



# REGULATORY SERVICES COMMITTEE

2 October 2014

# REPORT

**Subject Heading:**

P0669.13 – Land adjacent 330 Abbs Cross Lane, Hornchurch: The erection of one, two storey block of flats providing 4x1 bed and 2x2 bed units. (received 03/06/13)

**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**

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

**SUMMARY**

The application proposes the erection of a one storey block of flats providing 4 No. 1-bed units and 2 No. 2-bed units 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

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 is based on an internal gross floor area of 318.4m<sup>2</sup> and amounts to £6368.

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 payment of a financial contribution of £20,000 towards highway safety improvements within the vicinity of the site.
- A financial contribution of £36,000 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.
- The Developer / owner 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.
- 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:

That the planning permission be granted subject to the following conditions:

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

**Reason:** To comply with the requirements of section 91 of the Town and Country 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 6 x No. off-street car parking spaces as shown on approved plan H027-01 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: 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. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

**Reason:** 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 Development Control Policies Development Plan Document Policy DC61

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the western 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: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

**Reason:** 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 Methodology Statement: 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.

10. Highways Licence Agreement: 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.

11. Alterations to Highway: The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

**Reason:** In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12. Wheel Washing: 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.

13. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the

Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

**Reason:** 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.

14. 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

15. Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority.

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

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

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

17. Risk and Contamination Assessment, Part 2: (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

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

18. Screen 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. The approved details shall be implemented immediately on approval 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.

19. Noise Insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) 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.

20. Noise Impact: Prior to the commencement of the development, an assessment shall be undertaken of the impact of:

- a) Railway noise (in accordance with Technical memorandum, "Circulation of Railway Noise", 1995)
- b) Vibration from the use of the railway lines

upon the site. Following this, a scheme dealing with the measures to protect residents from railway noise and vibration is to be submitted to the local planning authority for its approval in writing, once approved the scheme shall be implemented prior to occupancy taking place.

**Reason:** To protect residents from transportation noise and vibration.

21. Turning Area: Before the building (s) hereby permitted is first occupied the turning area, shown on plan reference H027 – 01 shall be made available for use and thereafter kept free from obstruction.

**Reason:** In the interest of highway safety.

22. 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.

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

**Reason:** In order to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

24. Obscure glaze: The proposed windows to the northern elevation at first floor serving bathrooms and stairwells shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.



## INFORMATIVES

1. Following a change in government legislation 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. 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.

### 3. 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.
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 £6,368.00 (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
  5. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
  6. The developer, their representatives and contractors are advised that planning permission 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.

7. The applicant 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.
8. 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.
9. In aiming to satisfy condition 13 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is located on the western side of Abbs Cross Lane, immediately adjacent to the London Underground District Line and Railway Bridge, at the point at which Southend Road begins. The application site comprises 0.1ha, with the plot itself measuring (at its maximum) 40.6m wide by 31.6m deep. The site is currently vacant. Levels significantly drop from the carriageway into the site. A fall in levels also occurs from north to south.
- 1.2 The surrounding area is characterised by two storey terraced properties.

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

- 2.1 This full planning application seeks planning permission for the erection of a two storey building containing 6 no. flats, comprising 4 no. 1 bed units and 2 no. 2 bed units.
- 2.2 At its maximum, the building measures 10.5m wide by 24.3m deep by 8.2m high. By reason of the variations in levels, the building would appear as

single storey when viewed from the footway adjacent to the site in Abbs Cross Lane. The layout of the building is such that it is parallel to the Underground Railway line, with the eastern facing flank of the building designed to appear as a double fronted dwelling, with symmetrical bay windows across ground and first floor levels. This bay window feature is replicated on the southern elevation.

- 2.3 The block is located between 5.4m and 10m from the footway in Abbs Cross Lane and between 1.8m and 7.6m east of the boundary with properties at nos. 38 to 44 Diban Avenue. A distance of between 14.3 and 30.4m is present between the block and the common boundary with no. 330 Abbs Cross Lane, which lies to the north of the site.
- 2.4 6 no. car parking spaces are located due north of the block, with 5 of those spaces located adjacent to the common boundary with no. 330 Abbs Cross Lane. Access to these spaces is to be achieved via a 4m wide vehicular crossing.

### **3. History**

- 3.1 P0046.08 - Proposed new two storey flats. 3 no. 2 bed flats and 3 no. one bed flats – Refused and the Appeal was Withdrawn
- 3.2 P1875.07 - Proposed residential development 9 No. flats with 11 No. parking spaces - Refused
- 3.3 P1723.06 - Outline residential development for 12 No. flats - Withdrawn

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

- 4.1 Notification letters were sent to 34 neighbouring properties. One letter of support from 330 Abbs Cross Lane and 25 letters, including 21 proforma letters of objection were received raising the following concerns.
- hazardous access on to Abbs Cross Lane and impact upon vehicle and pedestrian safety
  - not enough parking provided, will create overspill and parking on Abbs Cross lane to the detriment of highway safety
  - development would look out of place next to cottages
  - too many units on site
  - overlooking rear gardens of properties along Diban Avenue
  - area is prone to flooding which would be made worse by development
  - noise and fumes from vehicles in the car park
- 4.2 The Highway Authority raised an initial objection to the proposal on the basis that the new vehicular access would present an unacceptable risk to users of the Road Network contrary to Policy DC32 and insufficient parking contrary to Policy DC33, however following negotiation with the applicant it was agreed that the application would make a contribution towards improvements to the Highway to address safety concerns.

- 4.3 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation, noise impact and vibration assessment and construction and delivery hours condition.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.
- 4.5 The London Fire and Emergency Authority has raised no objection to the proposal.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC32 (The Road Network), (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. Mayoral CIL Implications**

- 6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as there are no structures currently on site. The applicable fee is based on a combined internal gross floor area for the six flats of 318.4m<sup>2</sup> which equates to a Mayoral CIL payment of £6368.

## **7. Staff comments**

- 7.1 The main issues in this case are considered to be the principle of the development, density and site layout, impact upon character and appearance of the street scene, impact upon amenity, highways considerations and car parking provision.
- 7.2 *Principle of Development*

7.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of an open 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.

7.2.2 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 37sq.m for a 1-bed 1-person dwelling and 61sq.m for a 2-bed 3-person dwelling. The proposed dwellings have internal floor space which is in line with the recommended guidance and considered acceptable.

### 7.3 *Site Layout / Amenity Space*

7.3.1 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.

7.3.2 The proposed development would provide 248 square metres of amenity space. The amenity space provision is also supplemented by balconies to the southern elevation at first floor level. Staff are of the opinion that the communal garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing usable garden areas. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

7.3.3 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 60 units per hectare. This is above the density range identified, however subject to the delivery of a high standard of design and layout higher density development can be acceptable.

7.3.4 The proposal would be set to the southern side of the site close to the railway embankment and will be situated at an angle to the rear gardens of the properties along Diban Avenue, to the west of the proposed 2-storey block. The nearest property to the west, 42 Diban Avenue is situated approximately 31 metres away, a distance of 1.8m would remain between the proposed block of flats and this neighbour's rear boundary. The

nearest property to the north, 330 Abbs Cross Lane, is situated approximately 14.3m away from the block at its closest point, with the distance from the boundary generally much greater. To the east is Abbs Cross Lane. Staff consider the proposed two storey structure to be satisfactorily located within the site with an acceptable standard of design and layout, which would acceptably integrate into the locality.

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

7.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

7.4.2 By reason of the variations in levels described above, the building would appear as single storey when viewed from part of the adjacent footway on Abbs Cross Lane. From most other views however, the building would be seen in its true two storey form. However, given the orientation and the sloping ground levels on the site the bulk of the building would not be clearly visible in the wider streetscene and is considered acceptable in the surrounding area.

7.4.3 Mindful of the previous reasons for refusal regarding the character of the surrounding area, the application has reduced the overall height of the building from 8.4m to 8.2m thereby bringing it in line with the height of No. 330 Abbs Cross Lane when viewed from the streetscene.

#### 7.5 *Impact on Amenity*

7.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

7.5.2 At its closest, the building is 14.3m due south from the common boundary with no. 330 Abbs Cross Lane. However, by reason of their orientation, the distance between the building and no. 330 increases to 30.4m. The distance of 30.4m is sufficient to mitigate any overlooking from north facing windows at first floor. The potential for overlooking can further be mitigated by requiring all bathroom and stairwell windows to be obscure glazed. Staff do not consider that the development would cause an unacceptable loss of light or privacy or appear unduly overbearing.

7.5.3 The back-to- flank distance between the building and properties in Diban Avenue ranges between 31 and 48m. This is considered to be sufficient not to have an unacceptable impact in terms of loss of light and outlook to

these neighbouring occupiers. In order to address previous concerns relating to overlooking all windows to the western flank elevation have been removed. Windows to the northern elevation are set at an oblique angle and well away from the properties to the west and would therefore not result in an unacceptable impact in terms of overlooking.

7.5.4 5 no. car parking spaces proposed to serve the development are located at right angles to the common boundary with no. 330 Abbs Cross Lane. The submitted plans indicate that a buffer strip would remain between the spaces and the boundary and a condition could be imposed to ensure that sufficient planting would be provided in this area to absorb light spillage and minimise noise. Whilst the proximity of the parking to the boundary with a neighbouring residential property is a matter of judgement, Staff consider that the opportunity for providing a landscaped buffer and boundary treatment would be sufficient to maintain an acceptable degree of amenity for the adjoining occupier. Also it should be noted that the owner of No. 330 Abbs Cross Lane has written a letter in support of the application.

## 7.6. Highways / Parking Issues

7.6.1 Car parking is proposed across the development at a rate of 1 space per unit. The site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are anticipated per unit. Given the 1 no. bed size of the majority of the flats and the relative (although not close) proximity of Elm Park Underground Station and local bus routes, Staff consider that this level of provision is acceptable.

7.6.2 It should be noted that Members previously considered the parking provision of 1 space per unit to be acceptable and it was not included in the reasons for refusal for the previous scheme. Staff do not consider there to have been a material change in site circumstances since the previous decision.

7.6.3 Concerns were initially raised by the Highways Authority on the basis that the formation of a new vehicular access would present an unacceptable risk to users of the Road Network contrary to Policy DC32.

7.6.4 A phase 1 and 2 Road Safety Audit was completed and assessed by the Highways Authority. Based on the results it was concluded that the visibility at a speed of 30mph was less than desirable however the Highways Authority queried the actual speed of traffic in the immediate vicinity of the site and suggested the completion of a traffic survey.

7.6.5 The traffic survey was undertaken and concluded that the average speed was 38mph northbound and 37.5mph southbound on Abbs Cross Lane.

7.6.6 In order to address the traffic speeds in the vicinity of the application site the Highways Authority has suggested the implementation of traffic calming measures. The Highway Authority has suggested that changing the existing

pelican crossing to the south of the bridge to one on a flat-topped speed hump would be an appropriate measure to influence traffic speeds in the area. This would not only make exiting from the site safer but would generally be to the benefit of highway safety in the immediate area of Elm Park Primary School.

7.6.7 In order to implement the speed calming measures the applicant has agreed to make a Highways contribution of £20,000. Staff are satisfied that the proposed calming measures would address the Highway Safety concerns. However, it is acknowledged that the site access is in an awkward location at the base of the railway bridge and Members may attach different weight to the potential harm to both road users and pedestrians and may wish to consider whether this constitutes grounds for refusal.

## 7.7 Planning Obligations

7.7.1 In accordance with the Draft 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. This should be secured through a S106 Agreement for the amount of £36,000.

## 7.8 *Other Issues*

7.8.1 With regards to refuse collection, previous concerns have been raised regarding the lack of provision for a refuse truck to turn within the site and exit in forward gear. The current scheme addresses these concerns by providing a turning area within the site. Staff consider the refuse collection and servicing arrangements to be satisfactory. There has been no objection to the proposal from the Fire Brigade.

7.8.2 With regards to water runoff and flood risk, Staff do not consider the potential impact to be sufficient to justify a refusal. The proposed development is not situated in a designated flood zone. Sufficient soft landscaping is provided throughout the proposed development and a landscaping strip to the rear of the car parking to the northern boundary of the site to sufficiently mitigate any issues relating to water runoff.

## 8. **Conclusion**

8.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. The proposal is not considered to appear as unacceptably dominant or visually intrusive. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Staff are of the opinion that the access arrangements are acceptable, although it is considered that this would be subject to the provision of traffic calming measures to the south side of the railway bridge, funding for which can be secured through a legal agreement. However, it



is acknowledged that Members may reach a different view in this respect. Overall, Staff consider the development to comply with Policy guidance and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

## 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. A planning condition is suggested to ensure that the development is built to Lifetime Homes standard, meeting the needs of the wider community.

## BACKGROUND PAPERS

1. Application forms and plans received 03/06/13.