

# REGULATORY SERVICES COMMITTEE

30 January 2014

# REPORT

**Subject Heading:**

P1330.13 – 13 Burntwood Avenue,  
Emerson Park, Hornchurch - Demolition  
of the existing care home and the erection  
of 4 dwellings and an access road (outline  
application) (received 12/11/13)

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan

**Financial summary:**

None

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

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

**SUMMARY**

This report concerns an outline planning application for the demolition of the existing care home and the erection of 4 new dwellings and an access road. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the

Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

Councillor Ramsey requested this application be called in to committee, on the grounds of its impact on surrounding properties and density. Councillor Ower requested this application be called in to committee, on the grounds of traffic implications and the local Emerson Park special Planning Policy.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not known.

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

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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 agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Approval of details – The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the scale and appearance of the buildings and landscaping, including all matters defined as "landscaping" in the Town and Country

Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

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

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

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

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

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

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

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

5. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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

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

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

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

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

8. Car parking - Before the building(s) 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 Development Control Policies Development Plan Document Policy DC33.

9. 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.

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;

- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

11. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

12. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and the approved boundary screening measures shall be implemented prior to first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

13. External lighting - No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the development hereby approved and permanently maintained in accordance with the approved details.

**Reason:** In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

14. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

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

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

16. Wheel scrubbing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided 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 and used at relevant entrances to the site throughout the duration of construction works on site.

**Reason:** To prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control policies Development Plan Document Policies DC61 and DC32.

17. Vehicular access – The approved development shall not be implemented until the developer has demonstrated to the Local Planning Authority that it can secure adequate vehicular access to and egress from the application site and thereafter the buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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

18. Precautionary bat survey - An internal survey of the building(s) for bats must be undertaken by a licensed bat worker prior to any demolition works.

Evidence that the survey has been undertaken in the form of an ecological report including any recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of the existing care home. The proposed development shall be implemented in accordance with the ecological report, including any recommendations.

**Reason:** To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), Chapter 11 of the NPPF and [Policies DC58 & DC59 of the LDF]

19. Timing of demolition/vegetation clearance (breeding birds) - Demolition and/or removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.

**Reason:** All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and [Policies DC58 & DC59 of the LDF].

19. Preserved trees - No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees (those protected by tree preservation orders) on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

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

21. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To protect neighbouring amenity.

## INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it

has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. 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 details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

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

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

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

6. 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.

### Planning Obligations

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

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



## REPORT DETAIL

### 1. Call in

- 1.1 Councillor Ramsey requested this application be called in to committee, on the grounds of its impact on surrounding properties and density. Councillor Ower requested this application be called in to committee, on the grounds of traffic implications and the local Emerson Park special Planning Policy.

### 2. Site Description:

- 2.1 The application site comprises of a former care home entitled Saint Mary's Convent, which is located on the northern side of Burntwood Road, Emerson Park. There are residential properties surrounding the site. There is a Tree Preservation Order - TPO 8-71, which applies to the site. The application site lies within Sector 6 of the Emerson Park Policy Area.

### 3. Description of development:

- 3.1 The application is for demolition of the existing care home and the erection of four dwellings and an access road. The development consists of two detached dwellings located on a north to south axis in the northern part of the site and two detached dwellings that would front onto Burntwood Road on the southern part of the site. The access road would be located adjacent to the western boundary of the site. The application is for outline permission seeking approval for access and layout. Appearance, landscaping and scale are reserved matters.

### 4. Relevant History:

- 4.1 No relevant planning history.

### 5. Consultations/Representations:

- 5.1 The occupiers of 29 neighbouring properties were notified of this proposal. One letter of support was received. Eight letters of objection were received, (including one from the Emerson Park & Ardleigh Green Residents' Association), with detailed comments that have been summarised as follows:
- This infill development will not produce plot sizes equivalent to surrounding properties.
  - Increase in density.
  - St Mary's Convent is an established part of the heritage of Burntwood Avenue and the wider Emerson Park and given its size, appearance and attractiveness, any development to replace it should be of equal stature and style. Two large properties fronting Emerson Park would be an ideal replacement and consistent with the streetscene. The introduction of a service road fronting Burntwood Avenue to the properties at the rear is not in keeping with this.

- There is no demand for an increase in housing stock in Emerson Park.
- The impact of the proposal on the trees in the site.
- Requested that TPOs be attached to four mature woodland trees along the front boundary and a Scots pine further back.
- Two properties in the centre and rear of the current garden would have a detrimental impact on the openness of the area and impact the surrounding properties.
- This is a back garden development and cannot be acceptable in principle.
- The proposal is contrary to paragraph 53 of the NPPF and the Emerson Park Policy Area SPD.
- Traffic noise, disturbance and pollution in the rear garden.
- Loss of amenity including loss of privacy.
- Flooding.
- Overlooking including level differences.
- Reference was made to a planning application at 44 Herbert Road.
- The houses at the back of the site are out of scale and character in respect of their setting, orientation and plot sizes.
- The frontages to each house are 18m which is far below the required 23m and is not similar to other dwellings in the road.
- Fire Brigade access.
- Access and highway safety.
- Parking.
- The convent is a longstanding landmark in the area.
- Noise and inconvenience during construction.
- The dwellings to the front of the site would appear cramped.
- Would set an undesirable precedent.
- Impact on birds and wildlife.
- Impact on local amenities.
- It is suggested that there should only be two dwellings on the site.
- The plan is out of date as it doesn't take into account planning applications for 11 Burntwood Avenue.
- Loss of light.

5.2 In response to the above, the site is not in a Flood Risk Zone. Each planning application is determined on its individual planning merits. Noise and disturbance during construction can be addressed by appropriate planning conditions 9 and 10. The impact on trees and wildlife can be addressed by appropriate planning conditions 18, 19 and 20. Five large trees at the front of the site (two horse chestnuts, a beech, an oak and a scots pine are subject to a Tree Preservation Order (TPO 8/71). The remaining issues are addressed in the following sections of this report.

5.3 The Fire Brigade is satisfied with the proposals.

5.4 The Highways Authority has not objection to the proposals. Secure cycle parking facilities should be provided for a minimum of two bicycles for three or more bedroom homes.

5.5 English Heritage has concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

5.6 Essex and Suffolk Water – Existing apparatus does not appear to be affected by the proposed development. There is no objection to the proposed development. Consent is given to this development on the condition that a new water connection is made onto our Company Network for each new dwelling for revenue purposes.

6. **Staff Comments:**

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC69 (Other areas of special townscape or landscape character) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document, the Emerson Park Policy Area Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6.2 **Principle of Development**

6.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals. There is no objection in principle to the demolition of St Mary's Convent, which has been vacant since December 2012. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks to increase London's housing supply.

6.3 **Density and site layout**

6.3.1 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear garden areas of the dwellings have private amenity space ranging between a minimum of approximately 598 to a maximum of 1166 square metres. Staff are of the view that the proposed garden areas are acceptable in terms of area and would

provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

- 6.3.2 The remaining area within the development is largely hard surfacing and consists of the access road and parking provision. It is considered that the layout of the site is acceptable.
- 6.3.3 The site is located within Sector 6 of the Emerson Park Policy Area. The Emerson Park Policy Area SPD states that new dwellings in this sector will be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area. Proposals will be of detached, single family, large and architecturally varied dwellings and provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.
- 6.3.4 Based on the site layout plan, the proposed dwellings would be detached, large architecturally varied dwellings which adheres to the Emerson Park Policy Area SPD. The dwelling fronting Burntwood Avenue to the west of the site would have a plot width of 20 metres at the road frontage and 22.5 metres at the building line. It is considered that the plot width of this dwelling would not be materially harmful to the open and spacious character of Emerson Park, as the access road and landscaped area would provide a separation distance of approximately 9.5 metres from the western boundary of the site. Also, Staff consider that a plot width of 22.5 metres at the building line for this dwelling would ensure a sufficient degree of spaciousness in the site.
- 6.3.5 The dwelling fronting Burntwood Avenue to the east of the site would have a plot width of 22.5 metres at the road frontage and building line. Staff consider that the shortage of 0.5 metres for the plot widths at the building line of these two dwellings would not result in material harm to the character and appearance of the surrounding area, when viewing the proposal as a whole and taking into account the width of the access road and landscaped area adjacent to the western boundary of the site.
- 6.3.6 The two dwellings to the north of the site would have a minimum plot width of approximately 27.5 and 34 metres, which adheres to the Emerson Park Policy Area SPD.
- 6.3.7 In this case, existing local character is drawn largely from large detached two storey dwellings. It is noted that the dwellings on the northern side of Burntwood Avenue have a plot depth of approximately 70 metres. The dwellings on the southern side of Burntwood Avenue opposite the application site (No.'s 10-16) have a plot depth of between approximately 51 and 62 metres. The proposed dwellings fronting Burntwood Avenue have a plot depth of between approximately 65 to 68 metres which is comparable with the neighbouring dwellings in the vicinity of the site and is considered to be acceptable.
- 6.3.8 The two dwellings to the north of the site are located at 90 degrees to the dwellings to the south and have a plot depth of approximately 45 and 51

metres. It is considered that the plot depth of these two dwellings is acceptable as they are located in the context of the properties in Porchester Close and Tall Trees Close that adjoin to the rear of the site, which have plot depths of approximately 40 and 55 metres.

- 6.3.9 The proposed dwellings fronting Burntwood Avenue and to the north of the site would have a separation distance of 2 and 3 metres at ground and first floor from the common party boundaries respectively, which adheres to the Emerson Park Policy Area SPD.

#### **6.4 Design/impact on street/Garden scene**

- 6.4.1 The application would comprise the demolition of St. Mary's Convent. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

- 6.4.2 Landscaping is a reserved matter. A tree survey has been submitted with this application and the plans show the trees to be retained. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.

- 6.4.3 Scale is a reserved matter. It is considered that the footprint and siting of the dwellings are acceptable.

- 6.4.4 Appearance is a reserved matter. It is deemed possible to construct dwellings that would be appropriate.

#### **6.5 Impact on amenity**

- 6.5.1 No. 15 Burntwood Avenue has two ground floor flank windows adjacent to the eastern boundary of the site. One serves a garage and is not a habitable room and the other serves a W.C. It is considered that the proposed dwelling adjacent to the eastern boundary of site would not result in a significant loss of amenity to No. 15 Burntwood Avenue, as it would be located 2 metres from this common boundary. It is noted that No. 15 Burntwood Avenue has a substantial single storey rear projection comprising of a swimming pool enclosure and its double garage is located adjacent to the eastern boundary of the site, which will help to mitigate the impact of the proposal and Staff consider that this relationship is acceptable.

- 6.5.2 It is considered that the proposal would not result in a significant loss of amenity to No. 11 Burntwood Avenue, as there would be a flank to flank distance of approximately 26 metres between the western flank of the proposed dwelling located adjacent to the access road and the eastern flank of 11 Burntwood Avenue. It is noted that planning permission has been granted for a granny annexe to the rear of No. 11 Burntwood Avenue (application P0765.13), which has not been implemented. It is considered that the proposal would not result in a significant loss of amenity to the granny annexe, as it would be located 3.5 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall. There is a

timber paling fence along the eastern boundary of No. 11 Burntwood Avenue, which provides some screening. A Certificate of Lawfulness has been granted for an outbuilding to the rear of 11 Burntwood Avenue (application D0085.13), which has not been implemented. It is considered that the proposal would not result in a significant loss of amenity to the outbuilding, as it would be located 3 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall.

- 6.5.3 It is considered that the proposal would not result in a significant loss of amenity to No. 3 Tall Trees Close, as there is a separation distance of approximately 41 metres between the two storey rear façade of this neighbouring property and the front façade of the proposed dwelling adjacent to the northern boundary of the site. There are some mature trees adjacent to the eastern boundary of No. 3 Tall Trees Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.4 It is considered that the proposal would not result in a significant loss of amenity to No. 4 Porchester Close, as there would be a separation distance of approximately 16 metres between the flank of the dwelling to the north of the site and the southern boundary of this neighbouring property. There are some mature trees adjacent to the southern boundary of No. 4 Porchester Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.5 It is considered that the proposal would not result in a significant loss of amenity to No. 22 Woodlands Avenue, as there would be a separation distance of approximately 64 metres between the rear façade of this neighbouring property and the northern boundary of the application site. There are some mature trees adjacent to the southern boundary of No. 22 Woodlands Avenue, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.6 It is considered that the proposal would not result in a significant loss of amenity to No. 6 Porchester Close, as there would be a separation distance of approximately 29 metres between the western flank of this neighbouring property and the rear façade of the dwelling to the north of the application site. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.7 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 6.5.8 From a noise and disturbance perspective, the siting of the access drive enables the provision of a landscaped buffer strip adjacent to the western boundary of the site. This will help to absorb any noise and light spillage resulting from vehicles using the drive and turning head. The provision of appropriate fencing together with a landscaping scheme would also afford reasonable protection to those who live adjacent to the site from the more active use of the site. It is considered that the use of the access road and turning head would not result in undue noise and disturbance as it serves two

dwellings. When considering the merits of this application, it is considered that the proposal would not give rise to high levels of noise and general disturbance in comparison with the former use of the site as a care home.

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

## **6.6 Highway/parking issues**

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 2 spaces per unit. The proposal would provide two parking spaces per dwelling, which is deemed to be acceptable.

6.6.2 The proposal includes the provision of an access road with a width of between 3.5 and 6 metres, with a turning head at the northern end, which is suitable to allow refuse and emergency vehicles to enter and egress in forward gear. The majority of the access road is sufficient to provide two lanes of traffic except where it tapers adjacent to a Sycamore tree (that is subject to a Tree Preservation Order) where the road narrows to a single lane. The access road begins to taper approximately 45 metres from the existing site entrance, which would not impede traffic flow for vehicles entering and exiting the site. The Highway Authority has no objection to the proposals.

6.6.3 Details of cycle storage can be secured by condition if minded to grant planning permission. The Fire Brigade has no objection to the proposal. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

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

## **6.7 Other Issues**

6.7.1 Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available

6.7.2 Ecological and tree surveys were submitted. It is concluded that bats are not considered to be currently roosting within any of the buildings on site. The Council's Regeneration Officer has no objection to the proposal and has recommended two conditions if minded to grant planning permission – one

regarding an internal survey of the building for bats before any work takes place and one regarding the timing of demolition/vegetation clearance in respect of breeding birds.

6.7.3 The Council's Tree Officer has no objection to the proposal. There are a large number of trees on the site, many of which are the subject of tree preservation order 8/71. The most important trees are the 5 large trees at front of the site, (2 Horse Chestnuts, a beech an oak and a scots pine). These are protected by the above order and are shown as retained on the proposed scheme. Some trees are in poor condition and in need of remedial tree surgery. Even though trees to the rear of the site have no public amenity value, as many trees as possible (both TPO's and non-TPO'd) should be retained throughout the site to help screen any new development to benefit local amenity and wildlife. It is suggested that existing trees are enhanced by new plantings so as to benefit long term tree cover. This should be capable of being addressed at the reserved matters stage. If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees.

6.7.4 It is considered that the proposal would not adversely affect neighbouring properties in terms of flooding, as the site is not located in a Flood Risk Zone.

## **7. The Mayor's Community Infrastructure Levy**

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. A CIL form was submitted with the application. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not known.

## **8. Planning Obligations**

8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £24,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

## **9. Conclusion**

9.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing character of development within the locality. 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. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £24,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.



## IMPLICATIONS AND RISKS

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

None.

### **Legal implications and risks:**

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

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity.

## BACKGROUND PAPERS

Application forms and plans received 12/11/2013.

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