the frontage development. Twelve of the spaces would be arranged in tandem pairs and whilst this is not an ideal arrangement the pairs would be allocated to individual dwellings. Future occupiers would be aware of the arrangement when purchasing the properties. There are no objections to the arrangement in highway terms.
- 6.17 For residential development the density matrix in LDF Policy DC2 indicates that 2-1.5 spaces per unit would be acceptable and the London Plan in Table 6.2 indicates up to 1.5 spaces per unit for new dwellings. The development would meet these standards. No objections are raised by the

Highway Authority to the proposed parking provision. Given the accessibility of the site to local services and public transport staff consider that the site is in a sustainable location and the proposed level of car parking would be acceptable.

#### Other Issues

- 6.18 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. A condition is recommended to address 'Secured by Design' issues and the lighting of car parking areas.
- 6.19 The site frontage lies within an Archaeological Priority Area identified under LDF Policy DC70 where important archaeology can be expected. The former English Heritage (now Historic England) has been consulted and recommends an appropriate condition.

#### Infrastructure Impact of the Development

- 6.20 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 6.21 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.22 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.23 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.24 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this

was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

- 6.25 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.26 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 6.27 The proposed new dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72. There would be a net addition of nine units and a charge of £48,000 is considered necessary to make the development acceptable in accordance with the policy and which would need to be secured through a S106 Planning Obligation.

## **7. Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The former police station was demolished over three years ago and CIL is chargeable on the total new floorspace. This amounts to 874 m<sup>2</sup> and at £20 per square metre the CIL liability is £17,480.

## **8. Conclusions**

- 8.1 The site lies within the existing urban area of Upminster just outside of the designated town centre. The site is not designated for any other purpose in the LDF and residential redevelopment is considered acceptable in

principle. The provision of eight additional units would help to meet Havering's housing needs.

8.2 The proposal would increase the developed area of the site compared with the former use and the development would be more prominent in the streetscene. However, the scale would be significantly less than the care home development refused permission in 2012 and dismissed at appeal. The scale of the development is considered acceptable and would have an overall positive impact on the character and appearance of the area. It would bring about the effective re-use of a brownfield site in accordance with the guidance in the NPPF.

8.3 Staff consider that, as a matter of judgement the proposed new dwellings would achieve a satisfactory transition between the adjoining buildings and the scale of development to the west and east of the site. The new dwellings would also have an acceptable impact on the character and appearance of the area. There would be no material adverse impacts on the amenities of adjoining residents. The proposed is therefore, judged to be acceptable and the grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement to secure a financial contribution towards education costs associated with the development in accordance with LDF Policy DC72.

## IMPLICATIONS AND RISKS

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

None

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

Legal resources will be required for the drafting of a legal agreement.

The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

### **Human Resource Implications:**

None

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

The Council's planning policies are implemented with regard to equality and diversity.

## **BACKGROUND PAPERS**

1. Application form and plans received on 23<sup>rd</sup> October 2014 and revised plans received 17<sup>th</sup> April 2015.

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# REGULATORY SERVICES COMMITTEE

25 June 2015

# REPORT

**Subject Heading:**

P0634.15 – 65 Lambs Lane South,  
Rainham

Alteration of existing residential  
property at 65 Lambs Lane South along  
with the construction of two new self  
contained bungalows to the rear of the  
site. (Received 5 May 2015)

**Report Author and contact details:**

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Planning Manager (Applications)  
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01708 432 800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

## SUMMARY

This report concerns an application for the erection of 2no. detached bungalows and a single garage to the rear of 65 Lambs Lane South along with a reduction in width of the existing dwelling at 65 Lambs Lane South in Rainham. The application follows on from previously approved application P0400.14 which granted permission for the erection of 2no. detached bungalows and a single garage to the rear at 65 Lambs Lane South along with the demolition and replacement of the existing dwelling. The current application proposes the same development to the rear of the site with the only change consisting of the works to the existing dwelling which would now be retained with alterations rather than demolished and replaced.

The residential development on the site is considered to be acceptable in principle. As a matter of judgement, staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The previous application was subject to a Unilateral Undertaking in respect of a payment of £12,000 for infrastructure contributions and the current application is considered to be acceptable subject to a Deed of Variation to link this undertaking.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the Unilateral Undertaking completed on 3rd July 2014 (the original agreement) in respect of planning permission P0400.14 by varying the definition of Proposed Development in Recital D, Planning Application and Planning Permission in Clause 1 of the original agreement which shall mean either Proposed Development planning permission P0400.14 as originally granted or planning permission P0634.15.

Save for the variation set out above and necessary consequential amendments the Unilateral Undertaking dated 3rd July 2014 and all recitals, terms, covenants and obligations in the said Unilateral Undertaking dated 3rd July 2014 will remain unchanged, a summary of which is set out below:

- A financial contribution of £12,000 towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- 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.

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. The applicable fee is based on a combined net increase in floor area of 373 square meters which equates to a Mayoral CIL payment of £7,460.

That Staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

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

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

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the decision notice.

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

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

**Reason:** Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the

use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

**Reason:** Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

5. Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

6. Removal of permitted development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden areas unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

7. Landscape: 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:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

8. Boundary treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Materials samples: 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:** Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

10. Trees: Prior to the commencement of the development hereby approved the trees to be retained on site shall be protected in accordance with the appropriate recommendations contained in British Standard 3998:1989 (Tree Works) to the satisfaction of the Local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

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

**Reason:** Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

12. Access: Prior the first occupation of dwellings hereby permitted, the access drive shall be fully constructed to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of highway safety and in order that the development complies with the LDF Development Control Policies Development Plan Document Policy DC32.

13. Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings No.65a and No.65b hereby approved. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

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

14. Contamination 1: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the

intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings No.65a and No.65b hereby approved. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. Contamination 2:

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

**Reason:** To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

16. Parking provision: Before the buildings hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently

thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

18. 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.

## **INFORMATIVES**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. 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 Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and



Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.

4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £7460 CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is located on the north side of Lambs Lane South. It is currently occupied by a single detached dwelling, with a group of flat roofed outbuildings to the rear.
- 1.2 The site is bordered on all sides by residential dwellings, to the west are the properties of The Glen, to the north, Vincent Road and to the east, Orchard Avenue.

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

- 2.1 This application follows on from previously approved application P0400.14 which granted permission for the erection of 2.no detached bungalows and a single garage to the rear at 65 Lambs Lane South along with the demolition and replacement of the existing dwelling.
- 2.2 The current application is the same as the previous approval in respect of the development to the rear of the site and only differs in relation to the

existing dwelling which would be retained with alterations rather than demolished and replaced.

- 2.3 As with the previous application, the development would consist of 2 x 3 bedroom detached bungalows to the rear of the site; no.65a and no.65b.
- 2.4 The southernmost of the two bungalows to the rear of the site, no.65a, would accommodate 3 bedrooms and would have its main entrance from the west elevation with the principal outlook to the south. To the east and south of the dwelling would be garden area with an area of approximately 159 square metres incorporating cycle and refuse storage. Two dedicated parking spaces would also be provided to the south of the property.
- 2.5 No.65b would be located directly to the north of 65a and would also accommodate 3 bedrooms. The property would have its principal outlook to the north with the main entrance located to the west elevation. A large private garden with an area of approximately 349 square metres would adjoin the north elevation of the dwelling, extending 31 metres to the north boundary of the site. Cycle and refuse storage would be accommodated within the garden whilst two parking spaces would be provided directly to the south.
- 2.6 Both of the proposed bungalows to the rear of the site would be accessed from an access road running parallel to the west boundary of the site. There is an existing vehicular access from Lambs Lane South which would be retained with the existing access road being extended further to the north to serve the proposed bungalows. To facilitate this access road, the existing dwelling would be reduced in width by 0.75 metres to allow for the road to be of an adequate width. This would result in 9 square metres of the existing dwelling being lost.
- 2.7 A new single garage would also be provided to the north of the existing dwelling to provide an additional off road parking space for the occupiers of the property.

### **3. Relevant History**

- 3.1 P0400.14 - Demolition and replacement dwelling and 2 No detached bungalows and single garage to the rear.

Approved with conditions: 07-07-14

- 3.2 P0037.14 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P1494.10) and erection of 3 detached bungalows to the rear.

Withdrawn

- 3.3 P0699.11 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Withdrawn

- 3.4 P1494.10 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Approve with conditions: 9-12-10

- 3.5 P0606.10 - Demolition of existing dwelling and construction of a replacement chalet and one additional bungalow.

Approve with conditions: 27-7-10

- 3.6 P1187.09 - Demolition of existing dwelling and construction of 3No. detached bungalows.

Refused: 18-2-10

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

- 4.1 43 neighbouring properties were consulted. 1 letter of objections received to date.

Objections in summary:

- The development constitutes overdevelopment of the site;
- The development could result in highway safety issues on Lambs Lane South;
- Fire engines would be unable to access the proposed bungalows to the rear of the site;
- The character of the proposed bungalows is unacceptable;
- The location of the bungalows would result a loss of privacy for adjoining residential occupiers;
- The development would result in increased noise disturbance due to the number of vehicles accommodated on site.

Officer's response: The issues outlined above were considered as part of previous application P0400.14 and found to acceptable.

- 4.2 Highways- No objections subject to visibility splay and wheel washing condition

- 4.3 London Fire Brigade Water Team - No objections
- 4.4 London Fire and Emergency Planning – Objection to application due to inability of engines to access the rear of the site
- 4.5 Environmental Health - No objections subject to appropriate conditions.
- 4.6 Essex & Sussex Water - No objections
- 4.7 Waste & Recycling - No objections, however individual bins would have to be taken out and presented on collection day.

## **5 Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and density), DC3 (Housing Design and layout), DC11 (Non Designated Sites), DC33 (Car parking), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document (Technical Appendices) and the Residential Extensions and Alterations Supplementary Planning Document. In addition, Policies 7.4 (Local Character) and 8.3 (Community Infrastructure Levy) of the London Plan and Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## **6. Staff Comments**

- 6.1 The issues in respect of this application are the principle of development, impact on the streetscene and design, amenity issues and parking and highways implications.

## **7. Principle of Development**

- 7.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.
- 7.2 The site currently has a residential land use. In accordance with the objectives of Policy CP1, there is no objection in principle to residential development on this site, providing that the proposals are acceptable in all other material respects. Under the relevant definition of previously developed land within the NPPF, Local Authorities are afforded greater

control over garden development. Nevertheless, not all forms of development within gardens are unacceptable and in this instance staff consider that issues of character and setting should still be taken into account. The location of the site complies with these criteria and is considered to be acceptable.

## **8. Density/Layout**

- 8.1 The site has an area of 0.16 hectares and three dwellings (two additional) are proposed. This gives an overall development density of 19 units per hectare. Policy DC2 recommends a density range of between 30-50 hectares in this location. However, density is only one measure of the acceptability of a development proposal and consideration has to be given to the fact this is a back garden setting.
- 8.2 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.3 The layout of the site provides for spacious private amenity areas for all dwellings with no.65 having an amenity space of 111 square metres, no.65a having an amenity space of 159 square metres and no.65b having an amenity space of 349 square metres. All of the amenity areas are also appropriately located and, subject to a condition requiring details of boundary treatments, would be sufficiently private. Staff are therefore of the view that the proposed rear garden areas would meet the objectives of the Residential Design SPD in providing usable and private spaces.
- 8.4 The overall layout of the site with the access road adjacent to the west boundary is the same as that which was approved under the previous application with the only change being that the existing dwelling would be reduced in width rather than replaced completely. This layout is therefore considered to be acceptable in that it retains the existing street frontage and enables the development of the rear part of the site.
- 8.5 Each habitable room within the dwellings would be of a suitable size and would be served with a clear opening for suitable light and outlook. The size of each of the new dwellings would also satisfy the London Plan area requirements. Whilst the existing dwelling would be reduced in width by 0.75 metres and would lose approximately 9 square metres of floor space, both the resultant overall dwelling size and the individual room sizes would accord with London Plan standards. In this regard, all of the living

accommodations of the dwellings are considered to be of an adequate quality for future occupiers.

## **9. Design and Appearance**

- 9.1 Policy DC61 states that development should respond to local building forms and patterns of development and respect the scale, massing and height of surrounding physical context.
- 9.2 The development proposes a reduction in width by 0.75 metres of no.65 which fronts onto Lambs Lane South. The reduction in width would result in the eaves being raised in height along with the window to the west of the façade being reduced in width and as such the symmetrical appearance of the façade would be distorted. Nevertheless, there is no uniform architectural typology on Lambs Lane South with a variety of building forms and in this context staff consider that the irregular composition of the façade would not have a discernible harmful impact on the character of the streetscene.
- 9.3 The proposed dwellings to the rear of the site and the single garage remain exactly the same as was approved under the previous application and in this regard are considered to be acceptable in design terms.
- 9.4 In summary, the proposed alterations to the existing dwelling would not result in harm to the streetscene whilst the proposed dwellings to the rear of the site are considered to be acceptable in line with the assessment and determination of previous application P0400.14. The development therefore accords with the principles of Policy DC61 in respect of design and appearance.

## **10. Impact on Amenity**

- 10.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 10.2 The existing dwelling, no.65, would be retained in its existing location and reduced in width by 0.75 metres. This element of the application would therefore not give rise to any additional amenity concerns in respect of the adjoining residential occupiers.
- 10.3 The proposed dwellings to the rear of the site would remain exactly the same as was approved under the previous application and in this regard are considered to be acceptable in amenity terms.
- 10.4 With the above taken into consideration, staff are therefore satisfied that the proposed development is unlikely to result in any material harm. The

development is considered to be acceptable and accords with the principles of Policy DC61.

## **11. Parking and highway issues**

- 11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking.
- 11.2 The site is in a location where Policy DC2 indicates parking provision of 1.5-2 spaces per dwelling is appropriate. The development would provide 2 spaces per dwelling in appropriate and accessible locations and as such would accord with the requirements of the policy.
- 11.3 The proposed alterations to the existing dwelling would be for the purpose of facilitating the access road and ensuring that it is of an adequate width. The access road would retain the same width as approved under the previous application and would allow sufficient space for vehicular access.
- 11.4 Despite its width, the access road would not enable larger vehicles, including refuse collection vehicles to enter the site. The scheme proposes that refuse is stored within dedicated storage areas adjacent to each dwelling and then placed by occupiers at the site frontage on collection day. Although this would involve the occupier of no. 65a and 65b carrying their rubbish over a significant distance this was approved in the previous permission and is not considered to represent material grounds for refusal for the current application.
- 11.5 In respect of access, the Fire Brigade have raised objection to the previous permission however the access arrangements remain unaltered from the previously approved scheme. Conditions were attached to the previous application to address these concerns and it is recommended that these conditions are also attached to this application.
- 11.6 London Fire and Emergency Planning Authority also had concerns with regards to No.65a and No.65b not having sufficient provisions of domestic sprinklers and as such a condition is attached requiring the fitting of appropriate sprinklers to address this issue.
- 11.7 With the above taken into consideration with the appropriate conditions, it is considered that the proposals are acceptable and accords with the principles of Policy DC33.

## **12. Mayoral CIL and Section 106 implications**

- 12.1 The proposal is liable for a Mayoral CIL contribution based on an increase in the existing Gross Internal Area. Officers have calculated a net increase in floor space of 373 square meters. Based on this calculation the applicant is liable to pay a Mayoral CIL payment of £7,460.00.

- 12.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 12.3 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 12.4 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 12.5 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 12.6 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 12.7 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought.



It is considered that this is reasonable when compared to the need arising as a result of the development.

12.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate which in this case would represent a contribution of £12000.

12.9 The application is a resubmission of a previous application for which there was a Unilateral Undertaking securing the requisite contribution. Given that the current application is a resubmission of the application covered by the undertaking, a Deed of Variation is required in link the undertaking to the new permission. The application is therefore recommended for approval subject to the execution of an appropriate Deed of Variation.

### **13. Other Issues**

13.1 There are no preserved trees on site and it is considered, given the back garden location, that there would not be any justification to preserve the existing trees or landscaping. A new landscaping scheme can be secured via condition.

### **14. Conclusion**

14.1 Staff consider that the principle of residential development in this location is suitable, the site and design is considered to be appropriate for a new dwelling.

14.2 For the reasons outlined above within the report, the proposal is considered to be acceptable and approval is recommended as it would not be contrary to the provisions of the Havering Supplementary Planning Documents and Policy DC61 and DC72 of the LDF Core Strategy and Development Control Policies DPD.

## 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 Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

None directly arising from this application.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 5th May 2015.