



**REGULATORY
SERVICES
COMMITTEE**

REPORT

13 October 2011

Subject Heading:

**P0804.11 – Colne Drive, Harold Hill –
Section 73 Application for variation of
approval P1473,10 - erection of 15
family houses comprising 11, 3-bed 5
person houses; 2, 3-bed wheelchair
adaptable houses; 2, 4-bed 7-person
houses together with 27 car parking
spaces and landscaping.
(Application received 28 June 2011)**

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Policy context:

**Local Development Framework
The London Plan
National Planning Policy Statements/
Guidance**

Financial summary:

None

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

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

SUMMARY

This report concerns a Section 73 application for variation of the approved scheme P1473.10 which is for the erection of 15 family houses, parking spaces and landscaping. Staff consider that the proposed amendment is a material minor amendment and that it would accord with housing, environment and transportation policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. Approval is recommended subject to a legal agreement for affordable housing provision and education contributions.

RECOMMENDATIONS

It is recommended that either:

- A** The application is unacceptable as it stands, but would be acceptable subject to the completion of a legal agreement to secure the following:
- Affordable housing of 100% of units in accordance with Policy DC6 of the Local Development Framework Development Control Policies Development Plan Document.
 - A financial contribution of a maximum £96,493.34 towards the provision of additional school places in accordance with the formula as set out in interim planning guidance for Educational Needs Generated by New Housing Development
 - A financial contribution of £10,000 for highway/ pedestrian environmental improvements in the vicinity of the application site to enable the provision of street trees and improvements to street lighting
 - Payment of the requisite fees for the monitoring of planning obligations and legal work. All contribution sums to include accrued interest at the date spent.
 - That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:
 1. SC04 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. SC06 Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

3. SC09 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.

4. SC11 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other 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.

5. SC32 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans AA2603C/3.1/003 Rev A; AA2603C/3.1/001 Rev C; J09.141/D(00)202 Rev B; J09.141/D(00)100 Rev A; J09.141/D(00)103 Rev A; J09.141/D(20)01 Rev A; J09.141/D(20)03 Rev A; 6336-01; J09.141/D(20)04 Rev B; J09.141/D(00)202 Rev B; J09.141/D(00)101 Rev J; J09.141/D(00)102 Rev J , 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.

6. SC62 No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity.

7. SC63 Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

Reason: To protect residential amenity.

8. SC57 Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be

retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

9. NSC01 Clear and unobstructed pedestrian visibility splays 2.1m by 2.1m shall be provided each side of each vehicular access to the satisfaction of the Local Planning Authority in the position and for the distance shown on the approved plan. The approved pedestrian visibility splays shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

10. NSC02 Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

11. NSC03 Prior to the commencement of the development hereby permitted, full details of all boundary treatment, including materials, which reflects the standards set out in the Secured by Design Guidance for New Homes (2009) shall be submitted to the Local Planning Authority. Once agreed in writing all boundaries shall be finished as agreed prior to first occupation of the development

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

12. NSC04 The proposed alterations or additions to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

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

13. NSC05 The necessary agreement, notice or licence to enable the proposed alterations or additions 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.

14. NSC06 No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 and Policies 4A.7 of the London Plan.

15. NSC07 The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 and Policies 4A.7, 4A.8 and 4A.9 of the London Plan.

16. 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 II (Site Investigation) Report (as 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.

b) 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.

c) 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

d) 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.

17. SC12 No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved tree and street tree(s) adjoining the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order.

18. NSC06 The buildings constructed pursuant to the development shall not be occupied until a means of vehicular/pedestrian access has been constructed in accordance with the approved plans.

Reason: In the interests of pedestrian safety in accordance with Policy DC34 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. In aiming to satisfy conditions 10 and 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of 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)
2. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
3. The applicant is advised to note 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 & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. The developer, their representatives and contractors are advised that this 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. Planning Obligations

The planning obligation recommended in this report has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligation is 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.

6. 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 6th April 2008. A fee of £85 is required per discharge request.

7. Reason for approval:

The site was previously used for housing of elderly people in a warden-controlled complex. This elderly accommodation has been re-provided to the south of the application site and the application site otherwise lies in an area where housing is the preferred use. The proposal accords with Policies CP1, CP2, CP9, CP17, DC2, DC3, DC6, DC32, DC33, DC55, DC60, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document, PPS1, PPS3 and PPG13 and Policies of the London Plan.

Or

B That in the event that no satisfactory conclusion is reached within 3 months of the resolution to approve, in negotiating the appropriate planning obligations, authority to refuse planning permission be delegated to the Head of Development and Building Control for the following reasons:

The proposal fails to make adequate provision for affordable housing and as such fails to make a contribution towards meeting identified housing needs within the Borough, to the detriment of housing opportunity and social inclusion contrary to Policies Policy DC6 and DC72 of the Local Development Framework Development Control Policies Development Plan Document, and

The proposal fails to make adequate provision for meeting the additional demand for school places likely to be generated by the proposed development, contrary to Interim Planning Guidance on Educational Needs Generated by New Housing, together with Policy CP8 of the LDF Core Strategy Development Plan Document and Policies DC29 and DC72 of the LDF Development Control Policies Development Plan Document.

The proposal would be likely to have an adverse impact on the functioning of the public highway and the safe passage of pedestrians in the vicinity of the application site, contrary to the provisions of Policy CP10 or the LDF Core Strategy Development Plan Document and Policies DC32, DC34 and DC72 of the LDF Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a vacant site with a number of trees. Some 7 or 8 years ago some single-storey dwellings were demolished which formed part of an elderly persons' warden controlled complex; this was around the time of completion of the new old peoples' accommodation to the south of the application site. The site area is 0.299 hectares and excludes an area to the west of the site around the preserved Oak Tree to the Paines Brook Way frontage.
- 1.2 Apart from the two-/three-storey old peoples' accommodation, Paines Brook Court, to the south of the site, the surrounding area is mainly of two-storey terraced housing. To the west of the site across Paines Brook Way is an open grassed area with trees and shrubs mainly to the banks a small river, Paines Brook.

2. Description of Proposal

- 2.1 The proposal is for a variation of condition to allow the substitution of alternative plans indicating a minor amendment to the approved scheme. For completeness, details of the original scheme are provided as follows: the proposal is for 15, 2-storey terraced houses fronting onto Paines Brook Way (3), Paines Brook Road (8) and Colne Drive (4). Thirteen of the properties would be 3-bed with two of these being capable of wheelchair adaptation. The other two would be 4-bed, with accommodation in the roof space together with a dormer window to the front elevation.
- 2.2 The terrace of 8 properties fronting onto Paines Brook Road would be set back by 5.5m from the back edge of the highway. The terrace would be 47m long and 10m deep with each individual property having a width of 5.7m at ground floor level. This is with the exception of the wheelchair adaptable property which would have a set back of 4m from the highway and have a staggered set back to Colne Drive such that at point it would be on the boundary with the highway.
- 2.3 The terrace of 4 dwellings fronting onto Colne Drive would be set back by 5.5m from the back edge of the highway. The terrace would be 23m long and 10.8m deep with each individual property having a width of 5.4m at ground floor level.
- 2.4 The terrace of 3 properties fronting onto Paines Brook Way would be set back by 19m from the back edge of the highway to ensure no encroachment into the Oak's root protection area and also to provide a car court area to the front of the properties. The terrace would be 18.8m wide and 10m deep with each standard property having a width of 5.4m at ground floor level, with the wheelchair adaptable property being staggered and wider at the rear.

- 2.5 Each terrace would have a hipped, gabled roof. Nonetheless, the proposed properties would, due in part to the slight slope towards Paines Brook and the differing types of accommodation, be of differing heights above ground level, with maximum ridge heights ranging from 7.8m to 8m above ground level for the 3-bed properties, 8.15m for the wheelchair properties and 9.35m for the 4-bed properties.
- 2.6 Each individual property would be provided with a separate rear amenity space and access for bin storage and collection.
- 2.7 Two parking spaces would be provided for each property with the exception of two properties to Paines Brook Road and the two smaller properties fronting onto Colne Drive which would each have a single parking space. There would be an additional visitor space provided to the car court fronting onto Paines Brook Way. This would total 27 parking spaces.
- 2.8 The proposed variation would result in an amendment to alter the properties fronting onto Paines Brook Road to align their side walkways to meet wheelchair accessibility requirements. This involves the dropping down or raising up of the units so that finished floor levels are the same either side of the walkways.

3. **History**

- 3.1 P0479.10 – Erection of 19 Family houses comprising 15, 3-bed and 4, 4-bed with 28 parking spaces and associated landscaping - Withdrawn 30/6/10
- 3.2 P1473.10 - 15, 2-storey terraced houses fronting onto Paines Brook Way (3), Paines Brook Road (8) and Colne Drive (4) - Approved 22/03/11

4. **Consultation/Representations:**

- 4.1 196 neighbouring and nearby properties were notified of the application. There have been no replies.

5. **Staff Comments**

- 5.1 The main issue is whether the proposed amendment would be acceptable in terms of its impact in the street scene including in relation to the preserved tree, impact in the rear garden environment and on the amenities of nearby residential occupiers and transportation issues. However, for completeness issues relating to the "mother" application (P1473.10) are also addressed including the principle of the development and residential density. The main change in policy between the application being approved in March 2011 is that the London Plan (2011) has been adopted. The issues relating to the whole scheme in this case are the principle of residential development, residential density, the impact of the development in the street scene including in relation to the preserved tree, impact in the rear garden

environment and on the amenities of nearby residential occupiers and transportation issues. Policies CP1, CP2, CP9, CP17, DC2, DC3, DC6, DC32, DC33, DC55, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD are relevant. Policies 3.3, 3.4, 3.5, 3.7, 3.8, 6.9, 6.13, 7.3, 7.4, 7.6 of The London Plan 2011) also apply; as do PPS1 Sustainable development, PPS3 Housing and PPG13 Transport. The SPDs on Residential Design and the Protection of Trees during Development are also relevant.

Principle of Development:

- 5.2 The application site is previously developed land. It is an undesignated site within the Local Development Framework such that Policy CP1 prioritises all non-designated land for housing development. The redevelopment of this site for housing is therefore considered to be acceptable in principle. The proposal would also meet the aims of The London Plan to deliver additional housing to meet the future needs of the projected population of the Borough. Furthermore, staff are of the view that the proposal would contribute to the Council's 20-year vision for the Borough, 'Living Ambition' by providing additional housing.

Residential Density

- 5.3 The proposed density for the application site would be 50.2 units /hectare. The density range for this area, which is in a low Public Transport Accessibility area, is 30-50 units per hectare. Staff consider that the marginally higher density proposed at the application site would not of itself be unacceptable providing there are no detailed matters which mean that the development results in any significant harm. This is considered in more detail below.

Design, Appearance and Layout

- 5.4 The development would be for 15, two-storey terraced houses. They would front onto Colne Drive, Paines Brook Way and Paines Brook Road such that as a group they would appear similar in layout terms with existing two-storey terraced houses to these same roads. Nonetheless the wheelchair and two 4-bed houses would be slightly higher than the proposed 3-bed units and also slightly higher than the majority of the existing two-storey properties. The old peoples accommodation to the south of the application site, within the same block rises to 3-storeys, such that Staff consider the design and appearance of the development would be appropriate as the proposed terraces would be well integrated, step down slightly towards Paines Brook and the south of the application site and be of similar design and materials.
- 5.5 Each property would be provided with car parking to the front (with the exception of property at the corner of Paines Brook Road/Colne Drive with parking provided to the rear) The parking areas and in particular the parking court are limited to the degree that there would be significant planting provided to the front of the terraces to help soften the development such that

Staff consider that the proposed parking areas would not over-dominate the development. A separate amenity space would be provided to the rear of each property which allows for cycle storage and bin/recycling storage as well as being sufficient large to provide usable space for family outdoor activities.

- 5.6 In line with the SPD on Residential Design Staff consider that the proposal would not be out of character with existing frontage development in the locality.

Impact in the Street Scene

- 5.7 The proposed houses would be terraced, front onto each of the three roads and would be of two-storey height although as indicated above, of differing maximum ridge heights. While the main residential character is of 2-storey terraces to the north and east of the application site, the extra care elderly persons accommodation to the south of the site within the same block is provided as one building on both 2- and three-stories. The proposed higher 4-bed houses would be located closest to the boundary with the care facility, nonetheless the nearest elevation (side) would be at least 17m from this building to the south, such that Staff do not consider that there would be an overbearing relationship. While this would result in a more exposed flank elevation in the streetscene (which would also be located slightly forward of the care building to the south), Staff consider as a matter of some judgement, that the additional height and gabled side elevation would not of itself be unacceptable in terms of visual amenity in the street scene, in part as it would be viewed only from the south of the application site and forms part of a longer terrace.
- 5.8 The houses fronting Paines Brook Road and Colne Drive would be set back from the highway to accommodate parking to the front which would be generally similar to the arrangements to existing development along these roads. The properties fronting Paines Brook Road are the only properties in the scheme to be altered via this current application. The current proposal would result in minor alterations to coincide the walkway levels between the units and would result in properties either side either being raised or lowered to enable this amendment. The main obvious changes are that the middle unit would be split, with Plot 9's ridgeline 0.3m lower than the house on Plot 8 and a similar change such that the Plot 10 house is 0.4m relatively higher than the houses on Plots 11 and 12. In addition, the house on Plot 7 whilst retaining the same ridge height as that to Plot 6 would see a relative change to its finished floor level such that its windows would be lower than those on plot 6. Staff consider that this change would be perceivable but that it would be minor and would not change the existing proposed stepping down of these properties and would remain acceptable in terms of its impact in the streetscene.
- 5.9 The corner property Paines Book Road/Colne Drive would be set slightly forward of the others as parking would be provided to the rear. It would also, due to its staggered arrangement, in part be located directly on the

boundary with the highway to Colne Drive. Whilst a matter of some judgement, Staff consider that as the highway is particularly wide at this point and contains a street tree in a triangular shaped grassed area, that this property would not appear unduly cramped within its boundary. Staff therefore consider that both terraces would have an acceptable impact on visual amenity in the streetscene.

- 5.10 The terrace of three houses fronting onto Paines Brook Way would have a significant set back which would be deeper than that to the terraces to the north. However, the need to preserve the Oak Tree (and the need to avoid its root protection area), the significant gap between the proposed frontage development and the elderly people's accommodation to the south and the more open aspect to the undeveloped area on the opposite side of Paines Brook Way, is such that Staff consider that the terrace would have an acceptable impact on visual amenity in the streetscene.

Impact in the rear garden environment

- 5.11 The proposed development would, since it is located across existing roads not have any significant impact on the rear garden environment of any of the surrounding residential dwellings.
- 5.12 The proposed dwellings would be located to the north of the elderly people's accommodation such that there would be no overshadowing from the proposed development. In addition, the elderly peoples accommodation is located a minimum of 17m from the nearest proposed development to Colne Drive and over 20m in relation to the nearest proposed development to Paines Brook Way, and nearly 50m from the rear elevations of proposed properties fronting onto Paines Brook Road. Staff therefore consider there would be no undue impact on the rear garden environment.
- 5.13 Within the development properties front onto each of the three roads and those to the corners have similar relationships as at any corner property in the Borough. Staff therefore consider that there would be no significant impact on the rear garden environment within the proposed development itself.

Impact on Residential Amenity

- 5.14 The elderly peoples accommodation has a side elevation relationship with those properties proposed closest to it, i.e., a minimum of 17m from the nearest side elevation of the proposed development to Colne Drive and over 20m in relation to the side elevation nearest proposed development to Paines Brook Way, Staff consider that this relationship would not result in any significant impact on residential amenity for the adjoining occupiers.
- 5.15 The development would be located on the opposite side to properties to Paines Brook Road and other properties in Colne Drive. This is considered to be a normal relationship for properties fronting onto an adopted highway

such that there would be no undue impact on existing residential amenity for those occupiers.

- 5.16 Within the development the back to back distance between the properties fronting Colne Drive and Paines Brook Way would be approximately 26m. Staff consider that this distance is sufficient to ensure that there would be no adverse impact on residential amenity for future occupiers. Similarly the relationship with the proposed frontage development to Paines Brook Road is typical of properties at right-angles to each other where junctions exist. Staff consider therefore that the new occupiers would have a reasonable level of residential amenity.
- 5.17 The proposed amendments would not alter the distances or relationship with other properties such that it is considered that the new and existing occupiers would have a reasonable level of residential amenity.

Highways

- 5.17 Annex 5/Policy DC2 of the LDF Core Strategy and Development Control Policies DPD indicates that in this location and for this use that 1.5-2 parking spaces should be provided for each dwellinghouse. For 15 units therefore between 22.5 and 30 spaces should be provided. The proposal would provide 27 parking spaces, towards the higher end of this range with the two largest properties both having 2 spaces each. In addition, cycle storage would be provided for each property. Staff therefore considered that this provision would be acceptable.
- 5.18 Each property would have a servicing access to the rear garden area for ease of collection for domestic waste and recycling materials and to ease the use of cycles stored in the rear gardens.

Trees

- 5.19 The site lies adjacent to a preserved Oak Tree and there is at least one street tree adjacent to the application site. A number of trees would also be planted within the application site as part of the landscaping scheme. It is proposed that no development would fall within the root protection area of the preserved Oak Tree. Staff therefore consider, providing suitable measures are undertaken during the construction period, that this and the adjoining street tree(s) would not be damaged by the proposed development. Suitable conditions will be attached to any grant of planning permission.

Security Considerations

- 5.20 The Crime Prevention Design advisor has asked for conditions and an informative about Safer Places and Secured by Design certification to be added to any planning approval. Suitable conditions and an informative would be attached to any grant of planning permission.

Education Implications:

- 5.21 The development would have implications for local schools and a financial contribution of a maximum of £96,493.34 is sought towards the provision of additional school places, in accordance with the formula as set out by the IPG on Educational Needs Generated by New Housing Development. Staff are currently in discussions with the applicant regarding the amount of contribution sought in this instance. Members will be updated at the Committee meeting of the progress made in respect of these discussions.

Affordable Housing

- 5.22 The development would provide 100% affordable housing which would help to meet the Borough's affordable housing targets. The proposal would provide 4 of the properties for rent with the remainder available as intermediate housing through a Registered Social Landlord. While this would not strictly meet the tenure criteria identified in Policy DC6, a viability assessment has been considered such that the proposed level of properties for rent is considered acceptable for viability reasons. This will be secured through a legal agreement.

Sustainable Development:

- 5.23 The proposal would meet the appropriate energy efficient targets as it is proposed to meet Code for Sustainable Homes Level 3. This is in accordance with the relevant policy.

6. Conclusions

- 6.1 The principle of residential use of the site is considered to be acceptable. The proposed amendment is considered to be a material minor amendment to the approved scheme (P1473.10) which would not change the previous acceptability of the scheme. Staff consider that the proposal would help meet housing targets and provide much needed affordable housing accommodation. The proposal would meet urban design, environmental (including trees) and highways policies, Staff consider that the proposal would be acceptable subject to contributions being provided and a legal agreement being signed to secure the affordable housing.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

- 7.1 None

8. Legal Implications and risks:

8.1 All decisions, irrespective of ownership of land, are made on the basis of the development plan and other material considerations.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

10.1 The proposal would provide 100% affordable housing of which two family dwellings would be wheelchair adaptable with additional width parking spaces for easier access for wheelchair users.

BACKGROUND PAPERS

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.