



# REGULATORY SERVICES COMMITTEE

# REPORT

3 April, 2014

**Subject Heading:**

P1430.13 – Land to the rear of No.179  
Cross Road, Romford

Residential development to provide 4 x  
3 bedroom houses. Demolition of the  
existing dwelling and garage to the  
front of the site. (Application received  
20<sup>th</sup> November 2013.)

**Report Author and contact details:**

Helen Oakerbee (Planning Control  
Manager) 01708 432800

**Policy context:**

Local Development Framework  
London Plan  
National Planning Policy

**Financial summary:**

None

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

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

## SUMMARY

This planning application was brought before Members on the 30<sup>th</sup> January, 2014. That committee report is attached (Appendix A). Members resolved to approve the application subject to conditions, and the completion of a legal agreement. Some errors in the recommendation made to Members on the 30<sup>th</sup> January require the application to be reconsidered.

## RECOMMENDATIONS

(A)

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 £4,720. This is based on the creation of 236sqm of new gross internal floor space.

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

- The sum of £18,000 towards the costs of infrastructure associated with the development in accordance with 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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.

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

3. Car parking - Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, and shall not be used for any other purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. Highways No development shall otherwise take place until the vehicular/pedestrian/cycle 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.

16. Lifetime Homes No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

**Reason:** To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 30<sup>th</sup> September, 2014, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision for meeting the necessary infrastructure costs arising from the development.

## **INFORMATIVES**

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

2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. 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 £4,720 (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.

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.

#### 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.

<b>REPORT DETAIL</b>
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1.1 This planning application was brought before Members on the 30<sup>th</sup> January 2014, and prior to that on the 19<sup>th</sup> December 2013. The associated committee reports are attached at Appendices A and B respectively. In the case of the earlier committee, Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no adverse comments being received prior to the expiration of the statutory consultation period. However, objections were subsequently received from neighbouring occupiers



and the application was therefore reported back to Members in January 2014. Members again resolved to grant approval for the proposal, subject to the completion of a legal agreement and conditions.

- 1.2 The application is brought back before Members owing to errors in the recommendation, namely the figures provided in relation to the required Mayoral CIL contribution and the required infrastructure contribution. The proposal would result in the construction of 236sqm of new floor space, which, when the existing floor space to be demolished is considered, would give rise to a Mayoral CIL contribution of £4,720. As the proposal would result in the creation of four residential units, the proposal would give rise to an infrastructure contribution of £18,000, once the existing dwelling, to be demolished, is considered.
- 1.3 The date in recommendation B has been amended to allow the applicant around six months to complete the required legal agreement. This takes into account the need to provide the applicant and the Council's legal officers sufficient time to complete the agreement, subject to the potential delays that can arise; and the need to ensure that the agreement is completed in a reasonable amount of time.
- 1.4 The opportunity has also been taken to add an additional condition relating to Lifetime Homes standards, which was recommended to Members as an update at the last committee.

Appendix A

30<sup>th</sup> January, 2014

# REGULATORY SERVICES COMMITTEE

# REPORT

**Subject Heading:**

**P1430.13 – Land to the rear of No.179  
Cross Road, Romford**

**Residential development to provide 4 x  
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**Report Author and contact details:**

**Helen Oakerbee (Planning Control  
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**Policy context:**

**Local Development Framework  
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**Financial summary:**

**None**

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

## **SUMMARY**

This planning application was brought before Members on the 19<sup>th</sup> December, 2013. That committee report is attached (Appendix A). Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no adverse comments being received prior to the expiration of the statutory consultation period. Objections have been received from neighbouring occupiers since the last committee meeting, some of which raise material considerations that were not addressed in the last committee report.

## **RECOMMENDATIONS**

(A)

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 £11,800. This is based on the creation of 590sqm of new gross internal floor space.

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

- The sum of £30,000 towards the costs of infrastructure associated with the development to be paid prior to commencement of the development in accordance with the draft 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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

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

4. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans.

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

3. Car parking - Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, and shall not be used for any other purpose.

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

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

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

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

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

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

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

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

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

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

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

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how

the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Highways The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of 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. Highways No development shall otherwise take place until the vehicular/pedestrian/cycle 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.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 30<sup>th</sup> March, 2014, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision for meeting the necessary infrastructure costs arising from the development.

## **INFORMATIVES**

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



4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

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.

#### Planning Obligations

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

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

### REPORT DETAIL

1.2 This planning application was brought before Members on the 19<sup>th</sup> December, 2013. That committee report is attached (Appendix A). Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no adverse comments being received prior to the expiration of the statutory consultation period. Objections have been received from neighbouring occupiers since the last committee meeting, some of which raise material considerations. This report will consider each of the material considerations raised.

1.2 Five letters of objection have been received from neighbouring occupiers since the 19<sup>th</sup> December. The following comments have been received, in addition to those referred to, by means of an update, at the last planning committee meeting. An officer response will be detailed in relation to each comment made. Only comments raising material considerations will be discussed.

- a) *The proposal would result in a significant loss of amenity, owing to loss of light, outlook, and privacy to properties located along Cross Road.*

This matter was considered in the previous committee report (Appendix A.) It is considered that the proposal, given its siting in relation to neighbouring properties, along with its scale and design, would not result in any significant adverse impacts on the amenities of neighbouring occupiers, in terms of loss of light, overlooking, or outlook. Moreover, the appeal decision referred to in Appendix A, relating to the refusal of a previous scheme for six units, did not cite these matters as a reason for refusing that application.

- b) *The proposal would give rise to significant noise impacts owing to increased vehicle movements.*

As discussed in the report at Appendix A, and previously considered by Members, it is considered that the frequency of vehicle movements resulting from the creation of four residential units would not significantly harm neighbouring occupiers. This matter is considered in detail at paragraph 6.4.6 of the report at Appendix A.

- c) *The proposed refuse storage point would be visible from a neighbouring property.*

The details of the proposed refuse storage point and boundary treatment have yet to be approved and would be the subject of proposed conditions. The same objection was raised in relation to a previously refused scheme for six units at the site, however, the subsequent appeal decision did not cite this issue as a reason for refusal in that case.

- d) *The proposal would be harmful to the Green Belt.*

This matter is considered under section 6.3 of Appendix A. It is considered that the proposal would not result in any significant harm to the visual amenities of the Green Belt. Moreover, the appeal decision associated with the previously refused scheme for six units, did not cite this matter as a reason for refusal.

- e) *The proposed bicycle storage area could become a congregation area.*

It is considered unlikely that future occupiers of the proposal would congregate around the bicycle store and, by doing so, cause a nuisance to neighbouring occupiers.

- f) *The proposal would increase flood risk in the local area.*

This matter was considered in detail in section 6.5 of Appendix A. The Environment Agency have raised no objections in relation to flood risk, and it is considered that the proposal is acceptable in this regard. The afore mentioned appeal did not raise this matter as a reason for refusal.

- g) *The proposal would give rise to significant parking problems.*

This matter was considered in section 6.6 of Appendix A. The Highway Authority has raised no objections in relation to the proposed provision of vehicle parking and the proposed ratio of parking provision was not considered to constitute a reason for refusal at the afore mentioned appeal.

- h) *The proposal would be harmful to the character of the area and therefore contrary to Policy DC61 of the LDF.*

This matter was discussed in section 6.3 of Appendix A.

- i) *The proposal would constitute inappropriate development of a rear garden environment contrary to the guidance contained in the NPPF.*

Whilst the definition of previously developed land, contained in the NPPF, no longer includes residential curtilage, this does not mean that the development of rear gardens is inappropriate in principle.

Paragraph 53 of the NPPF states that:

*“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.”*

It is considered that the proposal would not result in an inappropriate or harmful redevelopment of a garden environment. The proposal has been considered on its own merits in relation to all of the material considerations, including the impacts on residential amenity and local character. The proposed development is considered acceptable in principle, having regard to the guidance contained in the NPPF and the Policies contained in the LDF. Moreover, the aforementioned appeal decision relating to a scheme for six units, did not cite this matter as a reason for refusal.

- j) *The proposal should be in accordance with the Lifetime Homes requirements of Policy DC7 of the LDF.*

Policy DC7 is not applicable in this case as the proposal is for less than 15 dwellings, on a site that is less than 0.5ha in area.

- 1.3 Having considered these additional material considerations, officers continue to consider the proposal to be acceptable and that a recommendation for approval is appropriate in this case.

## APPENDIX B

# REGULATORY SERVICES COMMITTEE

19 December 2013

# REPORT

**Subject Heading:**

**P1430.13 – Land to the rear of No.179  
Cross Road, Romford**

**Residential development to provide 4 x  
3 bedroom houses. Demolition of the  
existing dwelling and garage to the  
front of the site. (Application received  
20<sup>th</sup> November 2013.)**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

This planning application proposes the demolition of an existing dwelling and the erection of a two storey terrace of four houses, on land to the rear of No.179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage, and bin refuse/recycling storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

## RECOMMENDATIONS

(A)

That the 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 £4,720. This is based on the creation of 236sqm of new gross internal floor space.

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

- The sum of £18,000 towards the costs of infrastructure associated with the development in accordance with 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to no new and significant adverse comments being received prior to the expiration of the statutory consultation period, should material considerations be raised which were not considered by members prior to the expiry of the statutory consultation period the report with the additional material considerations be remitted back to the Regulatory Services Committee for further consideration, officers subject to the foregoing 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. 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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.

**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. Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out in accordance with the approved plan, received on 10<sup>th</sup> December 2013 and referenced "PA-04", and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, and shall not be used for any other purpose.

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

4. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

5. No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion

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

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

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

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

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

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

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

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

10. Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
  - a) parking of vehicles of site personnel and visitors;
  - b) storage of plant and materials;
  - c) dust management controls
  - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
  - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
  - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
  - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
  - h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
  - i) wheel wash facilities to prevent mud and other debris being tracked into the public highway.

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

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

11. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
  - a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
  - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.



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

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

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

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

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

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

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

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

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

13. 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.

14. The buildings shall not be occupied until the vehicular/pedestrian/cycle 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.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 15<sup>th</sup> January, 2014, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of the necessary infrastructure costs arising from the development in accordance with the Planning Obligations SPD.

## **INFORMATIVES**

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991, Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In 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.

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

## Planning Obligations

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

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The site is a 0.1ha area of land comprising a two storey, pitch roofed, detached dwelling and its curtilage, at No. 179 Cross Road, Romford. The Site forms an L-shape with its northern and southern boundaries adjoining neighbouring residential properties; its western boundary lying adjacent to open fields, designated as Green Belt; and its eastern boundaries abutting neighbouring residential properties and the public highway.
- 1.2 The Site is located in a residential area, approximately two miles to the north west of Romford Town Centre, and to the south west of the district centre of Collier Row. The area is generally characterised by two-storey, pitch roofed dwellings, however, there are examples of other building types including post war and more recent flatted development. A number of similar, “back land” residential developments have been approved in the local area.

### 2. Description of Proposal

- 2.1 This planning application proposes the demolition of an existing, detached dwelling, and the provision of an access road off its southern elevation, allowing vehicular access to the rear curtilage. A new terrace of four houses would be constructed at the western end of the Site, in what is currently the rear curtilage of the existing dwelling.

- 2.2 The proposed dwellings would be two storeys in height, with pitched roofs, and first floor balconies to the rear. Private amenity spaces would be provided to the rear, or west, of the dwellings. A modest area of communal amenity space would be provided to the front of the proposed units, within the car park. The proposal would include a parking area with nine spaces, along with a bin storage area, cycle store, and landscaping.

### **3. Relevant History**

- 3.1 The following planning decisions are of particular relevance to the proposal:

P1480.12 - Residential development to provide 6 x 2 bedroom flats. Demolition of the existing dwelling and garage to the front of the site – Members resolved to refuse the application on 22<sup>nd</sup> February, 2013 for the following reasons:

- 1) *It is considered that the proposal would, by reason of its excessive bulk and intrusive impact in the rear garden scene, have a significant adverse impact on the outlook and amenity of neighbouring properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.*
- 2) *It is considered that the proposal would result in a harmful degree of noise and vehicular disturbance caused by traffic using the proposed access road. The proposal would therefore be detrimental to the amenity of neighbouring occupiers, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.*
- 3) *It is considered that the proposal would, by reason of its scale and bulk, result in a significantly harmful impact on the setting of the adjacent Green Belt, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the guidance contained in the National Planning Policy Framework.*

A subsequent appeal (Reference: APP/B5480/A/13/2197383) was dismissed by the Planning Inspectorate on the grounds that the use and movement of vehicles associated with six 2-bed flats would result in significant adverse impacts on the amenities of neighbouring occupiers.

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

- 4.1 Neighbour notification letters have been sent to 33 local addresses. No representations have been received, although the public consultation period does not expire until 24<sup>th</sup> December, 2013. Members will be given an update during the committee meeting.

4.3 Comments have also been received from the following:

The Environment Agency

Consultation response discussed under Section 6.5 of this report. No objections.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

Environmental Health (Noise)

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

Environmental Health (Contaminated Land)

No objections; condition recommended.

Highway Authority

No objections; conditions and informatives recommended.

**5. Relevant Policies**

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.12 (flood risk management), 5.13 (sustainable drainage), 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), and 8.2 (planning obligations).

5.3 Local Planning Policy

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

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design

and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

## **6. Staff Comments**

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

### **6.2 Principle of Development**

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

### **6.3 Design Considerations**

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

6.3.2 The site is located in a broadly residential area comprising a range of house types, including traditional, two storey, pitched roof dwellings, along with larger scale flatted development. The proposal would be conspicuous from the Green Belt, however, given that it would be set against the existing built-up form that is visible from the west, it is considered that the proposal would not be harmful to the visual amenities of the Green Belt.

6.3.3 The application proposes a more traditional form of design and construction, employing a pitched roofed form and the use of brick and roof tiles for the exterior construction materials. The design of the proposal is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The proposed use of balconies in the rear elevation would not be visible within the street scene or from neighbouring residential properties. It is recommended that a condition be imposed requiring the approval of cladding materials.

6.3.4 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition. Conditions are also recommended requiring the approval of details relating to the proposed bicycle and refuse/recycling stores.

6.3.5 Given the nature of the proposal, including its appearance, layout, scale, massing, and design in relation to the surrounding area, it is considered

that, subject to the afore mentioned conditions, the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

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

- 6.4.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.
- 6.4.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 6.4.3 The proposed development would have a density of approximately 42 dwellings per hectare, which is within the density range of 30-50 units per hectare set out in Policy DC2 for this area. The proposed site density is not, in itself, considered to constitute a sufficient reason to consider a scheme to be unacceptable. The assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular.
- 6.4.4 In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed units would each benefit from a private garden and a rear balcony. The proposal would also include communal amenity space at ground level, although this is unlikely to be used given its location within the car park, and the provision of private amenity spaces. It is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.
- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distance between the proposed building and

the nearest neighbouring properties, is approximately 21m in relation to the flats located to the north; 26m in relation to No.163 Cross Road, located to the south; and approximately 35m to 175 and 177 Cross Road, both of which are located to the east. These separation distances from neighbouring properties are considered sufficient to avoid any significant adverse impacts on residential amenity, in terms of overlooking, overshadowing, and loss of outlook.

6.4.6 The planning inspector who determined the afore mentioned appeal concluded that the previous proposal, for six units, would result in significant noise impacts to existing occupiers owing to the use of vehicles within the parking area and at the site access. The Council's Environmental Health officers have, again, raised no objections to the proposal with conditions being recommended to control noise levels, which can be imposed should planning permission be granted. It is considered that the proposed number of units, which would be two less than the previous proposal, would result in a less intense use of the site than the scheme refused at appeal. Moreover, amendments to the submitted plans are being sought by officers to move the proposed access gate further into the site, increasing the distance between those vehicles entering the site and the windows of neighbouring properties. Members will be given an update about these changes.

6.4.7 Subject to the proposed amendments and conditions, given the separation distances between the proposal and neighbouring units, and the use of acoustic screen fencing, it is considered that the proposal would not give rise to significant adverse noise impacts on the amenities of neighbouring occupiers. Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policies DC2 and DC61 of the LDF and guidance contained in the Residential Design SPD.

## **6.5 Environmental Impact**

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

6.5.2 The Environment Agency has raised no objections to the proposal. The SFRA is a material consideration and the Environment Agency have stated that it will be for the planning authority to decide whether the site should be considered as Flood Plain, in accordance with the SFRA, or as being in Flood Zones 1 and 2, as suggested by the Environment Agency's data. If the site is considered to be Flood Plain then the guidance contained in the NPPF indicates that the proposal should be refused. However, given that the Environment Agency, who are the Council's statutory consultee on flood risk matters, have undertaken more recent and detailed surveys, it is



considered that the site's flood risk status should be considered as being low risk, that is, in Flood Zones 1 and 2.

6.5.3 As a small sliver of the site would be located in Flood Zone 2, it is necessary to sequentially test the proposal. The NPPF requires that development of this nature, in areas at higher risk of flooding, undergo a sequential test, aimed at directing development towards areas at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing. As the site represents a clear area of readily developable land that is mostly in Flood Zone 1, and only partially on land at moderate risk of flooding, it is considered unlikely that the proposal could take place in other areas of the borough that could so easily deliver the objectives of Policy CP1 and also be at significantly lower risk of flooding. Therefore, in terms of flood risk and drainage considerations, the proposal is considered to be acceptable.

## **6.6 Parking and Highway Issues**

6.6.1 The application proposes the creation of a new site access on land currently occupied by an existing dwelling.

6.6.2 The application proposes 6 car parking spaces. The proposed car parking provision would therefore equate to 1.5 spaces per dwelling. Cycle storage would also be provided.

6.6.3 The site has a PTAL rating of 1-2, which translates to a low level of public transport accessibility, however, the proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.

6.6.4 It is recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

## **6.7 Community Infrastructure**

6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 236sqm, which equates to a Mayoral CIL payment of £4720.

6.8.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £18,000 towards infrastructure costs, which based on the creation of four dwellings, less the existing property, which would be demolished. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **7. Conclusion**

7.1 Staff consider that the reduction in the number of units and commensurate reduction in vehicular movements, coupled with alterations to the position of the access gate and the use of high spec acoustic fencing are sufficient to overcome the reason for refusal which was upheld on appeal. Accordingly, the proposal is considered to be acceptable having had regard to Policies CP1, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

## **IMPLICATIONS AND RISKS**

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

None.

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

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

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

None.

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

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

## **BACKGROUND PAPERS**

Planning application P1430.13, all submitted information and plans.