



**REGULATORY
SERVICES
COMMITTEE**

REPORT

15 September 2011

Subject Heading:	P1153.11 – Land rear of 28-30 Swindon Lane, Harold Hill Demolition of existing garages and erection 1no. 2 bedroom bungalow with associated parking and garden area. (Application received 2nd August 2011)
Report Author and contact details:	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
Policy context:	Local development Framework
Financial summary:	None

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

- Clean, safe and green borough [X]
- Excellence in education and learning []
- Opportunities for all through economic, social and cultural activity []
- Value and enhance the life of every individual []
- High customer satisfaction and a stable council tax []

SUMMARY

This application relates to a Council owned garage court. This application proposes the demolition of 13 existing garages and the erection of 1 no. 2 bedroom bungalow with associated parking and garden areas.

The planning issues are set out in the report below and cover the principle of development, impact on streetscene, residential amenity and highway/ parking. Staff are of the view that the proposal is acceptable and it is recommended that permission be granted subject to conditions.

RECOMMENDATIONS

That 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 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 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 2 x No. off-street car parking spaces for use by Plot 1 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) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. cycle storage spaces in accordance with the approved plans (Drawing Nr. 10.6861.1500) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

7) Hours of Construction: No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

8) 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.

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

Reason:

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

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) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

12) Noise insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne 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" 1994.

13) 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

14) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

15) Road lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning

Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:

In the interest of residential amenity.

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

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

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

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

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

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

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

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

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

Reason:

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

17) Levels: Before any of the development hereby permitted is commenced, details of existing and proposed levels for the application site shall be submitted to, and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

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

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC2, DC3, DC7, DC33, DC36, DC55, DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. 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.

3. 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.

4. 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.
5. 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.
6. In aiming to satisfy Condition 14 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court which lies to the east of Swindon Lane, accessed by a track between No's 36-38 Swindon Lane. The site is currently covered in hard standing and has 13 garages. The north of the site is bound by residential gardens of 18-22 Wickford Close.
- 1.2 The site for residential development is approximately 303 square metres. There is a change in ground levels, running north to south, where properties on Swindon Lane are set at a lower level.
- 1.2 The surrounding locality is residential in nature, typified by two storey semi-detached dwellings set behind front gardens. Opposite the site is Dagnam Park.

2. Description of proposal

- 2.1 This application seeks permission to demolish the existing 13 garages on the site and erect 1 no, 2 bedroom bungalow.

- 2.2 The bungalow would be positioned towards the northern edge of the site and measure 10m wide by 8m deep. The bungalow would be of a hipped roof design measuring 2.2m in height to the eaves and 4.8 m to the ridge. The exterior of the bungalow would be finished in facing brickwork with UPVC windows and tiled roof.
- 2.3 The bungalow is arranged to meet the Lifetime Homes Standard. The proposed bungalow would be constructed using a timber frame system, which would make the construction process faster than conventionally built brick developments. A conventional garden area is provided with direct access from the living room. Two parking spaces are provided with cycle storage provided via a shed in the garden area.

3. Relevant History

- 3.1 None

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 30 properties. 3 representations were received, stating the following objections these are summarised below:

- Loss of garages would result in parking congestion
- Query over the retention of garages.
- reduction in property values.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP15 (environmental management), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC11 (non-designated sites), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC53 (contaminated land), DC56 (light), DC58 (biodiversity and geo-diversity), DC59 (biodiversity in new developments), DC61 (urban design) and DC63 (crime) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations.
- 5.2 The adopted Supplementary Planning Document for Residential Design and Landscaping are material considerations.
- 5.3 Policies 3.3, 3.5 and 3.8 of the London Plan (adopted July 2011) are relevant.

6. Staff comments

- 6.1 This proposal is put before the Committee due to the application site being in Council ownership. The issues arising from this application are the principle of development, the layout and density of the development, design

and streetscene issues, impact on amenity, parking and highway issues sustainability and community safety.

6.2 Principle of development

6.2.1 This application site is previously developed land. It is within a predominantly residential area and is considered to be suitable in principle for residential development in accordance with Policy CP1, subject to the detailed design of the proposals. The proposed residential development would contribute to the London Plan objective to increase London's housing supply, specifically relevant is Policy 3.3.

6.2.2 Government guidance relating to sustainable development is contained within PPS1. This document refers in particular to the need to locate new development on land within existing urban areas. With reference to housing and sustainability local planning authorities are encouraged to make effective use land within urban areas. Members may therefore agree that the redevelopment of this garage court would contribute to the principles of urban regeneration and sustainability. Furthermore Staff are of the view that the proposals would contribute to the Council's vision namely the Living Ambition agenda.

6.2.3 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 61 square metres for a 2 bed, 3 person two storey dwelling and 70 square metres for a 2 bed, 4 person dwelling. The dwelling has an internal floor space of 82 square metres which is acceptable.

6.2.4 The site is presently occupied by 13 garages. However, these are in a poor state of repair, and according to information submitted by the applicant, only 1 garage is currently in use. The Council has offered the occupant of this garages alternative provision in the locality. No's 28-40 Swindon Lane and No. 8 Wickford Drive have rear boundaries which front onto the garage court. These include independent garages and gates which are accessed through the application site. The proposals would not result in these accesses being restricted as the bungalow is located to the north of the site, adjacent to the rear boundaries of No. 8 (adjacent to the open access garage) Wickford Drive and No's 22-24 Wickford Close, which have not previously had garage court access.

6.3 Density and Site Layout

6.3.1 Policy DC2 provides appropriate density levels for development across the borough. Where a site has good access to public transport, higher density levels are encourages. In this instance the site falls within a PTAL zone where a density of 30-50 units is anticipated. The proposal would provide a single bungalow and result in a density of 50 dwellings per hectare, which is

within the anticipated ranges. Staff consider the proposal would make an acceptable use of urban land in accordance with PPS3.

- 6.3.2 The proposed bungalow would be arranged to make provision for some soft landscaping areas to the front and side of the building. The private amenity area is located to the side of the building, where main living accommodation is arranged. The provision of a clear frontage, with landscaping to the front with separate garden area is considered to be compatible with the surrounding locality.
- 6.3.3. With regard to the provision of amenity space, the adopted Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths. Instead the SPD places emphasis on new developments providing high quality spaces that are usable, arranged in single blocks and benefit from reasonable levels of sunlight and shade. In this instance the private garden would measure .108 square metres. Staff are of the view that the proposed garden area would provide future occupants with useable external space for every day activities such as outdoor dining, relaxation and clothes drying.
- 6.3.4 The proposed bungalow would have a garden depth of 11.4m. Although there are no prescribed garden depths this figure is largely comparable with surrounding gardens and is considered to acceptably integrate into the locality.

6.4 Design/Impact on Street scene

- 6.4.1 The character of the locality is typified by two storey semi-detached dwellings of a similar post war architectural style. The application site is set behind the frontage properties of Swindon Lane, and a bungalow in this location would not be readily visible from the streetscene and would be screened from the access track to some degree by the flank walls of No's 36-38 Swindon Lane and their respective garden boundary enclosures. The bungalow would be of a traditional design and form which Staff consider would integrate into the surrounding urban grain. In all, Staff consider that a bungalow on this site would not be harmful to the existing character of the area.
- 6.4.2 It is considered that the design and appearance of the proposed bungalow is of an acceptable quality and would be finished in a mixture of materials including facing brickwork, concrete roof tiles and UPVC windows. Staff consider these materials to be acceptable within the locality and comparable with those on surrounding dwellings. In any event, full details and samples of materials can be controlled should Members be minded to grant planning permission. There would also be a clearly defined entrance with tiled pitched canopy over which reinforces the principle elevation of the dwelling within the garage court.
- 6.4.3 In terms of the inward appearance of the garage court, the demolition of the garages, inclusion of soft landscaping and construction of a single dwelling

is considered to improve the appearance of this area locally, and would improve its spaciousness, due to the removal of the large garage block.

6.5 Impact on Amenity

6.5.1 The proposal would introduce residential development to the rear of properties on Swindon Lane to the south/west and Wickford Drive and Wickford Close to the north/east. The bungalow is orientated with its front elevation facing towards Swindon Lane and would be separated to the boundary of Nos. 28-40 by 4m and to their rear elevations by 16m. These front facing windows serve a kitchen, bathroom and bedroom and are not considered to result in overlooking of these properties. The bungalow's living room windows are orientated facing east over the rear garden, where they would not directly front onto an adjacent property. No. 20 Wickford Close is the nearest property to this rear elevation, set 10.4m away. However, the orientation of this property faces away from the proposed bungalow and is not considered to result in a loss of amenity for either dwelling. Given the single storey nature of the buildings, its positioning here is considered acceptable. The future occupiers of the bungalow would have an orientation over the enclosed garden facing east. This is considered acceptable and where the orientation of surrounding buildings facing away from the site, would not feel overlooked.

6.5.2 There is change in ground levels across the site, rising south to north. The proposed bungalow would sit 2m lower than No. 20 Wickford Close and 3m higher than the properties on Swindon Lane. This level change is quite significant, however, Staff consider that the single storey nature of the building (with no roof accommodation), acceptable separation distances and orientation of the bungalow is not considered to result in a development which is incongruous, or over bearing to neighbouring occupiers. Staff consider the impact of the bungalow to be acceptable, however, it is recommended that permitted development rights are removed in order that Staff can control any extensions or alterations to the property in future.

6.5.3 The configuration of the proposed bungalow is such that it would be fully accessible to those with disabilities in being built to meet the Lifetime Homes Standard. The proposal is considered to accord with Policy DC7 in this respect and would provide residential accommodation to meet the needs of individuals throughout their lives throughout changing circumstances.

6.5.4 Representations received objected, partly on the grounds that the development could result in a reduction in property values, this however, is not a material planning consideration on which a refusal could be based.

6.6 Highway/Parking/Access

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5

parking spaces per unit for a development of this type nature. The development would provide a total of 2 parking spaces, which is acceptable.

- 6.6.2 According to information provided by the applicant, all 13 garages are in a poor condition. Only 1 of these garages are currently let and the tenants of this garage will be offered suitable alternative accommodation. Representations received objected on the grounds that development would result in parking congestion, however, given that all but 1 of the garages are un-let, and there are no parking controls on Swindon Lane, Staff consider that the loss of the garage court for a single dwelling would not result in any highway safety or parking issues.
- 6.6.3 The access road would have a shared surface for vehicles and pedestrians. Representations from the Highways Authority raise no objection, but recommend the access road is widened. Staff consider there is little scope to widen the road, which is already a functioning access measuring 3.7m wide. This can be considered acceptable by StreetCare and therefore Staff raise no objection on this basis.
- 6.6.4 The development provides storage for 2 x no. cycle spaces to each dwelling which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.
- 6.6.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

7. Conclusion:

- 7.1 Overall, Staff are of the opinion that the proposals to provide a single dwelling would be of an acceptable appearance, they would be largely screened from the Swindon Lane streetscene. It is also considered that the proposal presents an acceptable degree of spacing between the buildings and is not considered to appear as unacceptably dominant or visually intrusive. It is considered that the proposal would not have any detrimental impact on neighbouring properties. There are no highways issues raised with regard to the provision of parking and access to surrounding properties has been retained as part of the proposals. The provision of amenity space is also acceptable and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as applicant and owner of the site.

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The division of the existing vacant unit would revitalise this prominent corner site and complement the existing shopping area in line with the ongoing regeneration of Harold Hill.

BACKGROUND PAPERS

Application forms and plans received 20/01/2011.

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