



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

**15 September 2011**

**Subject Heading:**

**P0827.11 - Elmhurst Lodge, Torrance Close, Hornchurch**

**Demolition of existing residential care home (Use Class C2) and construction of 27 new residential units, comprising 21 houses and 6 apartments, including affordable housing, in buildings rising to between 2 and 2.5 storeys with associated car parking, landscaping and infrastructure works (Application received 22<sup>nd</sup> June 2011).**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

The application is for the demolition of the former Elmhurst Lodge care home and two semi-detached houses and the construction of residential development, comprising 21 houses and 6 apartments. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. A Three Dragons viability assessment has been submitted by the applicant to justify the level of affordable housing and the amount of Section 106 contributions arising from the development. At the time this report was drafted for Committee the viability assessment was still being considered and Members will be updated verbally at the meeting of any conclusion reached in this regard. Subject to the viability assessment being acceptable the proposal is judged to be acceptable in all other respects, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

## RECOMMENDATIONS

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 provision on site of 22% of the units within the development as affordable housing for shared ownership purposes.
- The payment of a financial contribution of up to maximum of £466,779.38 towards additional school places within the Borough.
- The payment of a financial contribution of £27,000 towards highway works within the vicinity of the site.
- The payment of a financial contribution of £8,000 towards the cost of new tree planting within Harrow Lodge Park and its initial maintenance.
- The payment of a financial contribution of £5,000 towards the cost of providing a new hedge adjacent to the southern boundary of the site along the length of the boundary and its initial maintenance.

- All contribution sums shall be subject to indexation on the basis of the Retail Price Index or an alternative index acceptable to the Council from the date of the agreement to the date of payment.
- All contribution sums once received shall include any interest accrued to the date of expenditure.
- The Council's legal fees for preparation of the agreement shall be paid on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by the agreement.

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

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Use of garages - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the garages 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

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

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

6. 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 their 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 LDF Development Control Policies Development Plan Document Policy DC61.

7. Tree construction methodology - Prior to commencement of the construction of the road and footway a construction methodology shall be submitted to the Local Planning Authority. This shall show that initial excavations within the root protection area of the existing Oak tree to the east of the current site entrance (tree reference number 13) have been carried out by hand digging under the supervision of the site arboriculturalist to determine the existence of any roots with a diameter greater than of 25mm. Any such roots are to be mapped and a scheme produced to show their retention through technical solutions (such as bridging over) where this is possible given the adjacent excavation(s). No work in excess of the initial, hand dug excavation, is to be carried out until the Local Planning Authority is satisfied that the tree(s) can be safely retained and the submitted scheme has been approved in writing. Should the tree's safe retention not be possible the Council will require the replacement of each removed tree by another of the

same species with a stem girth of between 12- 14cm within the first available planting season (November to March) to be planted within 5 metres of the site of the original tree to the Council's satisfaction. Should any replacement tree fail or be seriously damaged within 5 years of planting it shall be replaced at no cost to the Council.

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

8. Tree Protection - No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees 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. Details shall also be provided of the construction method for the development, including detailed measures for the construction of foundations and footings. Such agreed measures shall be implemented and /or 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.

9. 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.

10. 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

11. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be

submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

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

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

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

13. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

14. Biodiversity – Prior to the commencement of the development a method statement shall be submitted to and approved in writing by the Local Planning Authority outlining details of how the proposed ecological report and bat assessment report recommendations and associated habitat enhancement measures will be implemented. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

15. Hours of construction - No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take

place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

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

Reason: In order 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.

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

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

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

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

18. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the

Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

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

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

- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and
- e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

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



19. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

20. Renewable energy - The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

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

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

22. Removal of Permitted Development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellinghouses 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 the LDF Development Control Policies Development Plan Document Policy DC61.

23. No additional flank windows - 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 approved plans), shall be formed in the flank walls of the dwellings 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.

24. Surface Water Drainage - Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include the following surface water discharge rate restrictions stated in the submitted Flood Risk Assessment (dated May 2011):

Peak Existing 1 in 1 year discharge rate of 34 litres per second.

Peak Existing 1 in 30 year discharge rate of 66 litres per second.

Peak Existing 1 in 100 year discharge rate (including a 30% allowance for climate change) of 92 litres per second.

Reason: To prevent the increased risk of flooding and to improve and protect water quality.

25. Archaeology - A) the applicant should secure the implementation of a programme of archaeological field evaluation and survey in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority.  
B) The results of the field evaluation should inform a mitigation strategy to either conserve archaeological assets or ensure their recording through excavation prior to the development.  
C) The investigation results should be assessed, any significant results analysed and published, and the archive securely deposited.  
The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority."

Reason: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological evaluation to inform determination of any detailed planning consent.

26. Screens to garages – The timber screen to the staircases of the detached garages on plots nos. 1, 2, 4, 9 10 shall be permanently retained in

accordance with the details shown on the approved drawing nos. 11110-PL04.

Reason: In the interests of maintaining neighbouring privacy and amenity and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

27. Use of outbuildings - The detached garages/playrooms on plot nos. 1, 2, 4, 9 & 10 hereby approved shall be used solely for purposes ancillary to the enjoyment of the dwelling on the plot within which each garage is sited, and shall not be used separately or independently from the related main dwelling at any time, including use as separate residential dwellings.

Reason: To ensure the use of the outbuildings remains compatible with the character of the development and the amenity of the locality and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

28. Obscure glazing All windows, rooflights and dormers within the development, which are denoted on drawing nos. 11110 PL04, 11110 PL05 and 1110PL06 as being obscure glazed, 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 LDF Development Control Policies Development Plan Document Policy DC61.

29. Stopping up of Highway Land: The development shall not be commenced prior to six weeks after the publication of confirmation of the Stopping Up Order for that part of the application site which is highway land.

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 and to comply with statutory requirements under the Town and Country Planning Act 1990.

30. Details of ground levels - Prior to the commencement of the development details of the existing ground levels and the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of

access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway 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 the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.

2. In aiming to satisfy condition 11 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

3. The development of this site is likely to damage archaeological remains. An archaeological field evaluation will establish the extent and significance of any surviving remains and enable the mitigation of the impact of the development to be planned as part of detailed planning consent.

4. In order to check that the proposed storm water system is acceptable the following information should be provided:

A clearly labelled drainage layout plan showing pipe networks and any attenuation features and storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

- Calculations showing the volume of any attenuation features is also required (this is best shown on the drainage layout plan).
- Confirmation of the critical storm duration.
- Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

5. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, CP18, DC2, DC3, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC63, DC68, DC70 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The proposal is considered to accord with Policy DC6 as the amount of affordable housing provision has been justified through the submission of a Three

Dragons viability appraisal, which has been independently tested and found to be sound.

The proposal also accords with as well as the provisions of Policies 3.3, 3.5, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 8.2 of the London Plan. The proposal is below the density targets set out in Policy 3.4 of the London Plan and provides a greater level of car parking than set out in Policy 6.13. Staff however consider the density to be justified given the constraints upon the site of preserved trees, which reduce developable area and that the development is consistent with local character in this suburban location. The application does not comply with Policy 5.2 of the London Plan in that the energy element of the development is not equivalent to Code Level 4. The development does however envisage achieving Code for Sustainable Homes Level 3. Given the London Plan policy has been adopted post-submission of the scheme and compliance with local sustainability policies, this is considered acceptable in this case. Levels of parking are considered to be justified given the relatively low PTAL level of the site. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which requires the maximum reasonable amount of affordable housing to be sought. A development viability appraisal has been submitted with the application, justifying the amount of affordable housing provided.

### Planning Obligations

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

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is the former Elmhurst Lodge residential care home, which is a vacant, single storey building located on the south side of Hornchurch Road in Torrance Close. The site also includes a pair of two storey semi-detached houses. The site has an area of 1.05 hectares. The site includes an area of grass verge adjacent to the southern side of Hornchurch Road, within which there are a number of oak trees, which are the subject of a tree preservation order (TPO 05/2006). There are a further two preserved oak trees in the south-western corner of the site.
- 1.2 The site is accessed from an entrance on Hornchurch Road, which also forms the entrance to residential dwellings in Torrance Close. There are

changes in levels across the site, such that the site is generally on lower land than dwellings to the west but on higher land than dwellings to the east in Torrance Close. Much of the land around the care home building is soft landscaped, comprising mown areas of amenity land and natural vegetation. The southern boundary of the site, currently enclosed by chainlink fencing, adjoins the playing fields of Harrow Lodge Park.

- 1.3 To the east of the site lies Torrance Close, a residential cul-de-sac consisting of four pairs of two storey, semi-detached houses and a recently added detached two storey house. A detached house, no.37 Hornchurch Road, lies further east of Torrance Close. To the north-western corner of the site, there is a pair of two storey semi-detached houses, nos. 73 and 75 Hornchurch Road. Immediately west of the site are residential dwellings, forming part of the St. Leonard's Hamlet development, part of which is a designated Conservation Area. The houses closest to the site boundary do not lie within the Conservation Area, which is approximately 40m from the boundary. North of the site, the locality has a residential character, with two storey houses facing towards the application site.

## **2. Description of Proposal**

- 2.1 The application includes the demolition of an existing vacant care home and a pair of semi-detached houses on the site and the construction of 27 new dwellings, comprising 21 houses and 6 flats.
- 2.2 The application proposes to retain and modify the existing site access from Hornchurch Road and maintain the existing route into Torrance Close. The main route through the site would run from north to south through the centre of the site bending in an easterly direction towards the rear part of the site. There would also be an access road created off the main route running west just behind the grass verge at the site frontage. This would give access to three detached dwellings, one with a detached garage/playroom, which will front on to Hornchurch Road.
- 2.3 In line with the main site entrance, set back over 35 metres from the site frontage, it is proposed to construct a block of 6 apartments. These will be contained within a two storey building with a steeply pitched roof within a communal amenity area. Parking for the flats will be provided adjacent to the landscaped area at the front of the site.
- 2.4 The remaining dwellings within the site are arranged on either side of the access road, together with four houses backing on to the southern site boundary. These are all substantial detached dwellings of varying designs, all with in curtilage parking. The dwellings vary between 2 and 2.5 storeys high. The proposed houses would have varying overall ridge heights of between 9 and 10 metres. Additionally, four of the dwellings have large detached garages/playrooms, which have external staircases leading to the upper floor. The proposed garages/playrooms would have a ridge height of 6 metres. In the south-eastern corner of the site it is proposed to construct a terrace of four dwellings, which back on to the western site boundary.

This part of the site forms a cul-de-sac with a communal parking area providing 6 spaces.

- 2.5 The grass verge at the front of the site is currently maintained as highway land. This area forms part of the application site and will be the subject of a stopping up order. It is however proposed to retain the trees on the site frontage and for them to continue to be maintained by the Council. The application proposes the removal of two preserved oak trees in the south-western corner of the site (within plot 10).
- 2.6 In terms of design, in addition to the apartment building, the development proposes eight different house types. These are of traditional design and incorporate steeply pitched tiled roofs with predominantly brick external finish, together with the use of render and tile hanging.
- 2.7 The application is accompanied by a suite of supporting documents, including a design and access statement, transport statement, sustainability and renewable energy report, arboricultural implications report, ecological report, built heritage statement, desk-based archaeological assessment, flood risk assessment, Phase 1 geo-environmental assessment, statement of community involvement and affordable housing toolkit analysis.

### **3. Relevant History**

- 3.1 Z0002.11 Screening Opinion for Environmental Impact Assessment (EIA)- EIA not required 17.3.11

D0095.11 Certificate of Lawfulness to determine as to whether prior approval will be required for demolition of the existing buildings at the site of the former Elmhurst Lodge, Hornchurch – prior approval required and granted 4.7.11

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

- 4.1 Prior to submission of the application the applicants undertook a community consultation event at Havering Bowls Club. Following receipt of the application, the application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 101 local addresses. Eleven letters of representation have been received – eight letters of objection and three letters of support.

- 4.2 Objections to the scheme are raised on the following grounds:

- significant impact on protected trees
- loss of visual aspect and open space
- development out of character
- loss of light
- overlooking and loss of privacy
- conditions will not prevent additional overlooking in future
- additional traffic and impact on Hornchurch Road

- lack of public consultation
- noise of building
- no need for additional housing
- more details of boundary fencing required
- should be proper assessment of impact on schools and healthcare
- should have required an Environmental Impact Assessment
- restrictive covenant prevents buildings in excess of 1 storey
- breaches Human Rights Act
- adverse impact on ecology, including harm to protected species
- should not be developing on public land adjacent to Hornchurch Road
- harm to water infrastructure
- asbestos present in building to be removed
- hours of demolition unacceptable
- who will maintain trees in future

4.3 Support for the proposals is on the following grounds:

- concern about impact of preserved trees in south-west corner of site, i.e. danger of falling branches and root damage to property
- currently empty site prone to vandalism
- existing building could be put to other, less desirable uses

4.4 Natural England have advised the application should be considered against standing advice but that based on the surveys undertaken it is advised that permission could be granted and that the Authority should consider requesting ecological enhancements.

4.5 English Heritage have no comments to raise.

4.6 The Borough Wildlife Crime Officer for the Metropolitan Police requested that more in depth survey works be carried out (in addition to the survey undertaken in February 2011).

4.7 The Borough Crime Prevention Design Advisor has met with the architect and requested minor changes to the design of the proposals. Conditions relating to community safety have been requested if permission is granted.

4.8 The Environment Agency raise no objection to the proposals but request a condition relating to surface water drainage.

4.9 Essex & Suffolk Water have no comments on the application.

4.10 The Fire Brigade (water) requires an additional fire hydrant.

4.11 The Fire Brigade (access) confirms it is satisfied with the proposals.

4.12 Thames Water states the developer is responsible for ensuring adequate surface water drainage provision.



- 4.13 English Heritage Archaeology (GLAAS) request conditions if permission is granted.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

PPS1 (Delivery Sustainable Development), Planning and Climate Change (Supplement to PPS1), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPG13 (Transport), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise), PPS25 (Development and Flood Risk) are material planning considerations.

### **5.2 Regional Planning Policy**

Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

There is also a range of Supplementary Planning Guidance to the London Plan.

### **5.3 Local Planning Policy**

Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC63, DC68, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

In addition, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD, Heritage

SPD, Landscaping SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, the density and layout of the new development, the design of the development and its impact on the character and amenity of the locality, including the nearby conservation area, the impact of the development on local residential amenity, parking and highway matters, the impact on trees and landscaping, environmental issues, including the impact on protected species and the ecology of the site, affordable housing and the impact on community infrastructure.

### **6.2 Principle of Development**

6.2.1 The application site has formerly been used for residential purposes as a care home. The site is currently vacant and there is no objection in principle to residential development on this site, which would increase the Borough's supply of housing and accord with Policy CP1 and Policy 3.3 of the London Plan.

6.2.2 The proposal includes the demolition of existing buildings on the site, although prior approval has already been given by the Council to demolish the buildings on the site (reference Z0002.11). The buildings on the site are not of particular historic or architectural merit and there is no objection in principle to their demolition. Concerns have been raised regarding the safe removal of asbestos from the site. However, this is controlled by non-planning legislation and is not grounds for refusal. The applicants are aware of the presence of asbestos and requirements for safe clearance of the site.

### **6.3 Density and Site Layout**

6.3.1 The application site has an area of approximately 1.05 hectares and proposes 27 units, giving a development density of 26 units per hectare. This is below the density range of 30-50 units per hectare set out in Policy DC2 and Policy 3.4 of the London Plan. It is noted however that London Plan density requirements are not to be applied mechanistically but should take account of local context and character, local design characteristics and transport capacity. Consideration has been given to all of these factors.

6.3.2 The nature of the site at present is generally spacious by reason of the expanse of highway verge and the preserved trees to the northern boundary of the site. The site abuts Harrow Lodge Park to the south, further adding to its open character. The preserved trees on the site and the need to retain access to Torrance Close add to the constraints on developable area within the site, such that developable site area is reduced to 0.9 hectares, giving a net development density of 30 dwellings per hectare. A PTAL assessment of the site has also been carried out and the site has a relatively low PTAL of 2. Having regard to these factors, Staff consider that the density of

development is acceptable in this case given the spacious character of the surrounding area and constraints upon the site.

- 6.3.3 The development proposes a mix of houses and flats, comprising 6 no. 2 bed units, 4 no. 3 bed units and 17 no. 4 bed plus units. This complies in principle with the aims of Policy DC2 in respect of dwelling mix. Tenure split and affordable housing provision will be addressed later in this report. Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. In this instance the proposed houses would each comply with the stipulated minimum standards therefore staff consider that the proposal would provide decent quality living environments for future occupiers.
- 6.3.4 In respect of site layout, all of the proposed dwellings within the site have adequate access to sunlight and daylight and provide a high quality living environment for future residents of the development. A minimum 10% of the units are designed to be easily adaptable for wheelchair use and the proposal is designed to comply with Lifetime Homes standards. The proposal is therefore considered to accord with Policy DC7 of the LDF in this respect.
- 6.3.5 In respect of amenity space provision, the Council's Residential Design SPD does not set prescribed amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development provides substantial private gardens for the majority of the dwellings within the site. The shallowest rear garden is to plot 14, with a garden depth in the region of 7m. However, the plot is reasonably wide at some 11m and benefits from open aspect across the playing fields to the rear. All of the dwellings are considered to be provided with entirely acceptable amenity space provision, which accords with the aims of the SPD. The proposed flats have a communal amenity area, located to the south of the block. The flats have purposely not been designed with balconies in order to ensure the design of the block blends in with surrounding development and to prevent undue overlooking of neighbouring property. However, the amenity area provided is considered to be private, well designed and to provide a suitable degree of amenity for occupiers of the proposed flats.
- 6.3.6 The proposal is considered to be acceptable in principle in terms of Secure by Design objectives and there have been discussions between the developer and the Borough Crime Prevention Design Advisor. It is recommended that a condition be attached to ensure community safety objectives are met.

## 6.4 Landscaping and Trees

- 6.4.1 The site proposes the retention of the landscaped verge at the front of the site. A stopping up order would be required, which would be undertaken separately from the planning process. The exact limits of this have not yet been agreed although it is expected that the Council would continue to maintain the site frontage. This will be subject to a separate report to committee when the extent of the proposed stopping up order is known.
- 6.4.2 It is proposed to retain all the trees on the site frontage. Information has been submitted with the application which indicates that the tree roots lie very deep and that the construction works could be undertaken without harm to the root system of the trees or damage to the trees themselves. With regard to the single oak tree at the front of the site on the left hand side of the entrance road, although this tree has been shown to have deep supporting roots the proposed excavations are very close, within one metre. While the site investigations carried out so far seem reliable, it may be the case that when ground is removed to make way for the widened access road, some supporting roots may need to be severed. Whilst Staff are satisfied at this stage with the proposals it is recommended that any excavations permitted within that area, including for the construction of the proposed wall and pier at the entrance, is conditioned to require hand digging and the bridging over of any supporting roots should they be found.
- 6.4.3 In respect of the two preserved oak trees in the south-western corner of the site, the application proposes the removal of these trees. Staff acknowledge that these trees contribute to local amenity, mainly as they are clearly visible for some distance from within the adjacent Harrow Lodge Park. Staff have also inspected the trees and although one tree was found to have two limbs with cavities, which should be removed, both trees are in an overall safe and healthy condition. Furthermore, the ground root survey which has been undertaken suggests that the roots lie very deep and that the dwelling to plot 10 could technically be constructed without the loss of the trees, at least in the short term.
- 6.4.4 Notwithstanding that the trees can be retained, Staff have considered carefully whether it is reasonable to do so in this case. The density of development proposed on the site is low, affected as it is by existing constraints. The retention of the two trees in the south-western corner of the site could further prejudice the density of development, given the inappropriateness of trees such as this within a residential rear garden. Retaining the trees means that the usability of the proposed new gardens is severely compromised. Even though the two oaks will be reduced back substantially from their present size when the proposed house and patio is built, a very large amount of the garden will still be overshadowed by the trees and their natural leaf and fruit fall coupled with the shade they cast will severely affect the use of outdoor space. Given that the trees stand to the west of the new house and garden, they will significantly affect its use during the afternoon and evening when the garden is likely to be used most. The trees will also significantly shade the new house and detrimentally affect its

occupants who will have to cope with heavy shading for a large part of the day. It should also be noted that both trees dominate the adjacent rear gardens of 5 Landseer Close and 27 Wallis Close and already cause their owners concern because of their large size and close proximity to their homes. Even if the trees are heavily reduced as proposed in the submitted pruning methodology, they will still be substantial specimens and continue to cause problems of shading, leaf and fruit fall for everyone who lives around them.

- 6.4.5 The proposals have been considered in relation to the Trees in Relation to Construction SPD. This has the objective of retaining good quality trees, which are suitable in their setting. However, for the reasons set out above, Staff do not consider that this is a suitable setting for the trees in terms of their impact both on existing and future residents. Clearly the loss of the trees would have an impact on visual amenity and staff consider therefore that substantial replacement landscaping should be sought. In the short term this will not overcome the loss of visual amenity but would provide significant long term environmental benefit. It has been confirmed by the Parks Service that there is scope to carry out new tree planting in Harrow Lodge Park in the area to the south of the site (in addition to a new hedge that is proposed through the application) and the applicants have confirmed they would pay a S106 contribution of £8,000 for new trees. This would cover the cost of approximately 20 replacement trees, together with planting and aftercare costs.
- 6.4.6 The loss of the trees is a balanced judgement. If so minded, Members could judge that the loss of the TPO trees is unacceptable and Staff could go back to the developers if required to seek retention of the trees. However, weighed against the implications for the density of the development, the long term demands for pruning of the trees, the impact of the trees on the living conditions of both current and future residents and the opportunity to provide a high quality replacement planting scheme, which has the potential to create more long term benefit, staff recommend that the loss of the preserved trees be accepted.
- 6.4.7 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting will be required by condition. The landscaping proposals have been revised to include the provision of hedging to the southern boundary of the site. This is considered to be a welcome feature of the development as it will improve visual amenity when the site is viewed from playing fields to the south, as well as providing a more secure boundary and enabling ecological enhancement of the site. Parks have however requested a S106 contribution of £5,000 for additional tree planting in return for which they will undertake maintenance of the hedge in perpetuity. This will be in addition to the requirement to submit detailed landscaping proposals for replacement tree planting in lieu of the two preserved trees to be removed and the S106 contribution for £8,000.

Staff therefore consider on balance the landscaping proposals to be acceptable and to enable the site to maintain local character.

## **6.5 Design and Visual Impact**

- 6.5.1 The application proposes a traditional form of design and construction, which is considered to be in keeping with the character and context of surrounding development. Each of the dwellings has pitched roof and conventional detailing and is constructed using facing stock brick with limited use of render and tile hanging and plain roof tiles. The proposed flatted block within the development has been purposely designed to convey the appearance of two storey houses, avoiding features such as roof accommodation or balconies, which are more often associated with flatted development. The flatted development is not considered to appear as a discordant feature within the development and overall the design of the proposed dwellings is considered to be compatible with the character of the locality.
- 6.5.2 In terms of scale and massing, the dwellings within the site range between 2 and 2.5 storeys, although many of the houses have a steeper than average roof pitch, which increases the overall ridge height. Within the site the ridge height of the proposed houses would range between 9 and 10 metres above ground level. This approach is judged to be acceptable in principle. Whilst local development is predominantly two storey, it does range in scale from the more modest ridge height of the two storey dwellings in Torrance Close to the more substantial properties in St. Leonards Hamlet to the west. In this context the overall scale and massing of development is considered to be acceptable.
- 6.5.3 The proposed detached dwellings on plots 1 to 3 will be the most prominent in the streetscene, although their visibility will be obscured to some extent, particularly during summer months, by the retained oak trees to the site frontage. The dwellings on plots 1 and 2 are relatively tall (house type 4) in the region of 9.5m to ridge height. The dwelling to plot 1 also has a large, detached garage, which sits forward of the house. This garage has useable roof space, giving the building a ridge height of some 5.5m.
- 6.5.4 These dwellings will be taller than the neighbouring dwellings at 73-75 Hornchurch Road. Staff do not however consider the proposed dwellings to be materially out of scale with neighbouring development and the streetscene, as they still appear as two storey dwellings and are set back into the site by at least 14m, considerably back from the building line set by 73-75 Hornchurch Road. This is considered to reduce the overall bulk and visual impact of the dwellings in the streetscene. It is also considered that the size of the site, particularly its wide frontage, will enable the new development to set its own, different character from neighbouring development, such that whilst local scale and massing should be respected it need not be rigidly adhered to. The garage to the front of plot 1 is considered, on balance, to be acceptable given it is set back at least 6m

from the front of the site and behind the building line of the neighbouring dwelling, which has its own forward projecting garage.

- 6.5.5 The flatted block within the site is designed as a two storey building. It also has a steeply pitched roof, giving a higher than average roof ridge, but given its position set back some 35m into the site, its overall scale and bulk is not considered to be visually intrusive or out of keeping in the locality.
- 6.5.6 Within the centre of the site, the houses on plots 4-10 and 19-21 will have a limited degree of visibility from public areas outside of the site. In the main they will be viewed in their own context from within the site and their bulk, scale and massing is considered to be acceptable. The St. Leonards Hamlet Conservation Area is situated some 40m to the west of the application site. In view of this distance and the maximum 2.5 storey height of the development it is not considered that there would be any material impact on the special character and appearance of the conservation area.
- 6.5.7 From the south, the development will be visible across the playing fields of Harrow Lodge Park, in particular development on plots 10-18. This is likely to be accentuated by the ridge height of the houses and levels changes, as the ground falls slightly towards the south. Some impact on views from the south is however inevitable from redevelopment of the site and the playing fields are not an area of special landscape value. Given the dwellings are situated in most cases between 6m and 13m from the southern site boundary and the proposals for enhanced landscaping to this boundary of the site, it is considered that the scale and massing of the proposed dwellings in this part of the site is within acceptable limits. No material harm to local character or visual amenity is therefore considered to result.
- 6.5.8 The overall design, scale, massing and character of the development is therefore considered to be acceptable and compliant with Policy DC61 of the LDF and Policy 7.4 of the London Plan.

## 6.6 Impact on Amenity

- 6.6.1 To the north-western corner, plot 1 within the site adjoins the side boundary of no.75 Hornchurch Road. This plot comprises a large, detached dwelling with a detached garage/playroom in front. The garage building lies directly alongside the flank wall of no.75 Hornchurch Road and it is considered this would have no material impact on residential amenity. The proposed dwelling on plot 1 sits back behind the rear building line of no.75 Hornchurch Road. Staff consider that as this dwelling is set at an angle to no.75 Hornchurch Road and is positioned between 2m and 5m from the party boundary this would be sufficient to prevent an unacceptably overbearing impact. There would be no direct overlooking as only one first floor flank window, serving a bathroom, is proposed. This could be obscure glazed by condition.
- 6.6.2 Plot 4 is situated to the rear of no.73 Hornchurch Road and shares a side boundary with no. 4 Landseer Close. The proposed dwelling on plot 4 is

positioned at an angle to both of the neighbouring properties such that no material harm to light or outlook is considered to occur. Staff have considered whether the first floor rear window of this dwelling would cause unacceptable overlooking of neighbouring property but judge that as it has an oblique relationship with neighbouring rear gardens and is some 10m from the boundary material loss of privacy would not occur. The proposed detached garage/playroom to the house on plot 4 is positioned alongside the flank of no. 4 Landseer Close and it is not considered would materially harm residential amenity. It is noted that the application site is lower than properties in Landseer Close and also that the staircase to the first floor of the garage building would have a screen around to prevent material overlooking of neighbouring property.

- 6.6.3 Turning to the houses on plots 5-9, these all back on to the western boundary of the site, which forms the side boundary of the houses in Landseer Close and Wallis Close, as well as a parking courtyard. The proposed houses are all set at varying distances from the western site boundary. The houses on plots 5-7 face towards the adjacent parking courtyard and are judged to have no material harmful impact on residential amenity.
- 6.6.4 Plots 8 and 9 however back on to the side boundary of no. 5 Landseer Close. The house on plot 8 is 14m from the western site boundary at first floor level but has a single storey rear projection of approximately 4.5m with a small first floor roof terrace. It is not considered the dwelling would materially harm the amenity of the neighbouring property as it backs on to the flank of the neighbouring property at a reasonable distance, with the first floor terrace positioned forward of the neighbours front façade, preventing direct overlooking or interlooking. The dwelling to plot 9 backs on to the side boundary of no.5 Landseer Close at a distance of at least 10m and is also on lower ground levels than the neighbouring property. It is considered not to result in material harm to neighbouring residential amenity.
- 6.6.5 Plot 10 is located in the south-west corner of the site and shares a rear boundary with the side boundary of no. 5 Landseer Close and no.27 Wallis Close. The proposed dwelling is set a minimum of 10 metres from the western site boundary with its rear elevation facing at an angle towards the rear of no.27 Wallis Close. It is considered that given the distance of the dwelling from this boundary, the angled relationship between the properties and the slightly lower ground levels within the application site, that the proposed dwelling would not result in material harm to the amenity of occupiers of neighbouring residential property. There is also, to some extent, screening provided by the existing preserved trees. However, Staff are satisfied that even if these trees were not there the relationship with neighbouring houses would be acceptable. The plot includes a substantial detached garage/playroom adjacent to the southern site boundary. This is not considered materially harmful to amenity and its impact as viewed from the south will be reduced by proposed soft landscaping to the boundary. It is therefore considered to be acceptable.



- 6.6.6 The proposed dwellings on plots 11-14 are not considered to have any material impact on residential amenity owing to their distance from the nearest residential properties.
- 6.6.7 In the south-western corner of the site it is proposed to construct a terrace of 4 no. two storey dwellings. The most northerly of these, on plot 18, adjoins the southern boundary of the site with no. 4 and partially no.5 Torrance Close. The rear elevation of plots 16-18 also faces east towards the rear garden of no. 4 Torrance Close. The proposed dwelling on plot 18 is designed with a gabled flank wall and an overall ground to ridge height of 9m. Owing to differences in ground levels between the site and neighbouring properties the ground level of the proposed dwelling will be higher than current ground levels within the site by up to one metre. However, the height differential between the new houses and the Torrance Close properties will be generally similar as the Torrance Close houses are built on higher ground.
- 6.6.8 The flank wall of the dwelling to plot 18 will be approximately 1.5m from the party boundary with nos. 4 & 5 Torrance Close. Members will wish to consider whether the relationship of the proposed dwelling to the neighbouring houses is acceptable. The proposed dwelling will have a visual impact as seen from the neighbouring properties. However, it may be considered that this relationship is acceptable given the separation distance between the properties and the position of the property to the side of nos. 5 and 4 Torrance Close rather than directly affecting the rear garden environment. The proposed dwelling has obscure glazed flank windows so no material sideways overlooking will result. A daylight/sunlight test and shading assessment has been undertaken in respect of the relationship of the dwelling with nos. 4 & 5 Torrance Close, which indicates that the impact of the development is within acceptable levels. On balance therefore staff consider that the proposed dwelling on plot 18 would have an acceptable impact in relation to the adjacent dwellings. The rear elevation of houses on plots 15-18 faces towards the rear garden of no. 4 Torrance Close but with garden depths of some 9.5m and the windows facing down the garden rather than towards the rear of the neighbouring house, this is not considered to give rise to material loss of privacy or amenity.
- 6.6.9 The proposed houses and flats on plot nos. 19-27 back on to the rear boundary of nos. 5 - 8a Torrance Close. Turning first to the detached dwellings proposed on plots 19-21. They are two storey dwellings, none of which have rear dormers, although the house on plot 21 does have accommodation in the roof space. They have garden depths of between 12m and 14m and a back to back relationship of at least 23m from the houses behind in Torrance Close. It is acknowledged that the proposed dwellings will be built on higher ground level than the properties to the rear by almost 1m. However, taking this into account, it is nonetheless considered that the garden depths and the distance of the properties from the neighbouring houses is sufficient to prevent a material loss of amenity to neighbouring residents.

6.6.10 The proposed flats will lie closer to the boundary with the dwellings to the rear, being positioned within 5m of the boundary with no.8a Torrance Close. This is however a side elevation of the proposed building and there is a back to flank relationship of over 14m. Ground levels are more consistent here and the east facing upper floor windows of the proposed flats are designed to be obscure glazed. Staff therefore consider the relationship between the properties to be acceptable and no material harm to amenity to occur. The proposal is therefore judged to comply with Policy DC61 of the LDF.

## 6.7 Environmental Impact

6.7.1 The application site is located in Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted with the application and the Environment Agency has confirmed that the proposal is acceptable subject to conditions relating to surface water flooding. The proposal is considered to comply with Policy DC48 of the LDF and Policy 5.12 of the London Plan.

6.7.2 A land contamination desk top study has been carried out and details submitted with the application. A condition is recommended in respect of land contamination issues. The proposal is compliant with Policy DC53 and Policy 5.21 of the London Plan.

6.7.3 An energy strategy and sustainability statement have been submitted with the application. The energy strategy indicates that a 10% reduction in emissions will be achieved. The development will meet Code for Sustainable Homes Level 3. It is recommended that the aims of these statements be secured by condition.

6.7.4 It is noted that the London Plan 2011, adopted post-submission of the application, seeks to achieve a 25% reduction in CO<sub>2</sub> emissions over Building Regulations, which is equivalent to the energy requirement of Code Level 4. The application will meet Code Level 3 with reasonable endeavours to meet Code Level 4. However, this would require further renewable energy measures, which cannot be fully accommodated within the design of the scheme and that the scale of changes needed would not be viable. Some units across the development will however meet Policy 5.2 of the London Plan. It is further noted that Policy 5.2 does not require the scheme overall to achieve Code Level 4, just in respect of the energy element of the rating system. Staff consider, on balance, that the energy efficiency of the development proposed is acceptable.

6.7.4 Following an initial ecological survey of the site in February 2011, a second survey was undertaken in June 2011. In particular the survey focussed on the likely presence of bats, stag beetles and bumble bees on the site. A bat survey was undertaken. No evidence of bats was found during an internal and external check of the buildings on the site or emerging from the oak trees in the south-west corner of the site. Low levels of bat activity were recorded during the evening survey. The report therefore makes recommendations for the carrying out of works on the site and measures

which could be incorporated into the development to maintain the local bat population. Staff are satisfied that the proposed development would not adversely affect bats but that the recommendations within the report for site works and ecological enhancement should be secured by condition. Subject to this it is considered the proposal would accord with Policies DC58 and DC59 of the LDF.

6.7.5 The survey also checked for signs of other protected species and wildlife. In particular suitable habitats of value for stag beetles and bumble bees were recorded. It was noted that only limited habitat for stag beetles, bumble bees and other invertebrates existed on the site. Stag beetles are listed on Schedule 5 of the Wildlife and Countryside Act 1981, giving them a limited degree of protection. They are also a priority UK Biodiversity Action Plan species. Neither of these designations prevent the site from being redeveloped but sympathetic measures must be undertaken where possible to protect stag beetles during the course of development and to incorporate mitigation measures and habitat enhancement works. Various measures to achieve this are set out in the submitted ecological report. Staff consider that subject to conditions to ensure that the recommendations of the report are carried out the proposal would have an acceptable impact on wildlife and the bio-diversity value of the site, such that there is no material conflict with Policies DC58 and DC59 of the LDF or Policy 7.19 of the London Plan.

6.7.6 The site is within an Archaeological Priority Zone. An archaeological desk-based assessment has been submitted with this application. GLAAS confirm the development may affect archaeological remains and therefore recommend a condition if permission is granted. The application is consistent with Policy DC70 and Policy 7.8 of the London Plan.

## **6.8 Parking and Highway Issues**

6.8.1 The application proposes to retain the existing access to the site from Hornchurch Road but with modifications to its design and layout. Following discussions with the Council's Highway Engineers the design of the access has been revised and Highways have now confirmed that the access arrangements and layout of the access road is acceptable.

6.8.2 The development proposes a total of 75 parking spaces. This is based on a ratio of at least one space per 2 bed unit, 1.5 spaces per 3 bed unit and 2 spaces per 4 and 5 bed unit within the development. This gives an average parking provision across the site of 2.77 spaces per unit. The site has a PTAL of 2 and Policy DC2 indicates parking provision should be in the range of 2-1.5 spaces per unit. Many of the spaces however comprise the driveways in front of garages rather than specifically designated parking bays and the level of parking provision is therefore considered acceptable.

6.8.3 The level of car parking exceeds that set out in the new London Plan, which is less than one space per one and two bed unit, 1.5 – 1 space per 3 bed unit and 2 spaces per 4 bed plus unit. However, this is not yet based on PTAL zones, which will be part of a forthcoming Housing SPG.

Furthermore, Policy 6.14 of the London Plan recognises that London is a diverse city that requires a flexible approach to identifying appropriate levels of car parking provision across boundaries. This means ensuring a level of accessibility by private car consistent with the overall balance of the transport system at the local level. The site is outside of any designated town centres and has a low PTAL level of 2. Staff therefore consider that having regard to local site circumstances and as the current London Plan standards are not based on PTAL's the levels of parking can be assessed flexibly and are considered acceptable.

- 6.8.4 Secure cycle parking is proposed for each residential unit. It is recommended that details be secured by condition, particularly in respect of cycle storage for the flatted development.
- 6.8.5 The site is considered to provide suitable access for servicing and delivery vehicle, including refuse trucks, and for emergency services access. No objection has been raised by the Fire Brigade in respect of access and it has been advised that one additional fire hydrant is necessary.
- 6.8.6 A Transport Statement has been submitted with the application. Highways are satisfied that the development will not adversely affect the capacity of Hornchurch Road but request a financial contribution of £27,000 to pay for highway works in the vicinity of the site in the interests of maintaining highway safety.
- 6.8.7 The proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

## 6.9 **Affordable Housing**

- 6.9.1 The application proposes that the 6 no. 2 bed flats within the development will be provided as affordable housing. This equates to 22% of the units. They are proposed to be provided on a shared ownership basis. The applicants have submitted a Three Dragons viability appraisal to demonstrate that this is the maximum reasonable amount of affordable housing provision that can be sustained by the development. At the time of writing this report for committee the viability report was still being independently assessed. Members will be verbally updated on the evening of any conclusion reached. Subject to the viability report being found sound staff are satisfied that the proposal complies with Policy DC6 of the LDF and makes suitable provision for affordable units within the scheme.

## 6.10 **Community Infrastructure**

- 6.10.1 The proposal is considered likely to generate demand for additional school places in the locality. Based on this likely increased demand and the availability of school places locally the Council's Education service indicate that a maximum contribution of £466,779.38 is required towards the cost of providing these additional school places. A viability assessment has been

submitted with the application which indicates that the development can provide a maximum Section 106 contribution of £162,000. As outlined above at the time of writing the viability appraisal is still under review. Staff are of the view that subject to the viability appraisal being found sound that the application reasonably demonstrates that the amount of Section 106 contribution cannot be increased. If this is found to be the case then staff do not consider this to be grounds for refusal for the application. In the event that the financial appraisal is judged to be found it is recommended that the amount of S106 contribution be apportioned between the requirements of Highways (£27,000), Parks (£13,000) with the remainder being for Education.

## **6.11 Other Issues**

6.11.1 Turning to other issues raised in representations, which are not covered elsewhere in this report. It is considered that adequate community consultation has been undertaken, through the Council's own statutory consultation processes and a public exhibition held by the developers in the local area. Noise during construction is not material grounds for refusal. However, conditions relating to construction methodology and hours of working can be imposed and will accord with Environmental Health recommendations. The utility companies have been consulted in respect of the proposals and there is no grounds to refuse the application based on the impact on water supply. Details of boundary treatments are not known at this stage but can be controlled through condition, as can future alterations to the dwellings. Staff are satisfied, through the formal screening process that was undertaken, that the development does not require Environmental Impact Assessment. If a covenant does exist in respect of this site, this would be subject of non-planning legislation and would not constitute material planning grounds for refusal of the application. Reference has been made to Article 6 of the Human Rights Act 1998. This Article provides the right to a fair trial. Article 8 of the Human Rights Act gives the right to respect for private and family life. It is not considered that this planning application, which has been assessed against adopted national and local planning policies, is in direct contravention of this legislation.

## **7. Conclusion**

7.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. There is no harm to the nearby conservation area. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for retention of and replacement landscaping, protection and enhancement of the ecology of the site, and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.

- 7.2 The proposal makes provision for 22% of the units to be provided as affordable housing, which falls below that required by Policy DC6 of the LDF. However, the applicant has submitted a Three Dragons viability assessment to justify the amount of affordable to be provided as required by Policy DC6 and the London Plan. The viability assessment has also been provided to justify the amount of Section 106 contributions arising from the development. At the time this report was drafted for Committee the viability assessment was still being considered and Members will be updated verbally at the meeting of any conclusion reached in this regard.
- 7.3 Subject to the viability assessment being acceptable the proposal is judged to be acceptable in all other respects, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

## IMPLICATIONS AND RISKS

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

The application site comprises land which has been disposed of by the Council.

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

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

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

None.

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

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

## BACKGROUND PAPERS

None