



# REGULATORY SERVICES COMMITTEE

21 August 2014

# REPORT

**Subject Heading:**

P0324.14 - 41-43 Maylands Avenue & 70 Coronation Drive, Elm Park - Demolition of office building and construction of 5 No. 2 bedroom flats (received 19/03/14)

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

The application proposes the demolition of the existing office building and the construction 5 No. 2-bed flats with associated parking. The planning issues are set out in the report below and cover the principle of the development, impact on

streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable.

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

## RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a proposed residential floor space of 357m<sup>2</sup> less the existing office floor space of 167m<sup>2</sup> which amounts to an overall gain of 190m<sup>2</sup> and equates to a Mayoral CIL payment of £3800.

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 £6,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of 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. 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 Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 4 off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Materials: The proposal shall be carried out in Terca Warnham Red Stock brick and Wienerberger Sandtoft 20/20, Antique slate roof tile, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Landscaping: The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0080.14. All planting, seeding or turfing shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of this part 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:** To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

7. Cycle storage: The development hereby permitted shall be implemented in accordance with the details of the cycle storage as previously approved under application Q0080.14 and retained thereafter in accordance with the approved details.

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

8. Hours of construction: 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.

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

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

i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

10. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be completed prior to the commencement of the development.

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

11. Refuse and recycling: The development hereby permitted shall be implemented in accordance with the details of storage of refuse and recycling awaiting collection as previously approved under application Q0080.14 pursuant to condition 8 of planning permission P0734.11 and retained thereafter in accordance with the approved details.

**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

12. Secured by Design/Crime Prevention: The development hereby permitted shall be implemented in accordance with the Secure by Design details as previously approved under application Q0080.14 pursuant to condition 12 of planning permission P0734.11.

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

13. Contamination: The development hereby permitted shall be implemented in accordance with the details as previously approved under application Q0080.14 pursuant to condition 11 of planning permission P0734.11.

**Reason:** To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

14. The development hereby permitted shall be constructed in accordance with the details of the boundary treatment as previously approved under application Q0080.14 pursuant to condition 5 of planning permission P0734.11 and retained thereafter in accordance with the approved details.

**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.

15. Sound insulation: The building(s) 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.

## INFORMATIVES

1. Fee Informative:

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.

2. Planning Obligations

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

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

3. The 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 £3,800.00 (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.

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

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

5. 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.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is located at the junction of Maylands Avenue and Coronation Drive in Elm Park. The frontage of the site is onto the roundabout at this junction. The 0.05 hectares site currently accommodates a single storey flat roof office building.
- 1.2 The surrounding area is a mixture of commercial and residential uses. In Maylands Avenue and Coronation Drive the predominant character is residential two storey semi-detached properties. Opposite the application site is the Elm Park Minor District Centre with a parade of shops along Station Parade and further along The Broadway.

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

- 2.1 The application seeks full planning permission for the demolition of the existing single storey office building and the erection of a two storey building to form 5 no. two bedroom flats. There would be 2no. two bed flats on the ground floor with a further two at the first floor and one in the loft.
- 2.2 The building would incorporate a hipped roof design with gable elements on either side and to the front elevation. The building would cover an area of approx 150 square metres. Three small dormers are also proposed in the roof space, two to the rear and one to the side.
- 2.3 Amenity space would be provided to the rear of the building, allowing for a communal garden area. The application proposes to utilise the existing vehicular crossover from Coronation Drive to enable the provision of four

off-street parking spaces to the south western corner of the site. A bin and cycle store would also be provided.

### **3. History**

- 3.1 P1474.04 - Erection of a two-storey building with rooms in roof (dormers to form 4 one bedroom flats and 2 studio flats (in roof) - Refused and appeal dismissed.
- 3.2 P1575.05 - Demolition of building and erection of six flats - Refused and appeal dismissed.
- 3.3 P2164.05 Demolition of office building & erection of four flats - Approved.
- 3.4 P0026.07 - Demolition of office building and erection of six flats - Refused and appeal dismissed.
- 3.5 P1331.08 - Demolition of office building and erection of four flats – Approved
- 3.6 P0734.11 - Extension of time application for P1331.08 - demolition of office building and erection of four flats

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

- 4.1 Notification letters were sent to 57 neighbouring properties and 2 letters of objection were received raising the following concerns:
  - not enough parking spaces provided
  - not in keeping with traditional design and history of houses in the street
  - noise levels/pollution/health and safety: raises concerns for elderly nearby
- 4.2 The Council's Environmental Health Service raised no objection to the proposal but requires conditions for contamination, sound insulation and limited construction hours.
- 4.3 The Highway Authority has raised concerns regarding the amount of parking spaces provided however acknowledges that given the comments of the planning inspector on the 2007 appeal, they are unable to object.

### **5. Relevant Policies**

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



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

## **6. Staff comments**

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

### *6.2 Background*

- 6.2.1 Application P2164.05 for the erection of 4 flats was granted permission by Members in January 2006. A further application P0026.07 for the erection of 6 flats was refused planning permission in 2007. A subsequent appeal was dismissed. The Inspector attaching considerable weight to the 2006 approval as a 'fallback' position as the proposal resembled this approval except for the two additional flats provided in the roofspace. The appeal focussed on the roof additions and resultant increase in roof height. The appeal was dismissed only on the grounds of potential overlooking of No. 39 Maylands Avenue from the dormer window in the north-eastern roof elevation.
- 6.2.2 The current application differs from the previous refusal P0026.07 in that the units have been reduced from 6 to 5 and the dormer window in the north-eastern roof elevation removed in order to address the inspector's comments. Two small dormers have also been added to the rear roof slope.
- 6.2.3 Application P1331.08 has subsequently been submitted for the erection of four flats and granted permission by Members in September 2008. A further permission to extend this consent was approved in 2011, expiring on 7 July 2014.
- 6.2.4 In comparison to the approved scheme for four units, this proposal is broadly similar but proposes five units. The building design is not significantly different but the ridge height has increased from 7.92m previously to 8.4m.

### *6.3 Principle of Development*

- 6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential

area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m<sup>2</sup> for a 2-bed 3-person flat. The proposal has an internal floor space of approximately 60.59m<sup>2</sup> which is only slightly below the requirement and therefore considered acceptable..

#### 6.4 *Site Layout / Amenity Space*

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

6.4.2 The development would provide approximately 200m<sup>2</sup> amenity space to the rear of the building. Having regard to the requirements of the SPD it is considered that the space provided would be acceptable to meet the day to day living requirements for future occupiers. It is noted that the planning inspector, in dismissing the 2007 appeal against refusal of 6 flats, raised no objection to amenity space provision. In any event, Staff consider the amenity space area proposed to be acceptable to provide an adequate useable amenity space for residents, which would not compromise the living conditions of adjoining residents and complies with current LDF policies.

6.4.4 The residential density range for this site is 30 - 65 units per hectare. The proposal would result in a density of approximately 89 units per hectare which is in excess of the density range. Although the density range is in excess of the recommended range it is considered acceptable as the footprint and layout of the site is similar to that previously considered acceptable and owing to the appropriate amenity space provision. Therefore, the density of the development in this case is not considered to detract from local character and amenity.

6.4.5 In terms of the general site layout, the proposed building would have sufficient spacing towards the front with a sufficient amenity area towards the rear, and therefore is not considered to appear as an overdevelopment of the site. Staff are of the opinion that the proposal is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable and justifies the density proposed.

## 6.5 *Impact on Local Character and Street Scene*

- 6.5.1 Policy DC61 in the LDF seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area, especially given the site's prominent location. The existing local character is drawn largely from two-storey semi-detached dwellings with conventional rear gardens. It is therefore considered that the proposed two-storey development, of similar overall dimensions to those existing dwellings, would be compatible with the form and architectural style of development in the surrounding area.
- 6.5.2 It should be noted that the design has not changed significantly from that previously considered acceptable under applications P1331.08 and P0734.11, although it is around 0.5m taller to ridge. The design of the building is also broadly similar to that considered acceptable by the Inspector under the 2007 appeal. Overall therefore Staff consider the principle of a new two storey flatted development would therefore be acceptable in this location.
- 6.5.3 The application site is located fronting the roundabout at this busy junction in a prominent position. The general character of the sites surrounding this roundabout is generally that of open aspect. The bulk and scale of the building proposed is broadly similar to the scheme considered by the Inspector on the 2007 appeal. Furthermore, it is generally the same although 0.5m taller to ridge to that approved in 2008 and 2011. The footprint of the proposed building would be set back from the edge of the footway by 4.5 metres thus reducing the overall prominence of the building in the streetscene. Having regard to this staff, notwithstanding the overall increased in height of the building compared to the previous approvals, consider that the proposal would introduce a form of development that would be visually acceptable and would not therefore be materially harmful to the streetscene or character of the area

## 6.6 *Impact on Amenity*

- 6.6.1 The proposed development would be located adjacent to existing residential properties in particular no. 39 Maylands Avenue and no. 68 Coronation Drive. There would be a flank to flank gap of some 5 metres to No. 68 at its closest point, which is further away than the existing building although this is single storey. The proposed building would not project beyond the original rear main wall of this neighbouring property and the orientation of the site and the configuration of the proposed building is such that windows proposed in the flank elevation would not result in undue harm in terms of overlooking and loss of privacy.
- 6.6.2 The proposed built form would not impinge upon a notional 50-degree line taken from the corner of each adjacent dwelling. Consequently, whilst this may have some slight impact in terms of overshadowing for No. 39

Maylands Avenue, it is not considered that this would be beyond acceptable limits.

6.6.3 Previous concerns raised by the Planning Inspector under the refused application P0026.07 in terms of impact of perceived overlooking to No. 39 Maylands Avenue has been addressed by the removal of the dormer window to the north-eastern elevation. Nor is the scheme materially dissimilar to that approved in 2008 and 2011 in this respect. The additional of two small dormer windows to the rear is not considered to result in an unacceptable impact in terms of overlooking. Staff consider the flank dormer window towards the boundary with no.68 Coronation Drive would be at second floor level towards the side roof slope of the neighbouring dwelling and would not cause material loss of privacy.

6.6.4 In summary, the relationship and degree of separation between the adjacent properties and the proposed building is not considered to be materially harmful to the residential amenities of adjacent properties.

#### 6.6 *Highways / Parking Issues*

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Elm Park. The development would provide a total of 4 No. parking spaces. Although this would result in a shortfall of parking spaces the London plan and Government policy make it clear that Local Authorities should apply parking standards flexibly in the interests of sustainable development. In this case the application site in close proximity to Elm Park station and located on several main bus routes. It is also proposed to provide cycle storage within the application site. For these reasons the proposal is considered to be acceptable in respect of parking provision. It is noted that, in determining the appeal against refusal of 6 units in 2007, the Planning Inspector has also agreed with this assessment and considered the shortfall of parking to be acceptable given the location close to a station and bus routes. Whilst it is acknowledged that parking standards have been revised since 2007, these are generally towards lower levels of parking provision than was the case then and Staff consider the levels of parking proposed to be acceptable in view of the location of the site.

6.6.2 A condition would be added to provide storage for 2 x no. cycle space per dwelling in order to comply with the Council's standards.

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

#### 6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The

applicable fee is based on the increase in the internal gross floor area which amounts to 190m<sup>2</sup> and equates to a Mayoral CIL payment of £3800 (subject to indexation).

## 6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. Given that there is an existing planning permission for the site, which has commenced and was given prior to the Planning Obligations Supplementary Planning Document, only the additional unit would be liable for the Planning Obligation. This should be secured through a S106 Agreement for the amount of £6,000

## 7. **Conclusion**

7.1 Overall, It is considered that the proposed development would be acceptable in terms of scale and bulk, so as not to result in an unacceptably obtrusive and overbearing development in relation to neighbouring properties or the streetscene. Staff are of the view that the proposal would be of an appropriate density in the locality, providing an acceptably spacious development, in keeping with the character of the existing development in the surrounding area. The proposals would not result in loss of privacy and would not be detrimental to the outlook and general amenities of the neighbouring residential properties. Having regard to all material planning considerations, it is recommended that planning permission be granted subject to conditions.

## IMPLICATIONS AND RISKS

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

Financial contributions are required through a legal agreement.

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

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

### **Human Resource Implications:**

None

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

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

## **BACKGROUND PAPERS**

1. Application forms and plans received received 19/03/14