



REGULATORY SERVICES COMMITTEE

18 December 2014

REPORT

Subject Heading:

P1265.14: Land adjacent to 33 Platford Green, Hornchurch

Erection of 3No five-bedroom detached houses (Application received 17/9/14)

Ward:

Emerson Park

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
Suzanne.terry@havering.gov.uk
01708 4322755

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not Relevant

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application has been called-in to the committee by Councillor Ramsay and Councillor Ower.

The site is within the urban area and is not allocated for any other purpose in the LDF. There is already a valid planning permission for two dwellings on the site. Therefore, the principle of residential development is acceptable. The scale and layout of the proposed development is considered to be in keeping with the rest of Platford Green and would provide an acceptable level of parking and amenity areas, whilst there are some potential overlooking issues these have been satisfactorily addressed in the design of the new dwellings. The grant of planning permission is recommended accordingly.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £14,700 subject to indexation. This is based on the creation of 735 square metres of new gross internal floor space.

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

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Head of Regulatory Services 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 (as set out on page one of this decision notice), including the materials set out on the plans and specified in the Design and Access Statement (dated September 2014), the boundary treatments set out in drawing 043 GA001, and specifications to achieve 'Lifetime Homes Standards' set out on drawing 043 GA003 and in the Design and Access Statement and the submitted construction method statement, (dated 1st September 2014) and drawing 043 GA010.

Reason: In order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. *Car parking* - The buildings hereby approved shall not be occupied until the access and car parking areas shown on the approved plans have been constructed in accordance with written specifications that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that surfaced access and car parking areas are provided prior to the occupation of the development and to ensure that 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.

4. *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 have previously been submitted to and 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 Development Control Policies Development Plan Document Policy DC61.

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. *Privacy screening* - Prior to the first occupation of each of the dwellings the proposed louvers to the front and rear terraces and the oriel windows on the front elevations shall be constructed in the locations shown on the approved plans and shall be permanently retained thereafter.

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

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

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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

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

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

9. *Removal of permitted development rights*: - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C, D & E , 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.

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

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

11. *Secured 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 Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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

Informatives

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

2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £14,700 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

4. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. Secured by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. Call-in

1.1 The application has been called-in to the committee by both Councillor Ramsay and Councillor Ower on the grounds of over-development, impact on adjoining properties and traffic impact.

2. Site Description

2.1 The site lies at the north western end of Platford Green which is a cul-de-sac development to the west of the Champion School playing fields within the urban area of Hornchurch. The site is not designated for any specific purpose on the LDF proposals map. The site amounts to 0.14 hectares. It comprises an area of rough grassland with a few self-sown trees. The site is bounded by chainlink and palisade fencing.

2.2 Platford Green is a development of mainly detached properties on large plots with garages and off-street parking. The application site lies between nos. 32 and 33 and was originally earmarked for an electricity sub-station. There is a surfaced access road to the site and there are also access rights across both of the driveways of these properties. To the north is an access road/track to the rear of properties in MacDonald Avenue.

Description of proposal

2.3 This is a full application for the construction of three five-bed properties with private access and external parking and turning areas. The proposed layout would extend the building line of nos. 31 and 33 Platford Green eastwards across the site such that they would be perpendicular to the side of no. 32. The buildings would have a modern design with accommodation over three storeys. The dwellings would be finished in mainly render and timber cladding under a zinc sheet roof. The roofs would have gable ends facing onto the side boundary of no. 32, but with the roof elevations staggered giving front and rear roof

projections. This is to provide front and rear terraces at third floor level. There would be significant amounts of glazing on the rear elevations. Photovoltaic cells would be provided on the south west roof elevations. The buildings have been design to achieve Level 4 of the Code for Sustainable Homes.

- 2.4 Each property would have side and rear amenity space in excess of 200sqm, including a rear garden area in excess of 100 square metres. The access road would have a minimum width of 5 metres, including pavement and run along the side boundary of no.32. The new dwellings would be set back by about 9 metres from this boundary. Existing trees would be retained wherever possible, especially along the northern boundary. A landscaping strip is proposed along the southern boundary.

3. Relevant History

P1351.13 - 2 No. four-bedroom houses each with a double garage – approved

4. Consultations/Representations

- 4.1 Essex and Suffolk Water - No objection to the proposed development. Each new dwelling should have a separate connection to the company's network.
- 4.2 London Fire and Emergency Planning Authority - A pump should be able to approach within 45 metres of all the dwellings.
- 4.3 Streetcare (Highways) - No objections, but bin collection point should be within 25 metres of highway.
- 4.4 Thames Water - No objections in terms of sewerage infrastructure. The agreement of the Thames Water required for an discharge into its apparatus of for works in their vicinity.
- 4.5 Public Protection - advise that land contamination condition required;
- 4.6 37 neighbour letters have been sent out and eleven letters have been received, ten from residents of Platford Green and one from the Emerson Park and Ardleigh Green Residents Association raising objections as follows:
- i) Traffic impacts:- increased on-street parking due to inadequate parking on site; increased noise; road safety concerns and conflicts at site entrance which is shared with no.32;
 - ii) Overlooking of nearby gardens;
 - iii) Refuse collection point close to common boundary;
 - iv) Overdevelopment of site for five-bed houses which gives rise in accommodation over three floors which would be out of keeping with existing development;
 - v) Loss of light to neighbour;
 - vi) Impact from construction and associated traffic;
 - vii) Out of character and visually intrusive;

viii) All properties in Platford Green have garages but this proposal has none. Four-bed dwellings would be preferable as would reduce parking demand.

5. Relevant Policies

- 5.1 Policies CP1-Housing Supply; CP17 – Design; CP2 - Sustainable Communities; DC11 - Non-Designated Sites; DC2 - Housing Mix and Density; DC3 - Housing design and Layout; DC33 - Car Parking; DC49 - Sustainable Design and Construction; DC61 - Urban Design; DC62 – Access; DC7 - Lifetime Homes and Mobility Housing; DC72 - Planning Obligations of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 5.2 Also relevant are: SPD1 - Designing Safer Places SPD; SPD11 - Planning Obligation SPD; SPD8 - Protection of Trees during Development SPD; Residential Design Supplementary Planning Document (SPD) and Sustainable Design and Construction SPD.
- 5.3 Policies 3.8 - Housing choice; 6.13 – Parking and 8.3 - Community infrastructure Levy of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also relevant.

6. Staff comments

Principle of the development

- 6.1 The site lies within the existing urban area of Hornchurch. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development that outside town centres and the Green Belt, non-designated land should be prioritised for housing. The application site is on land which is not designated land in the LDF and its use for housing would, therefore, be acceptable in principle. The land is not previously developed (brownfield) as it was left undeveloped when Platford Green development was built. In addition there is a valid planning permission for the development of two four-bed properties on the site. The main issues are i) whether the proposal for an additional dwelling would have an acceptable impact on residential amenity, ii) whether there are adequate access and parking arrangements and iii) whether there would be acceptable impact on the character and appearance of the area.

Design and impact on streetscene

- 6.2 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The relevant policies for the supply of housing set out in the LDF and the London Plan are considered to be up to date and the application should, therefore, be determined in accordance with the relevant policies of the development plan. The main policy considerations in this regard are DC2 and DC61.

- 6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport links. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 6.4 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected, however, at 22 units per hectare the proposed development is below this range. Density is only one indicator of the acceptability of a proposal and new development should reflect the existing urban context and the character of the area. The NPPF places a significant emphasis on achieving good design that is appropriate in its context. Platford Green is a generally low density development of detached and semi-detached dwellings in relatively large plots built in the early 1980s. The area has a generally spacious character and whilst the design of the housing is not distinctive there is a consistent design approach along the road.
- 6.5 In this case the main considerations are how the new dwellings would relate to existing development, including the impact on the streetscene and the character and appearance of the area and how they would impact on the amenities of nearby dwellings. The proposed dwellings would be at the end of Platford Green and appear as an extension of the existing cul-de-sac. Whilst they would clearly appear as modern additions they would respect the scale and character of the area. In addition as the site is at the end of Platford Green beyond the existing houses they would read as being visually separate. It is not uncommon for infill development within the urban area to differ in appearance from adjoining development, especially if it takes place much later.
- 6.6 All the properties would exceed the minimum internal space standards set out in the London Plan and would be capable of adaptation to meet Lifetime Homes standards. Details have been submitted to demonstrate that this could be achieved. There would also be adequate access arrangements and amenity areas in accordance with policy requirements.
- 6.7 Staff consider that on balance the development would have an acceptable impact on the character and appearance of the area and would not represent an overdevelopment of the site. However, this is an area where judgement needs to be exercised and should members consider that there would be a material adverse impact then this could amount to a reason for refusal.

Impact on amenity

- 6.8 The main impact would be on the amenities of adjoining residents, in particular those of no.32 Platford Green, and to some extent nos.30 and 33, where there is the potential for overlooking of rear garden areas from proposed first and second floor rooms and terraces. The proposed first and second floor accommodation facing the rear garden of no.32 includes the dressing room of the 5th bedroom on the second floor and two other bedrooms on the first floor of each property. One of the first floor bedrooms would also have a further

window in the eastern flank elevation. The views from the first and second floor of the two new dwellings at the eastern end of the site would only overlook the rear part of the garden as views of the area nearest the house would be largely obscured by the existing garage to the side of no.32. Therefore, the potential impact on the privacy of occupiers of no. 32 would be much less significant. However, the potential impact from overlooking from the proposed dwelling at the western end of the site, including the perception of being overlooked could be significant.

- 6.9 In order to address this the design of the dwellings incorporates features to minimise any overlooking. This involves the use of 'oriel' and high level windows so that there would be limited views over the rear garden areas. At second floor level the terrace would have angled louvred panels so that there would be no direct overlooking of no.32. Similar panels are proposed on the rear terrace of the most westerly dwelling to avoid any overlooking of the rear garden of no.33.
- 6.10 Members may consider that this would be a somewhat contrived solution to address a material impact on adjoining properties. The need for such measures could indicate an unacceptable relationship between existing and proposed dwellings. In such cases layout/design solutions should normally be sought and existing residents should be afforded a greater level of privacy than from entirely new development. However, as a matter of judgement it is considered that the proposed measures would be an acceptable solution. The relationship between the existing and proposed dwellings would not be significantly different from that considered acceptable for the two dwelling proposal that has planning permission. For that development obscure glazing and non-opening windows were proposed.
- 6.11 In considering whether the proposal would be acceptable account needs to be taken of the impact these design features would have on the character and appearance of the area. Staff consider that given the orientation of the dwellings there would be no material impact and that the proposed solution would not be very different in terms of the visual impact compared with the approved scheme. The retention of the oriel windows and slatted louvres would need to be addressed by an appropriately worded condition.
- 6.12 The back-to- back distance between the rear of the proposed dwellings and those in Macdonald Avenue would be in excess of 35 metres; therefore, there would be no significant overlooking issues. This boundary is also well vegetated.

Highways and parking

- 6.13 Two car parking spaces per dwelling are proposed which would accord with LDF Policy DC2 and Table 6.2 of the London Plan. Therefore, adequate off-street parking would be provided and there are no highway objections to the development. The access from Platford Green is also considered acceptable and would not restrict access to the garage and parking areas of nos.32 and

33. Whilst there is some potential for conflicts on the shared driveway, traffic flows would be light and would not affect the public highway.

6.14 With regard to refuse collection provision is made within the curtilage of each dwelling for refuse storage. In accordance with normal collection arrangements bags and bins would need to be brought to the boundary of the site on collection days. Objections have been raised by the adjoining neighbour at no.32 to the collection point shown on the plans close to his boundary. This needs to be relocated and a condition is recommended to address refuse collection details.

7. Mayor's Community Infrastructure Levy (CIL)

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 735 square metres which equates to a Mayoral CIL payment of £14,700 (subject to indexation).

8. Conclusions

8.1 The site is within the urban area and is not allocated for any other purpose in the LDF. Planning permission has been granted earlier in 2014 for two dwellings on the site. Therefore, the principle of residential development is acceptable. The scale and layout of the proposed development is considered to be in keeping with the rest of Platford Green and would provide an acceptable level of parking and amenity areas. Whilst there would be some potential overlooking of adjoining gardens this can be addressed through the use of oriel windows and louvred panels.

8.2 Staff consider that overall the development would be sustainable and in accordance with the development plan and NPPF policies and guidance. The grant of planning permission is recommended accordingly. However, should members judge that there would be an adverse impact on local amenity and on the character and appearance of the area then these factors could amount to a reason for refusal.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 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.

BACKGROUND PAPERS

1. Application form and plans received on 17th September 2014