



REGULATORY SERVICES COMMITTEE

30 June 2016

REPORT

Subject Heading:

P0086.16 - 72 Rainsford Way,
Hornchurch

Application to vary condition 4 of
P0172.15, to amend parking layout at
retain telegraph pole in existing location
(Application received 12 February 2016).

Ward

Hylands

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

Havering will be clean and its environment will be cared for	<input checked="" type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

The Council are in receipt of an application which seeks to vary condition 4 of application P0172.15. Application P0172.15 sought permission for the construction of an attached property to 72 Rainsford Way which was approved, subject to the completion of a legal agreement to secure a financial contribution towards education and conditions. Condition 4 of this consent related to the arrangement of parking for the existing/proposed dwellings and reads as follows.

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on drawing no. SP15012-BB 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. This includes the relocation of the telegraph pole as identified on the drawings submitted.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

The applicant seeks to vary the wording of this condition to remove reference to the relocation of the telegraph pole. Plans have been submitted which demonstrate four parking spaces over both properties, existing and proposed and swept path analyses for each.

Having had regard to relevant planning policy and all other material planning considerations, the proposal is considered to be acceptable in all respects and approval is recommended, subject to a deed of variation for the existing legal agreement and compliance with details previously submitted to secure detail for original planning conditions.

The application has been called into committee by Councillor Jody Ganly.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 16th July 2015 in respect of planning permission P0172.15 by varying the definition of Planning Permission which shall mean either planning

permission P0172.15 as originally granted or planning permission P0086.16 and any other changes as may be required from this.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the deed of variation irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to 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. Materials

The development shall be carried out in accordance with the external materials and finishes submitted under reference Q0190.15 unless otherwise agreed in writing by the Local Planning Authority.

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

3. Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one 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.

4. Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on drawing no. SP15012-BB 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, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

5. Number of parking spaces

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for two car parking spaces for both existing and proposed dwelling houses 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.

6. Refuse and recycling

Refuse and recycling facilities are to be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority under application Q0190.15. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: To ensure that adequate provision is made for refuse and recycling storage, in accordance with Policy DC61

7. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority under application Q0190.15. The cycle storage shall be permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents and 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. Standard Flank Window Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwelling house(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

INFORMATIVES

12. 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.

13. Vehicle crossover informative

The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Streetcare on 01708 432563.

14. Secure by Design informative

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.

15. Approval - no negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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.

REPORT DETAIL

1. Call In

The application is called into committee by Councillor Ganly regarding the impact that the proposed development would have on the residents of Rainsford Way.

- 1.1 Councillor Ganly highlights that the parent application, P0172.15 was approved with the provision of two spaces per dwelling. It is considered that by not relocating the telegraph pole that the proposed dwelling would only benefit from one parking space. It is therefore likely that an additional car would park across the driveway and create an obstruction for residents with driveways/garages opposite the site.
- 1.2 Concern is also raised by Councillor Ganly over the achievability of vehicles to manoeuvre on/off the site with the telegraph pole in situ in such proximity to the adjacent school entrance.

2. Site Description

- 2.1 The site lies at the southernmost point of Rainsford Way on the western side, with outlook to the west.
- 2.2 Following the approval of application P0172.15 in 2015 which sought permission for the demolition of an existing double garage on site and the construction of an attached dwelling to adjoin no. 72, works have commenced and appear substantially completed as observed by staff attending site.
- 2.3 The surrounding land use is predominantly residential. The dominant housing form is two storey terraced and semi-detached dwellings and the site is in very close proximity to Wykeham Primary School to the South.

3. Description of Proposal

- 3.1 This application seeks permission to vary condition 4 of application P0172.15. Condition 4 states

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on drawing no. SP15012-BB 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. This includes the relocation of the telegraph pole as identified on the drawings submitted.

Reason:- To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

- 3.2 The applicant seeks to vary the wording of this condition to remove reference to the relocation of the telegraph pole.

4. History

- 3.1 P0172.15 – Demolition of existing attached garage and replacement with new end of terraced four bedroom semi-detached dwelling with associated parking and amenity.
- 3.2 P0174.15 - Proposed single storey rear extension and loft conversion with hip to gable and rear dormer (Revised plans received 28/04/2015)

4. Consultation/Representations

4.1 In accordance with recognised procedure, notification letters were sent to 16 neighbouring properties. Three letters of representation were received which will be summarised below.

- Inadequate room to accommodate four vehicles
- Additional on street parking
- Unsafe/impractical arrangement

4.2 Highway Authority - No objections to the proposal.

4.3 Environmental Health - No objections to the proposal.

5. Relevant Policy

5.1 Policies DC32, DC33 and DC34 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.

6. Staff Comments

6.1 The main issue to be considered in this case is whether the suggested revision to the condition is acceptable.

6.2 Policy requires a maximum of 1.5 - 2 parking spaces per dwelling for a property which has a PTAL of 1-2. The submitted plans demonstrate four parking spaces can be provided in total, with the telegraph pole in situ, allocated on the basis of two per dwelling.

6.3 The telegraph pole is situated 1.70m from the boundary of the site with Wykeham Primary School.

6.4 Whilst the spaces approved under application P0172.15 were marginally shorter/narrower than the usually required 2.40m x 4.80m size space, the judgement was made at the time that the shortfall alone, particularly so marginal, could not form sufficient grounds for a sole reason for refusal. It is accepted, as it was previously, that the number of spaces shown meets policy requirements.

6.5 Whilst it is a possibility that occupiers of the existing/proposed dwellings may not utilise both spaces, which may in turn lead to additional on-street parking, the agent has demonstrated on plan number SP1607SK2 that the frontage of the existing and proposed dwellings is able to accommodate independent access for two vehicles with the telegraph pole in situ and this is the basis on which the application should be judged. The tracing plan submitted with the application indicates that vehicles can manoeuvre on and off the

driveway. Whilst this may not be in a forward gear, this is no different to the other driveway spaces in Rainsford Way.

6.6 Concerns raised by residents relate to matters of highway safety and access to and from the site. A similar arrangement to that proposed exists directly opposite the site at 67 Rainsford Way in connection with a garage space and in the absence of any substantive evidence to the contrary, it is not considered that the manoeuvring of vehicles to and from the application site would present any significant issues sufficient to justify refusal of permission.

6.7 The Highway Authority have raised no objections to the retention of the telegraph pole.

7. **Conclusion**

7.1 The proposed variation is considered to be acceptable. The applicant has demonstrated that two vehicles can be accommodated on site to the frontage of each dwelling. The shortfall in the dimensions of the parking spaces has previously been considered and deemed acceptable. The focus of this application relates to the feasibility of the proposal to be implemented without the relocation of the telegraph pole. To this end, the applicant has demonstrated that independent access is achievable. Approval of this application is therefore recommended.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions will be sought through the legal agreement.

Legal Implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form and drawings received 12-02-2016