

REGULATORY SERVICES COMMITTEE

21 August 2014

REPORT

Subject Heading:

P0809.14 – 13 Burntwood Avenue,
Emerson Park, Hornchurch - Demolition
of the existing care home and the erection
of 4 dwellings and an access road (outline
application) (received 27/06/14)

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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

Ensuring a clean, safe and green borough	[x]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This report concerns an outline planning application for the demolition of the existing care home and the erection of 4 new dwellings and an access road. A Section 106

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

Councillor Ower requested this application be called in to committee, on the grounds of the planning history for the site and traffic movements. Councillor Ramsey requested this application be called in to committee, in view of its impact on adjoining properties.

RECOMMENDATIONS

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

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

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

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

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

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

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

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

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

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

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

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

13. External lighting - No development shall take place until a scheme for a bat sensitive lighting scheme has been submitted to and approved in writing by the Local Planning Authority. All external lighting within the application site shall be installed in accordance with British Standards Institute (BSI) BS5489 and BS EN 13201. These standards identify further measures for reducing lighting spill, glare and overall pollution. Further guidance in respect of low impact lighting is provided in 'Guidance Notes for the Reduction of Obtrusive Light' produced by The Institute of Lighting Engineers (ILE). The approved

details shall be implemented in full prior commencement of the development hereby approved and permanently maintained in accordance with the approved details.

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

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

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

15. Alterations to the Public Highway - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development and the highway works completed prior to first occupation 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. Car parking - The proposals should provide 1.5 to 2 parking spaces per dwelling, to be retained thereafter.

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

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

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

18. Servicing - The proposals should provide details of access road widths, turning area dimensions and swept path analysis to demonstrate that servicing of the proposed dwellings to the rear of the site can be adequately serviced and that service vehicles can exit the site in forward gear.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC36.

19. Wheel scrubbing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works on site.

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

20. Precautionary bat survey - An internal survey of the building(s) including the roof areas for bats must be undertaken by a licensed bat worker prior to any demolition works and between May and September. Evidence that the survey has been undertaken in the form of an ecological report including any recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of the existing care home. The proposed development shall be implemented in accordance with the approved ecological report, including any recommendations. If at any time during the works, presence of bats is suspected/identified, works in that area shall cease immediately and an ecologist contacted to enable further appropriate action to be implemented.

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

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

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

22. The proposed development shall be implemented in accordance with the Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) dated June 2013 which shall include the following on site measures:
- Installing 10 bird boxes and 10 bat boxes.

- Retaining and protecting boundary trees as part of the development proposals and enhancing with additional planting.
- Additional ecological enhancements are included as part of the landscaping scheme as included in Annexe 5 of the Preliminary Ecological Assessment.

Reason: In order to protect the conservation status of bats in compliance with the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 and DC59 of the LDF.

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

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

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

Reason: To protect neighbouring amenity.

25. Soil contamination - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

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.

26. Prior to the first occupation of the development hereby permitted, a domestic sprinkler system shall be installed and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of safety.

27. Use of garages – 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) the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

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

2. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

4. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

5. Temporary use of the public highway - The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on

01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

6. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

Planning Obligations

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

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

REPORT DETAIL

1. Call in

- 1.1 Councillor Ower requested this application be called in to committee, on the grounds of the planning history for the site and traffic movements. Councillor Ramsey requested this application be called in to committee, in view of its impact on adjoining properties.

2. Site Description:

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

3. Description of development:

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

4. **Relevant History:**

P1330.13 – Demolition of the existing care home and the erection of 4 dwellings and an access road (outline application) – Refused.

5. **Consultations/Representations:**

- 5.1 The occupiers of 26 neighbouring properties were notified of this proposal. One letter of support was received. Six letters of objection were received (including one from the Emerson Park & Ardleigh Green Residents' Association), with detailed comments that have been summarised as follows:
- This application is very similar to the previous application, P1330.13 and does not address the concerns of Councillors and other residents or negate the reasons for refusal.
 - Reference was made to paragraph 53 of the NPPF, which states that the local planning authority should consider the case for setting out policies to resist inappropriate development of residential gardens. This scheme would cause harm to the local area.
 - This infill development will not produce plot sizes equivalent to surrounding properties.
 - Opposed to a high density development for both environmental and commercial reasons.
 - Reference was made to application P0606.14 at 15 Burntwood Avenue which was refused.
 - The impact of the access road on neighbouring amenity with traffic and service vehicles.
 - The impact of the proposal on the trees in the site.
 - Requested that TPOs be attached to four mature woodland trees along the front boundary and a Scots pine further back.
 - Impact on the character of the street.
 - This is a back garden development and cannot be acceptable in principle.
 - The proposal is contrary to paragraph 53 of the NPPF and the Emerson Park Policy Area SPD.
 - Traffic noise, disturbance and pollution in the rear garden.
 - Loss of amenity including loss of privacy.
 - Flooding.
 - Overlooking including level differences.
 - The houses at the back of the site constitute backland development, are located on comparatively cramped sites, out of keeping with the area.
 - The plot widths for the houses fronting Burntwood Avenue would be significantly smaller than most sites in the road, compounded by a new rear access road.
 - The NPPF makes it clear that back gardens should not be considered as brownfield land.
 - The gardens for the proposed houses would be much smaller than those in the surrounding area and would set an undesirable precedent.
 - Turning area, access and highway safety.
 - Noise and inconvenience during construction.
 - The dwellings to the front of the site would appear cramped.
 - Would set an undesirable precedent.

- Would prefer the turning point half way down the access road and a maximum of two houses to make the proposal less cramped.
- Impact on local amenities.

- 5.2 In response to the above, the site is not in a Flood Risk Zone. Each planning application is determined on its individual planning merits. Noise and disturbance during construction can be addressed by appropriate planning conditions, as can the impact on trees and wildlife. Five large trees at the front of the site (two horse chestnuts, a beech, an oak and a scots pine are subject to a Tree Preservation Order (TPO 8/71). The remaining issues are addressed in the following sections of this report.
- 5.3 The London Fire Brigade Water Team is satisfied with the proposals. The London Fire and Emergency Planning Authority has commented that the access to the two rear dwellings does not appear to comply with Section 11 of ADB volume 1. A condition requiring use of a sprinkler system is recommended by Staff.
- 5.4 The Highways Authority has no objection to the proposals. Secure cycle parking facilities should be provided for a minimum of two bicycles for three or more bedroom homes. Request conditions regarding car parking, pedestrian visibility splays, servicing and vehicle access and informatives.
- 5.5 StreetCare Department – The two houses nearest Burntwood Road could get regular kerbside collections. The two properties behind could not. The access road would need to be at least 5.5m wide and have an adequate turning head. The developer will have to provide a bin storage area or a suitable communal sack collection point, no more than 30m from the road.
- 5.6 Environmental Health - It is important to ensure that any soil imported to site is free from significant contamination and pose no risk to human health, property, ecological system and controlled water. To safeguard the situation, it is recommended that any permission that might be granted be subject to soil import criteria related condition.
- 5.7 Essex and Suffolk Water – Existing apparatus does not appear to be affected by the proposed development. There is no objection to the proposed development. Consent is given to this development on the condition that a new water connection is made onto company network for each new dwelling for revenue purposes.

6. **Relevant policies:**

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC69 (Other areas of special townscape or landscape character) and DC72 (Planning Obligations) of the LDF Core Strategy and Development

Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document, the Emerson Park Policy Area Supplementary Planning Document.

6.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6.2. Staff Comments:

6.2.1 This proposal follows a previous application P1330.13 for the demolition of the existing care home and the erection of 4 dwellings and an access road (outline application), which was brought to the 30th January 2014 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

6.2.2 1) The proposed development of four houses on the site, including building on the characteristic open rear part of the site and limited plot frontage width would represent an overdevelopment of the site at a density at variance to the immediate surroundings. In this respect, the proposal would be out of character with the setting of the surrounding area, harmful to the streetscene and the Emerson Park Policy Area, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area Supplementary Planning Document.

2) The proposed development, by virtue of its layout and proximity to the site boundaries would appear overdominant and have an adverse impact on the character of the area, including the outlook and residential amenity of occupiers of the neighbouring property at 6 Porchester Close. In this respect, the proposal would be contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area Supplementary Planning Document.

3) In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

6.2.3 The current application differs from the refused scheme in the following key areas:

- Greater detailed provided within the main drawing of the houses.
- Increased distance between plot 2 and its boundary with No.15 (previously 2m approx. now approx. 3.7m)

- Increased distance between Plots 1 and 2 (increased by approx. 2m – total separation approx. 5.76m)
- Increased plot width to Plots 1 and 2.
- Alterations & greater details shown to layout of plots 3 and 4.
- Provision of detached garages to two rearmost units.
- Revised footprint and layout of units
- Increased separation between rearmost units and boundaries of the site

6.2.4 The main issues in this case are the principle of development, density and site layout, design/impact on streetscene, impact on amenity, highway/parking issues and other issues.

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 application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals. There is no objection in principle to the demolition of St Mary's Convent, which has been vacant since December 2012. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks to increase London's housing supply.

6.4 Density and site layout

6.4.1 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear garden areas of the dwellings have private amenity space ranging between a minimum of approximately 590 to a maximum of 1444 square metres. Staff are of the view that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.4.2 The remaining area within the development is largely hard surfacing and consists of the access road and parking provision. It is considered that the layout of the site is acceptable.

6.4.3 The site is located within Sector 6 of the Emerson Park Policy Area. The Emerson Park Policy Area SPD states that new dwellings in this sector will be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area. Proposals will be of detached, single family, large and architecturally varied dwellings and provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.

- 6.4.4 Based on the site layout plan, the proposed dwellings would be detached, large architecturally varied dwellings which adheres to the Emerson Park Policy Area SPD. The dwelling fronting Burntwood Avenue on Plot 1 would have a plot width of 20 metres at the road frontage, although seen in conjunction with the access road to the rear of the site it appears closer to 29m, and 23.32 metres at the building line. It is considered that the plot width of this dwelling would not be materially harmful to the open and spacious character of Emerson Park, as the access road and landscaped area would provide a separation distance of approximately 9.1 metres from the western boundary of the site, which would not result in material harm to the character and appearance of the surrounding area. Also, the plot width of 23.32 metres at the building line for this dwelling adheres to the Emerson Park Policy Area SPD and would ensure a sufficient degree of spaciousness in the site. It is noted that plot widths at the road frontage for neighbouring dwellings in the immediate vicinity of the application site vary in width from 19 to 40 metres and that there is not a consistent minimum plot width in this part of Burntwood Avenue.
- 6.4.5 The dwelling fronting Burntwood Avenue to the east of the site would have a plot width of 23.11 metres at the road frontage and 23.04 metres at the building line, which complies with the Emerson Park Policy Area SPD.
- 6.4.6 The two dwellings to the north of the site would have a minimum plot width of approximately 26 and 35 metres, which adheres to the Emerson Park Policy Area SPD.
- 6.4.7 In this case, existing local character is drawn largely from large detached two storey dwellings. It is noted that the dwellings on the northern side of Burntwood Avenue have a plot depth of approximately 70 metres. The dwellings on the southern side of Burntwood Avenue opposite the application site (No.'s 10-16) have a plot depth of between approximately 51 and 62 metres. The proposed dwellings fronting Burntwood Avenue have a plot depth of between approximately 62 to 66 metres which is comparable with the neighbouring dwellings in the vicinity of the site and is considered to be acceptable and in keeping with local character.
- 6.4.8 The dwelling on plot 3 to the north of the site is located at 90 degrees to the dwellings to the south. The dwellings on plots 3 and 4 have a plot depth of approximately 42 and 51 metres. It is considered that the plot depth of these two dwellings is acceptable as they are located in the context of the properties in Porchester Close and Tall Trees Close that adjoin to the rear of the site, which have plot depths of approximately 40 and 55 metres. The revisions to the layout compared to the earlier refusal are judged to result in a more spacious relationship to the site boundaries than was previously proposed.
- 6.3.9 The dwelling on plot 1 would have a separation distance of 2 and 4 metres at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD. The dwelling in plot 2 would have a separation distance of 1.76 and 3.7 metres at ground and first floor from the common party boundaries. Staff consider that these distances are acceptable, as there would be a gap of 5.76 metres between the flank walls of the

dwellings in plots 1 and 2, which would maintain the open and spacious character of Emerson Park.

6.3.10 The dwelling in plot 3 would have a separation distance of 1 metre at ground floor and between 5 and 6.3 metres at first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD. The dwelling in plot 4 would have a minimum separation distance of 6.75 and 14 metres at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD.

6.3.11 It is noted that the Committee resolved to refuse the previous application on grounds of harm to local character and overdevelopment and the number of units proposed in this scheme is the same as previously. Members may therefore retain the view that this proposal constitutes harmful overdevelopment of the site. However, Staff consider that the current proposal is acceptable as the frontage width of plots has been increased from previously, improving the appearance of the development in the Burntwood Avenue streetscene. The revised layout of the rearmost properties is considered to create a more spacious layout within the site from the previous submission, that is considered comparable to other properties in the vicinity of the application site. The proposal is therefore judged to be in keeping with local character and to accord with the Emerson Park SPD.

6.5 Design/impact on street/Garden scene

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

6.5.2 Landscaping is a reserved matter. A tree survey has been submitted with this application and the plans show the trees to be retained. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout. Conditions are proposed requiring details of landscaping and for tree protection measures.

6.5.3 Scale is a reserved matter. The agent has indicated that the proposed dwellings would be of a comparable height to the existing property and nearby neighbouring dwellings which, in general, have heights of approximately between 10.5 – 11.1m from ground level to the ridge. It is considered that the footprint and siting of the dwellings and garages are acceptable.

6.5.4 Appearance is a reserved matter. It is deemed possible to construct dwellings that would be appropriate and would meet the requirements of the Emerson Park SPD in respect of individual design.

6.6 Impact on amenity

6.6.1 No. 15 Burntwood Avenue has two ground floor flank windows adjacent to the eastern boundary of the site. One serves a garage and is not a habitable room and the other serves a W.C. It is considered that the proposed dwelling adjacent to the eastern boundary of site would not result in a significant loss of

amenity to No. 15 Burntwood Avenue, as it would be located 3.7 metres from this common boundary. It is noted that No. 15 Burntwood Avenue has a substantial single storey rear projection comprising of a swimming pool enclosure and its double garage is located adjacent to the eastern boundary of the site, which will help to mitigate the impact of the proposal and Staff consider that this relationship is acceptable.

- 6.6.2 It is considered that the proposal would not result in a significant loss of amenity to No. 11 Burntwood Avenue, as there would be a flank to flank distance of approximately 22 metres between the western flank of the proposed dwelling located adjacent to the access road and the eastern flank of 11 Burntwood Avenue. It is noted that planning permission has been granted for a granny annexe to the rear of No. 11 Burntwood Avenue (application P0765.13), which has been implemented. It is considered that the proposal would not result in a significant loss of amenity to the granny annexe, as it is located 3.5 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall. There is a timber paling fence along the eastern boundary of No. 11 Burntwood Avenue, which provides some screening. A Certificate of Lawfulness has been granted for an outbuilding to the rear of 11 Burntwood Avenue (application D0085.13), which is in the process of being implemented. It is considered that the proposal would not result in a significant loss of amenity to the outbuilding, as it is located 3 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall.
- 6.6.3 It is considered that the proposal would not result in a significant loss of amenity to No. 3 Tall Trees Close, as there is a separation distance of between approximately 35 and 39 metres between the two storey rear façade of this neighbouring property and the western flank of the proposed dwelling in Plot 4. Staff consider that the garage on Plot 4 would not be harmful to the amenity of No. 3 Tall Trees Close, as it would be set off the western boundary of the site by 2 metres and its footprint appears to be relatively modest in size. There are some mature trees adjacent to the eastern boundary of No. 3 Tall Trees Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.6.4 It is considered that the proposal would not result in a significant loss of amenity to No. 4 Porchester Close, as there would be a separation distance of between approximately 14 and 15 metres between the northern flank of the dwelling in Plot 4 and the southern boundary of this neighbouring property. There are some mature trees adjacent to the southern boundary of No. 4 Porchester Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.6.5 It is considered that the proposal would not result in a significant loss of amenity to No. 22 Woodlands Avenue, as there would be a separation distance of approximately 64 metres between the rear façade of this neighbouring property and the northern boundary of the application site. There are some mature trees adjacent to the southern boundary of No. 22 Woodlands Avenue, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.

- 6.6.6 It is noted that the plans have been revised to alter the siting and layout of the dwellings on plots 3 and 4, which has increased their separation distances from neighbouring properties. It is considered that the proposal would not result in a significant loss of amenity to No. 6 Porchester Close, as there would be a separation distance of approximately 43 metres between the western flank of this neighbouring property and the two storey rear façade of the dwelling in Plot 4. There would be a minimum separation distance of 19.5 metres between the south western rear corner of No. 6 Porchester Close and the north eastern corner of the dwelling in plot 3, with a separation distance between buildings of 45 metres. Given these separation distances, Staff consider that this relationship is acceptable. In addition, there is mature landscaping on the eastern boundary of the site, which would provide some screening of the dwellings in Plots 3 and 4.
- 6.6.7 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 6.6.8 From a noise and disturbance perspective, the siting of the access drive enables the provision of a landscaped buffer strip adjacent to the western boundary of the site. This will help to absorb any noise and light spillage resulting from vehicles using the drive and turning head. The provision of appropriate fencing together with a landscaping scheme would also afford reasonable protection to those who live adjacent to the site from the more active use of the site. It is considered that the use of the access road and turning head would not result in undue noise and disturbance as it serves two dwellings. When considering the merits of this application, it is considered that the proposal would not give rise to high levels of noise and general disturbance in comparison with the former use of the site as a care home.
- 6.6.9 It is acknowledged that the previous scheme was refused also on grounds of overdominant impact on the amenity of adjoining occupiers. Whilst the number of units is unchanged from the previously refused application, Staff consider that the revisions to this scheme by way of increasing the plot width for plots 1 and 2, altering the footprint and layout of the units, the increased separation distances between plot 2 and its boundary with No.15 Burntwood Avenue, Plots 1 and 2 as well as plots 3 and 4 and the boundaries of the site have addressed the concerns outlined in the second reason for refusal for P1330.13.
- 6.6.10 It is therefore considered that the layout and access of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.7 Highway/parking issues

- 6.7.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Policy DC2 of the LDF indicates that in this part of the Borough parking

provision for residential development should be a maximum of 2 spaces per unit. There are detached garages for the dwellings in Plots 3 and 4. The proposal would provide two parking spaces per dwelling, which is deemed to be acceptable.

- 6.7.2 The proposal includes the provision of an access road with a width of between 3 and 6 metres, with a turning head at the northern end, which is suitable to allow refuse and emergency vehicles to enter and egress in forward gear. The majority of the access road is sufficient to provide two lanes of traffic except where it tapers adjacent to a Sycamore tree (that is subject to a Tree Preservation Order) where the road narrows to a single lane. The access road begins to taper approximately 45 metres from the existing site entrance, which would not impede traffic flow for vehicles entering and exiting the site. The Highway Authority has no objection to the proposals.
- 6.7.3 Details of cycle storage can be secured by condition if minded to grant planning permission. The London Fire Brigade Water Team is satisfied with the proposals. The London Fire and Emergency Planning Authority has commented that the access to the two rear dwellings does not appear to comply with Section 11 of ADB volume 1. The Council's Building Control Department was consulted and advised that a domestic sprinkler system could be installed in the dwellings, which would be acceptable. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.
- 6.7.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.8 Other Issues

- 6.8.1 Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available
- 6.8.2 Ecological and tree surveys were submitted. It is concluded that bats are not considered to be currently roosting within any of the buildings on site. The Council's Regeneration Officer has no objection to the proposal and has recommended two conditions if minded to grant planning permission – one regarding an internal survey of the building for bats before any work takes place and one regarding the timing of demolition/vegetation clearance in respect of breeding birds.
- 6.8.3 The Council's Tree Officer has no objection to the proposal. There are a large number of trees on the site, many of which are the subject of tree preservation order 8/71. The most important trees are the 5 large trees at front of the site, (2 Horse Chestnuts, a beech an oak and a scots pine). These are protected by the above order and are shown as retained on the proposed scheme.

Some trees are in poor condition and in need of remedial tree surgery. Even though trees to the rear of the site have no public amenity value, as many trees as possible (both TPO's and non-TPO'd) should be retained throughout the site to help screen any new development to benefit local amenity and wildlife. It is suggested that existing trees are enhanced by new plantings so as to benefit long term tree cover. This should be capable of being addressed at the reserved matters stage. If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees.

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

9. **The Mayor's Community Infrastructure Levy**

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

10. **Planning Obligations**

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

11. **Conclusion**

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 27/06/2014.

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