

REGULATORY SERVICES COMMITTEE

30 June 2016

REPORT

Subject Heading:

P1536.15 – Land bounded by New Zealand Way, Queenstown Gardens and Gisbourne Gardens - Outline planning application for 32 dwellings comprising 2-bedroom and 3-bedroom houses and flats with associated landscaping and car parking with all matters reserved (received 1/12/15 and revised plans received 25/04/16)

Ward

South Hornchurch

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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	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal seeks outline consent for two buildings to provide 16 two bedroom and three bedroom flats and 16 two bedroom and three bedroom houses with all matters reserved. Subject to a S106 Legal Agreement to secure children's playspace and landscaping outside the red line site area and to secure a financial contribution towards education provision the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. It is recommended that planning permission be granted subject to conditions and the completion of the Section 106 Legal Agreement described above.

RECOMMENDATIONS

That 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:

- Children's play facilities in the area to the immediate south of the site, which is within the applicants' control.
- Soft landscaping including the planting of semi-mature trees in the area to the immediate south of the site, which is within the applicants' control.
- A financial contribution of £192,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the 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 to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

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 outline planning permission subject to the conditions set out below.

1. Reserved matters - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Note that as a minimum floor levels must be 4.55 metres above Ordnance Datum sea level

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Reserved Matters Time limit - Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Overall Time Limit - The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. Accordance with Development Parameters - The development hereby permitted shall be informed by the principles detailed within the submitted material:

Drawing 1434_PL011 Rev D (Ground Floor Plan);
Drawing 1434_PL010 Rev F (Proposed Site Plan);
Drawing 1434_PL012 Rev E (Typical Floor Plan);
Drawing 1434_PL013 Rev A (Top floor headheights);
Sketch drawing of elevations;
Flood Risk Assessment dated June 2016;
Design and Access Statement dated 16 October 2015.

No application for approval of reserved matters (or other matters submitted for approval pursuant to planning condition) which would entail any material deviation from the above shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason:-

To ensure that the development is carried out in accordance with the documents that have formed the basis of consideration of this scheme, and to comply with the development plan policies against which this outline planning application has been considered.

5. Materials - Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the

Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

6. Flank windows - 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.

7. Refuse/recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Parking provision - 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, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

9. 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.

10. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- And the development shall be carried out in accordance with the approved scheme and statement.

Reason: 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.

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

Reason: Insufficient information has been supplied with the application in relation to wheel 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.

12. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or

enlargement (including additions to roofs) shall be made to the dwellinghouse(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.

13. Sustainable Urban Drainage System - Prior to the commencement of the development hereby approved, details of a Sustainable Urban Drainage System shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to occupation of the development the drainage system shall be installed in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been submitted with the application to evaluate the effectiveness of any SUDS system. Submission of this detail prior to commencement will prevent uncontrolled water runoff from the site causing flooding to the surrounding area and ensure that the development accords with policies CP15 (Environmental Management) and DC48 (Flood Risk) of the Development Control Policies Development Plan Document.

14. Boundary treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently 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 commencement 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. External lighting - No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. 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 residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and turning head shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once

constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent its use for anything but access.

Reason: Insufficient information has been supplied with the application in relation to the surfacing materials. Submission of details prior to commencement will ensure that the surfacing materials are suitable, 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.

17. Pedestrian Visibility Splays - The proposal should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back from 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.

18. Vehicular Visibility Splays - The visibility splays at the junctions of Queenstown Gardens and Gisborne Gardens with New Zealand Way shown on drawing 1435_PL_010 Revision F shall be achieved and maintained. There should be no obstruction or object higher than 0.6 metres within the visibility splay and no shrubs or trees shall be planted within the splays either during or subsequent to the development.

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

19. Highways Agreement - The necessary agreement, notice or license to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with highway safety, and in order that the development accords with policies CP10, CP17 and DC61 of the Development Control Policies Development Plan Document.

20. 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. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. 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 is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

21. Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

22. Building Regulations - The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

23. Sound insulation - The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 LnT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

24. Trees - No works to trees shall be carried out except between the months of September and February (inclusive).

Reason: To prevent disturbance to nesting birds.

22. Trenches - Any trenches or other excavations left open overnight should be furnished with gently sloping planks.

Reason: Badgers and hedgehogs may use the site for foraging, the ramps will provide a means of escape for any animals which fall into the excavation.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with David De Souza via telephone in March and April 2016. The revisions involved reducing the scale of the apartment buildings, increasing the number of parking spaces and enhancing the size and accessibility of the amenity space. The amendments were subsequently submitted on 25th April 2016.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, 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.

The developer 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.

3. 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.

4. Waste comments

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a 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 groundwater. 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 0800 009 3921.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to this planning application.

Water comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is - Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex, CM3 8BD. Tel: 03457 820999.

5. 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.

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site has an area of 0.55 hectares and is located in the south east corner of a 1950s estate. It comprises approximately two-thirds of an amenity green bounded by New Zealand Way to the north, Queenstown Gardens to the south and east and Gisborne Gardens to the west. The site occupies the northernmost part of the green and is in the shape of a trapezoid with a width of 84 metres and a depth of 66 metres. The surrounding area is residential in nature with two storey semi-detached houses and maisonette buildings facing onto the amenity green. Further to the north and west is the greater part of the rest of the estate; to the south are two 13 storey residential towers (New Plymouth House and Napier House) and beyond them the A1306 and to the east is La Salette primary school. Rainham village lies approximately 750 metres to the south east of the site.

2. **Description of development:**

- 2.1 The application is for outline permission for:

- two buildings to provide 13 two bedroom and 3 three bedroom apartments;
- 4 two bedroom houses;
- 12 three bedroom houses.

The proposal includes associated amenity space and car parking.

Details relating to appearance, siting, landscaping, scale and layout are “reserved” and would be specified in future reserved matters applications.

- 2.2 The two storey apartment buildings are shown on the submitted plans as being located in the north west and north east corners of the site. They have pitched roofs with dormer windows to provide light and outlook for dwellings in the roof space. Between the apartment buildings a terrace of 4 two-storey houses is shown facing north onto New Zealand Way. To the south of the easternmost apartment building is a pair of two storey semi-detached houses facing east onto Queenstown Gardens. A road is shown running across the southernmost part of the site and connecting Queenstown Gardens to the east with Gisborne Gardens to the west. Two terraces of 3 two storey houses and one terrace of 4 two storey houses face south onto this new road. According to the indicative plans the two bedroom flats are suitable for 3 people and the three bedroom flats for 5 people, each has a bathroom and an open plan kitchen/lounge/dining room. The indicative plans show the two

bedroom houses as being suitable for 4 people and the three bedroom houses for 5 people, each has a downstairs WC and an open plan kitchen/lounge/dining room while upstairs is a bathroom and the sleeping accommodation.

2.2 A total of 48 parking spaces are provided at right angles to Gibson Gardens, New Zealand Way and Queenstown Gardens and within the site itself.

3. **Relevant History:**

3.1 No relevant planning history.

4. **Consultations/Representations:**

4.1 Occupiers of 102 neighbouring properties were notified of the application, a site notice was displayed and the application was advertised in a local newspaper. As a result of this publicity a petition with 240 signatures and correspondence from 85 neighbouring occupiers were received objecting to the proposal. Objections related to:

- **Loss of the amenity green** for children's play, exercise, dog walkers, school use and general community events [officer note: this issue is explored in the report below].
- **Amenity space provided for future occupiers is insufficient** [officer note: this issue is explored in the report below].
- **Increase in pedestrian and road traffic** and consequent issues of noise pollution, carbon dioxide emissions, highway safety and congestion [officer note: the proposal was referred to Environmental Health for their comment and they have raised no concerns regarding noise or emissions from increased pedestrian/vehicular movements, highways issues are addressed in the report below].
- **Insufficient parking provision** creating contention for parking spaces and inconsiderate parking blocking driveways and hampering access by the emergency services [officer note: parking is discussed in the report below, the London Fire Brigade were consulted regarding access and have raised no concerns].
- **Access to the proposal by the emergency services** is inadequate [officer note: the Highways Department and the London Fire Brigade were consulted regarding access and have raised no concerns].
- **Impact on electrical, water and sewage infrastructure** [officer note: Thames Water and Essex and Suffolk Water have been consulted and raised no objections, electrical supply and water pressure are covered by the Guaranteed Service Standards Regulations 2008 and are not a material planning consideration].
- **Loss of views of surrounding occupiers** [officer note: there is no right to a view and this is not a planning consideration].
- **Loss of property values** [officer note: loss of property value is not a planning consideration].
- **Inconvenience during the building works** [officer note: disturbance during construction is not a valid reason for withholding planning permission. It is proposed that conditions are imposed requiring the

- submission and approval of a Construction Method Statement and restricting the hours during which building works can be carried out].
- **Smell from the bin store** [officer note: should permission be granted a planning condition is proposed which will require the submission of details of refuse storage facilities so that their adequacy in terms of volume and quality can be ensured].
 - **Loss of sunlight and daylight, privacy and outlook** to the surrounding properties [officer note: these issues are discussed in the report below].
 - **Increase in noise pollution** from the new properties [officer note: the Environmental Health Department were consulted on the application and have requested that a condition be imposed requiring adequate sound insulation of the proposed new dwellings (see conditions above)].
 - **Loss of a water soakaway area** [officer note: this issue is discussed in the report below].
 - **Impact on local health facilities** [officer note: in the recently published Rainham and Beam Park Planning Framework (January 2016) the Borough has identified the proposed Beam Park Centre as a location for new health and community facilities, these facilities would be within walking distance of the proposed development and would help to relieve pressure on existing facilities in the area].
 - **Impact on local school places** [officer note: the provision of educational facilities is a responsibility of the Council and a contribution is sought through a S106 agreement to provide funds to be used in offsetting any effect the new dwellings would have in increasing the child yield in the Borough].
 - **Loss of recently planted and mature trees** [officer note: landscaping is discussed in the report below].
 - **Design issues**, the massing and design of the proposal is not in keeping with the character of the surrounding area [officer note: design is discussed in the report below].
 - **Increase in crime** and concerns relating to the character of future residents and their visitors [officer note: the advice of the Metropolitan Police was sought regarding the proposal and they raised no objections to the scheme; concerns regarding the character of future occupiers and their visitors are speculative in nature and cannot be considered further in this report].
 - **Loss of habitat** [officer note: this issue is explored in the report below].
 - **Covenants on the land** which would prevent the development from going forward [officer note: covenants restricting the development of land are not a material planning consideration, but rather an issue for the applicant to investigate prior to development; it is understood that the applicant has carried out detailed research to determine whether any such covenant is in place and has found none].

4.2 Highways - no objection to the proposal. They have commented as follows:

- The servicing arrangements from the highway access driveway are acceptable.

- The visibility splays are acceptable and should be secured and maintained by condition.
- The parking standard in this location is 1.5 to 2 spaces per unit. The proposal provides 1.5 spaces per unit.
- We would look favourably on retaining a 1.8 metre footway around the edge of the site but the access road is not adoptable. The applicant should note that there are lighting columns and traffic signs in the area and any changes therein will be at the applicants cost.
- If permission is granted a condition should be imposed requiring vehicle cleansing facilities to be installed prior to the commencement of development and used throughout the duration of construction works.

4.3 Environmental Health - no objection. Request a condition be imposed relating to sound insulation.

4.4 Local Authority Waste and Recycling - no objection.

4.5 Thames Water - no objection.

4.6 Essex and Suffolk Water - no objection.

4.7 Fire Brigade - No additional fire hydrants are required.

4.8 Metropolitan Police - no objection. Request that conditions are imposed relating to boundary treatment; soft landscaping; lighting and cycle storage.

5. **Relevant policies:**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP15 (Environmental Management); CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC36 (Servicing), DC40 (Waste recycling), DC48 (Flood Risk); DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document (technical appendices)

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), 5.15 (water use and supplies), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.

5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

- 6.1 The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity, highway and parking issues, flood risk and infrastructure.

7. **Principle of development**

- 7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and isn't formally designated as Public Open Space in the Local Development Framework. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

8. **Density and site layout**

- 8.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare and the London Plan advises a density of 40-80 dwellings per hectare. The proposal achieves a density of some 58 units per hectare on this 0.55 hectare site, which is slightly above the range indicated by Policy DC2 but complies with the London Plan which being the most recently adopted document carries the greater weight. It is considered that the density proposed is acceptable.
- 8.2 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. The proposal would provide 2 and 3 bedroom affordable housing and this mix is considered to be acceptable.
- 8.3 The floor areas and balconies shown on the indicative plans submitted with the application comply with the requirements set out in the London Plan Housing Standards.
- 8.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. Each of the houses proposed is shown on the indicative plans with a rear garden and the smallest of these has an area of 36 square metres. The apartment buildings are shown with communal amenity areas each with an area in excess of 100 square metres and accessed from the ground floor lobbies. It is considered that the rear gardens and the amenity spaces 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.
- 8.4 The Havering Residential Design Supplementary Planning Document requires that children's play spaces should be provided in all new residential development containing flatted schemes with the potential for 10 or more child bed spaces, as set out in the London Plan's Supplementary Planning

Guidance Providing for Children and Young People's Play and Informal Recreation. The guidance sets a minimum standard of 10 square metres of play space per child bed space within such a development. No play space has been allocated within the development for children's play, however the applicant has agreed to enter into a S106 agreement to provide a children's play area as part of a wider landscaping scheme involving the part of the amenity green to the immediate south of the site which is being retained for public use and is within the control of the applicant

9. Design/impact on street/Garden scene

- 9.1 Landscaping is a reserved matter and no detailed landscaping scheme has been submitted.
- 9.2 Residents have commented that the loss of a part of the amenity green including existing trees, both mature and recently planted, will be detrimental to local wildlife - especially bats which have been observed in the area. As a result an Ecological Survey of the site has been commissioned. The survey concludes that the only tree on the site which is likely to have potential as a bat roost is outside the development footprint and that there will be no significant impact on bats and their roosts. It recommends that in order to avoid disturbing nesting birds, any removal of trees should either be carried out between September and February or be preceded by a survey to determine whether or not there are active nests present. The survey also states that badgers and hedgehogs may use the site for foraging and any trenches or other excavations left open overnight should be furnished with gently sloping planks so that any animals which fall into the excavation can make their escape. It is considered that should planning permission be granted, a conditions should be imposed to restrict any tree works to the period between September and February and to provide ramps in any trenches left overnight to prevent the trapping of wildlife.
- 9.3 Residents have also commented that the green is used by local people as an amenity area and by the local school for informal lessons and that the loss of a part of the green would be detrimental to these activities.
- 9.4 In order to help to mitigate the issues of loss of habitat and the loss a part of the amenity green, the applicant has offered to enter into a Section 106 agreement to landscape the part of the amenity green to the south of the proposed development. This landscaping would provide semi-mature trees and grassland to provide habitats, mounds, seating and a children's play area.
- 9.5 Scale and appearance are reserved matters. The floor plans show that the apartment buildings and houses would have two storeys and pitched roofs. It is considered that it would be possible to design the buildings in such a way that they would be appropriate to the area and that the site can accommodate the density proposed without having an adverse impact on the surrounding built form.

10. **Impact on amenity**

- 10.1 It is not considered that the proposal would result in any material loss of amenity to neighbouring properties. The nearest dwellings are some 20 metres from the proposed development and this separation would preclude any significant loss of light or privacy.
- 10.2 Dwellings on New Zealand Way, Gisborne Gardens and Queenstown Gardens face across these respective roads towards the application site. There would be some loss of view across the existing open space from these properties, however private views are not protected by planning legislation and this issue cannot be taken into account when considering the application.
- 10.3 Loss of outlook is a planning consideration and this occurs when new development has the potential to cause a sense of enclosure to occupants of existing buildings - for example, where a wall is proposed to be close to a window. In this case the separation of the new buildings from the existing dwellings is considered to be more than enough to preclude any such loss of outlook.

11. **Highway/parking issues**

- 11.1 Policy DC2 of the Core Strategy and Development Control Policies Development Plan Document indicates that parking should be provided at a level of 2-1.5 spaces per unit for a site with a PTAL of 1-2. 48 spaces are provided for 32 units - an overall average of 1.5 spaces per unit which complies with the policy. However it should be noted that as two of the houses are provided with two spaces each which would in practice only be usable by those houses, the provision for the remaining units is an average of 1.47 spaces per unit. This level of provision is considered acceptable..
- 11.2 The Council's Highways Authority has no objection to the proposal but has requested that conditions are imposed relation to visibility splays.
- 11.3 Conditions are recommended to ensure adequate refuse and recycling provision and cycle storage facilities.

12. **Flood Risk**

- 12.1 A part of the site is in Flood Zone 2 and as a result a Flood Risk Assessment has been carried out. The conclusions of the assessment are set out below.
- Although the site is protected by existing flood defences, a precautionary approach is recommended and as a minimum the floor levels should be 4.55 metres above sea level which is 300mm above the 1 in 1000 year flood event level [note: the ground level of the site varies between 5.3 metres above sea level in the north east to 3.9 metres above sea level in the south west];

- As the development will result in a significant increase in impermeable area it is recommended that sustainable drainage systems are used to manage the increase in surface water runoff. Attenuation of runoff would be achieved through the use of below ground cellular storage.

12.2 The minimum floor level suggested can be required to be achieved by the reserved matters application which must be submitted to provide the details of the design of the scheme.

12.3 Should the current application be approved it is proposed that a condition is imposed to ensure the submission of details of a sustainable drainage system prior to the commencement of development and the subsequent implementation of the system prior to occupation.

13. **Infrastructure**

13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

13.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable

mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

13.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £192,000 for educational purposes would be appropriate.

14. **Mayoral CIL**

14.1 The dwellings are liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

15. **Conclusion**

15.1 The site is considered to be acceptable in principle for residential development and is considered possible to construct dwellings that would be appropriate. The proposal would have an acceptable relationship to nearby properties and would provide suitable amenity provision for future occupiers. The amount and configuration of the parking is considered to be acceptable. There would be a financial contribution of £192,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms and plans received 1/12/2015, revised plans 25/4/2016.