



# REGULATORY SERVICES COMMITTEE

23 April 2015

# REPORT

**Subject Heading:**

P0049.15 – Moss Lane Nursery, Moss Lane, Romford - A mixed development of residential housing comprising 3 No 2 bed homes, 2 No 3 bed homes and 2 No 4 bed homes (received 22/01/15, revision received on 02/03/15)

**Ward:**

Romford Town

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

<b>SUMMARY</b>
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This planning application relates to the demolition of an existing bungalow and the construction of residential housing comprising 3 no. 2 bed homes, 2 no. 3 bed homes and 2 no. 4 bed homes.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

That, subject to an update to be given to Members regarding the effect of Regulation 123 of the Community Infrastructure Levy Regulations 2010, in particular whether there is still a basis to justify seeking a planning obligation, and that if no such update with appropriate justification is available that the matter be deferred for consideration by members at a future meeting of the Regulatory Services Committee, the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £42,000 to be used towards infrastructure costs in accordance with Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan 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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the 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 Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 16 no. off-street car parking spaces (inclusive of 2 garage spaces to units 1 and 2) within the site as shown on drawing No. 05/2013/07a 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:** Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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, which shall include an additional tree in front of 167 Brentwood Road, 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:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 plans,) 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.

7. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

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

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

9. Construction Method Statement: Before commencement of the proposed development, 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:** Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. Vehicle access: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each parking area.

**Reason:** It is essential to ensure that all permissions are in place before commencing on site. This is to ensure the interests of the travelling public are maintained and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

11. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

**Reason:** Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect

guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

12. 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 submitted to and 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

13. 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 which amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 1995 Order”) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings to the detached dwelling 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.

14. Screen fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on commencement and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. Vehicle cleansing: Before the development hereby permitted is first commenced, vehicle cleansing 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 on

the application site thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submission will provide;

a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;

c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.

f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

**Reason:** Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

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

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

17. Car Parking Management: Prior to the occupation of the first dwelling of the proposed development a car parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. The car parking management scheme shall include details of:

a) Measures to control access to parking on the site;

b) Measures to enforce parking controls.

c) Allocation of parking spaces.

The car parking control measures approved under this condition will be retained and managed thereafter in accordance with the car parking management scheme unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent unauthorised parking on the site in the interests of highway safety and to ensure that car parking accommodation is made permanently available for residents, visitors and disabled users in accordance with Development Control Policies DPD Policy DC33.

## INFORMATIVES

### 1. Fee Informative:

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

### 2. 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.

### 3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. 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.

### 4. 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.



5. 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.
6. 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.
7. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

### **Mayoral CIL**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 The application site comprises of a plot of land in Moss Lane, which includes a single storey 'L' shaped bungalow in the north eastern corner. There are some outbuildings adjacent to the north western boundary of the site. There are various changes in ground levels across the site. The highest ground level appears to be in the north eastern corner of the site where the dwelling is located. Ground levels slope downhill from north west to south east as well as north east to south west.

- 1.2 There is Kingdom Hall of Jehovah's Witnesses and associated hardstanding area to the rear, which abuts the south western boundary of the application site. Moss Lane abuts the north western boundary of the site. There are two storey detached, semi-detached and terraced properties in the vicinity of the site. There is a Tree Preservation Order on the site - TPO 12-89.

## **2. Description of Proposal**

- 2.1 The application seeks planning permission for a mixed development of residential housing comprising 3 no. 2 bed homes, 2 no. 3 bed homes and 2 no. 4 bed homes.
- 2.2 The two detached properties would have a combined width of 18.4 metres, a maximum depth of 11 metres and a height of 8.1 metres with gabled roofs.
- 2.3 The five terraced properties would have a combined width of 28.3 metres, a depth of 7.1 metres and a height of between 8.1 and 8.3 metres with gabled roofs.
- 2.4. The access road to the site would be located adjacent to No. 167 Brentwood Road and would serve units 1-6. Unit 7 would be accessed from Moss Lane. There are a total of 16 off street car parking spaces.
- 2.3 Cycle and refuse storage will be provided to the rear of the property.

## **3. History**

- 3.1 P0725.14 - A mixed development of residential housing comprising 3No 2 bed homes, 2No 3 bed homes and 2No 4 bed homes - Refused
- 3.2 P2363.07 - Residential housing comprising 4No. 1 bed flats, 5No. 2 bed houses and 4No.3 bed houses - Refused and Dismissed on Appeal
- 3.3 P2315.04 - Proposed domestic apartments (resubmission of P1549.04) – Approved
- 3.4 P1549.04 - Proposed Domestic Apartments - Outline - Withdrawn

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 48 neighbouring properties and 5 letters of objections was received raising the following concerns:
- Parking issues
  - Loss of privacy, overlooking neighbouring garden
  - Site is unsuitable for development due to its back garden location with no direct access to a road.

- Proposed access is unsuitable and dangerous
- Traffic congestion
- Not enough parking spaces
- Increased risk of crime
- Increase in noise
- The application does not appear to have changed from the one that was recently refused planning permission

4.2 The Council's Environmental Health Service requested a sound insulation condition.

4.3 The Highway Authority has raised no objection to the proposal however requested conditions for visibility splays, vehicle access and vehicle cleansing in the event of an approval.

4.4 The London Fire and Emergency Planning Authority have raised no objection to the proposal.

## **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff comments**

6.1 This proposal is put before the Committee as the development is for more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

### *6.2 Background*

6.2.1 A previous application for the same amount of units was refused permission under P0725.14 for the following reasons:

- The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through failure to adhere to designing out crime principles contrary to Policies CP17, DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.

- Unit 7 adjacent to the north western boundary of the application site, would by reason of its gabled roof, height, scale, bulk, mass and siting, be an un-neighbourly development and appear overbearing, dominant and visually intrusive in the rear garden environment harmful to the amenity of adjacent occupiers, particularly No.'s 40 and 42 Milton Road, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- Units 3-7 would, due to their gabled roofs, height, scale, bulk, mass, siting and proximity to the north eastern boundary, be an un-neighbourly development and appear overbearing, dominant and visually intrusive in the rear garden environment and would also result in undue overlooking and loss of privacy to neighbouring occupiers, particularly No.'s 183 and 185 Brentwood Road contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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

- The layout of the site would, by reason of the siting and narrow width of the access road, combined with the poor visibility emerging onto Brentwood Road, be harmful to pedestrian and highway safety contrary to Policies DC32, DC34, DC35 and DC62 of the LDF Core Strategy and Development Control Policies DPD.

6.2.2 The main differences to the current proposal are as follows: In relation to the first reason for refusal, the developer has addressed previous secure by design concerns related to unit no. 7 by moving the location of the front door so that it is now overlooked and improving the passive surveillance of the parking area. In relation to the second reason for refusal the developer has provided additional drawings (05/2013/09 and 05/2013/07a) to show the proposed building in comparison with the existing mass of the bungalow and indicating 4 new trees on the north eastern boundary which visually falls between plots 1&2 and the rear gardens of the houses in Milton Road. The roof of unit 7 has also been amended from a gable end to a hipped end. In relation to the third reason for refusal the developer has stated that the units 3-7 have their gable roofs arranged so as to minimize mass and bulk when considered from the rear gardens of adjacent properties in Brentwood Road. The separation between the properties is considerable however to further reduce any element of overlooking drawing 05/20130/7a identifies addition of 2 new trees to the

rear boundary of plot 3. This drawing also identifies close boarded fencing to a height of 1.8m to all boundary lines thus eliminating any overlooking at ground floor level. Fenestration has carefully designed to minimize any overlooking. The proposed arrangement of properties is very similar to that found on the corner of Boundary Road and Moss Lane (no's 1-7) some 20m from the site. In relation to reason for refusal 4 the developer has stated that they would be happy to pay the planning obligation fee. In relation to reason for refusal 5 the developer has made revisions to the access arrangements in line with the Highway department's comments. Highways have not raised an objection to the current proposal.

### 6.3 *Principle of Development*

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 50m<sup>2</sup> for a 1-bed 2-person flat, 61m<sup>2</sup> for a 2-bed 3-person flat, 74m<sup>2</sup> for a 3-bed 4-person flat and 106m<sup>2</sup> for a 4-bed 5-person three storey house. Apart from the 3- bed-4-person flat which at 73.2m<sup>2</sup> is only marginally below the requirement, the proposed flats and detached house are in line with these minimum guidelines and considered acceptable.

### 6.4 *Site Layout / Amenity Space*

6.4.1 The application site covers an area of approximately 0.1772 hectares and is located within PTAL zone 1-2, where the advised range for residential development in this part of the borough is 30-50 dwellings per hectare. For this proposal of seven dwellings this equates to a density of 39 dwellings per hectare, which is within the range anticipated by Policy DC2 for housing density, although this is only one part of the assessment.

6.4.2 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

- 6.4.3 Staff are of the view that the proposed rear garden areas for the proposed semi-detached and terraced dwellings are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 6.4.4 It is noted that the rear garden of No. 167 Brentwood Road would be reduced in depth to accommodate the access road and one car parking space for the proposed development. Nevertheless, it is considered that the remaining rear garden would provide a usable amenity space for current occupiers of No. 167 Brentwood Road.
- 6.4.5 The Council's Designing Out Crime Officer previously raised concerns regarding Unit 7. In response to these concerns Unit 7 has been 'handed' to reverse the door entrance configuration preventing a hiding point and giving better views over the entrance from other parts of the development. A dawn to dusk light is to be fitted to the outside of the entrance canopy. Fencing has been introduced between Plot 7 and the rest of the units with the addition of a key coded security gate to prevent short cuts through the development. In addition a fence has been provided to the most northerly side of plot 7 with a pedestrian access gate and a fence and gate have also been supplied adjacent to unit 3. These changes have addressed the concerns raised such that a reason for refusal on grounds of security concerns could no longer be sustained.

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

- 6.5.1 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the proposed development is compatible with the prevailing scale and character of development within the locality.
- 6.5.2 The proposed dwellings would utilise a mixture of materials including render, yellow stock brickwork with a red stock brickwork soldier course and red concrete pan tiles with white UPVC windows. Staff are of the view that the proposed materials would be acceptable. A written specification of external walls and roof materials will be secured by condition if minded to grant planning permission.

#### 6.6 *Impact on Amenity*

- 6.6.1 Staff consider that the semi-detached dwellings would not result in a significant loss of amenity to neighbouring dwellings in Boundary Road, as there would be separation distance of approximately 32 metres between the rear facade of terraced properties No.'s 1-7 Boundary Road and the south western flank of unit 1.

- 6.6.2 It is considered that the creation of the access road and the proposed dwellings would not result in a significant loss of amenity to No. 165 Brentwood Road, given its use as a Kingdom Hall of Jehovah's Witnesses with an associated hardstanding parking area to the rear.
- 6.6.3 It is further considered that the semi-detached dwellings Units 1 and 2 would not result in a significant loss of amenity including loss of light and overlooking, to neighbouring dwellings in Milton Road, as there would be a separation distance of between approximately 29 and 33 metres between the rear facades of No.'s 30 to 38 Milton Road and the rear facades of units 1 and 2.
- 6.6.4 It is noted that the rear gardens of No.'s 40 and 42 Milton Road are located at an oblique angle from these dwellings. Also, the rear garden of No. 40 Milton Road tapers in width and is located in close proximity to the north western flank wall of the existing bungalow within the application site, which is single storey and has a hipped roof, which minimises its bulk.
- 6.6.5 Staff consider that the terraced dwellings would not result in a significant loss of amenity including loss of light to No.'s 40 and 42 Milton Road, as there would be a separation distance of between approximately 17 and 18 metres between the rear facades of these neighbouring properties and the north western flank of unit 7. Previous concerns were raised regarding the height and bulk of unit 7 in relation to the properties at No. 40 and 42 Milton Road. The developer has addressed the concerns by changing the roof to the northern elevation from a gable end to a hipped roof thereby reducing the overall bulk when viewed from No. 40 and 42 Milton Road. Although the change is modest, given the degree of separation from the boundary Staff consider the change to have sufficiently addressed the previous reason for refusal.
- 6.6.6 It is noted that the two storey terraced dwellings (units 3-7) have first floor windows on their rear facades, which serve habitable rooms. Previous concerns were raised regarding the overall bulk and mass of this terrace, its close proximity to the eastern boundary and the potential for overlooking the rear gardens of properties along Brentwood Road. The developer has added additional trees to the eastern boundary to the rear of unit 3 in order to address the overlooking concerns raised. Although it is acknowledged that there has not been a major change to the development to address the 3<sup>rd</sup> reason for refusal, Staff are of the opinion that given the long rear gardens of No's 183 and 185 Brentwood Road any overlooking would occur to the part of the rear garden furthest away from the rear of the properties and would not therefore unduly affect the most private area closest to these properties. Any bulk and mass would also be most prevalent when viewed further into the rear garden of these properties with a back to side separation distance of approximately 18m remaining between unit 3 and the property at No. 183 Brentwood Road. Staff consider any visual impact and overlooking concerns to be acceptable however Members may attach different weight to the potential harm to the

residential amenity of these neighbouring properties resulting from this relationship.

- 6.6.7 Staff consider that the semi-detached and terraced dwellings would not result in a significant loss of amenity to the neighbouring properties at No.'s 167-177 Brentwood Road, as the application site is located to the north and there would be a separation distance of between approximately 21 and 30 metres between the nearest units 1, 2 and 3 and the rear facades of No.'s 167-177 Brentwood Road, which would help to mitigate the impact of the proposal.
- 6.6.8 Unit 7 does not feature any flank windows which might otherwise adversely affect the amenity of properties in Milton Road. Unit 3 features a ground floor window and some bi-fold doors and details of boundary fencing and landscaping can be secured by condition if minded to grant planning permission to avoid any undue overlooking or loss of privacy.
- 6.6.9 No. 167 Brentwood Road has various window openings on its south western flank. From front to back, the first window serves a lounge and is a secondary light source with a window on its front facade. There are windows either side of the front door, which serve the hallway. The last window serves a living room and is a secondary light source, with windows and doors on its rear facade, which open out onto a conservatory. The applicant has advised that the front door to No. 167 Brentwood Road will be infilled and relocated on the opposite flank wall of the dwelling.
- 6.6.10 It is considered that the creation of the access road would not result in significant levels of noise and disturbance to No. 167 Brentwood Road and furthermore boundary treatment and landscaping can be designed to help absorb any noise and light spillage resulting from vehicles using the drive.

## 6.7 *Highways / Parking Issues*

- 6.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. It is noted that units 1 and 2 have garages and there are sixteen car parking spaces in total for the seven dwellings, which although in excess of the Council's guidelines is not objectionable. It is noted that there is only one car parking space to the front of unit 6, which is rather impractical. A condition to require a car parking management plan is suggested to allocate spaces before it becomes an issue of dispute between neighbouring properties.
- 6.7.2 The parking spaces for unit 7 would be accessed from Moss Lane. Access to the remaining units would be from Brentwood Road.
- 6.7.3 Following previous concerns from the Highways Department a further detailed plan was provided showing junction details drawing no. 05/2013/08 and following discussions with the officer drawing 05/2013/10 was also provided displaying compliance with the vehicle to vehicle site visibility splays. The access road was checked for compliance with department of



transport requirements for type 3 and 5 turning heads which enables refuse vehicles to turn and manoeuvre on the site. The results of the checks were that the layout was found to comply with the requirements. The applicant also confirmed that the fence to the western boundary is in their ownership and that two panels could be lowered to provide adequate pedestrian site splays as shown on drawing 05/2013/08. The Highways Department has confirmed that they do not have any objection to the current proposal. Staff consider the changes made to have sufficiently addressed the previous reason for refusal.

6.7.4 Conditions will be attached in the event of an approval for site visibility splays.

6.7.5 A condition will be attached in the event of an approval to provide details of the cycle storage.

## 6.8 *Trees*

6.8.1 There is a Tree Preservation Order on the site - TPO 12-89. The applicant has advised that the proposed road construction will comprise of a geo textile breathable membrane, which will be laid at existing ground level. The proposed new levels will then be achieved utilising single size stone in diminishing sizes which retains the vapour permeability, allows free drainage and enables a solid road construction close to existing root systems. The applicant proposes a British Standard approved vehicle exclusion zone and a root protection zone to protect the health of the trees. It was noted that there is a lot of dead wood in the trees which will need removal for safety purposes by an approved arboricultural contractor. Any works within the root protection zone shall be carried out by hand.

6.8.2 The Council's Tree Officer has visited the site and advised that the two cedars and the walnut at the southern side of the site (T12, 13 and 14) can be retained as the ground on their northern sides needs to be made up. This can be done with porous materials obviating the risk that would ordinarily be caused by the construction of the proposed adjacent roadway. The three trees would only need to have the deadwood removed for their crowns, so there is no need for tree surgery which would cause them any stress during the construction period.

6.8.3 The removal of trees on the northern side of the site along Moss Lane is considered acceptable, because they are relatively small and can be replaced by new trees without long term detriment to the amenity of the local area. The loss of multi stemmed bay trees on the northern side of the site is not resisted as the trees sucker profusely and expand their overall size too quickly for small spaces.

6.8.4 It is suggested that a new tree is planted in the front of the proposed parking spaces at the front of 167 Brentwood Road to offset the loss of vegetation that currently runs the length of the front boundary between the

existing house and the New Kingdom Hall, which can be included within a landscaping condition if minded to grant planning permission.

### *The Mayor's Community Infrastructure Levy*

6.8.1 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 455.5m<sup>2</sup> (724.2m<sup>2</sup> minus existing floor area of area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

### 6.9. *Planning Obligations*

6.9.1 Until 6<sup>th</sup> April 2015, the Council's Planning Obligations Supplementary Planning Document set out that for all additional new dwellings, a contribution of £6000 per dwelling to cover the infrastructure impact would be required and that such payments would be pooled. From 6<sup>th</sup> April, Section 123 of the Community Infrastructure Levy Regulations 2010 states that no more than 5 obligations should be pooled. This change has implications for the status of the SPD and legal advice is currently being sought as to whether and how developments should contribute, given the impact on infrastructure. An update will be given to Members in relation to any S106 requirement for a contribution, which in this case would be £42,000. If no update is available then it is recommended that a decision be deferred to a future meeting.

6.9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".

6.9.3 The basis for seeking a contribution in this case is in accordance with adopted Policy DC72 of the Development Plan This policy is up to date and accords with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with this policy unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should

be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and that greater weight should be given to adopted policy within the development plan. A legal view is being sought in regard to the status of policy in the light of Section 123 of the Community Infrastructure Levy Regulations 2010 and an update if it is available will; be provided to Members at the meeting.

#### 6.10 *Other Issues*

6.10.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of secure by design conditions.

10.2 A refuse area has been provided to the front of the development along the access road. A condition will be imposed to provide detail of the refuse and recycling arrangements.

### **11. Conclusion**

11.1 Overall, Staff are of the opinion that the amendments to the scheme, although modest, are nonetheless sufficient to overcome the previous reasons for refusal. On this basis it is not considered that the proposal would detract from the character of the surrounding area or neighbouring properties, nor would it appear as unacceptably dominant or visually intrusive. It is considered that the proposal would have an acceptable appearance and that it would not result in any materially harmful impact on neighbouring amenity. Although staff acknowledge that there are some concerns relating to visual impact and potential overlooking to no. 183 Brentwood Road, these are not considered to be of sufficient magnitude to warrant refusal of permission. . Whilst it is acknowledged that there are fine judgements involved and that Members could come to a different conclusion, staff are satisfied that the development to complies with Policy guidance and the provisions of the LDF Development Plan Document. Approval is recommended accordingly, subject to an update on infrastructure contribution to be given to Members.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

Financial contributions are required through a legal agreement.

### **Legal Implications and risks:**

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**Human Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

None

**BACKGROUND PAPERS**

1. Application forms and plans received on 22/01/15, revision received on 02/03/15.