



# REGULATORY SERVICES COMMITTEE

# REPORT

7 June 2012

**Subject Heading:**

**P0460.12 – 59 Allen Road, Rainham**

**Redevelopment of the site to provide two detached houses with garages and on site parking (Application received 11<sup>th</sup> April 2012)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

**Local Development Framework  
London Plan  
National Planning Policy**

**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 type="checkbox"/>

## SUMMARY

This report concerns an application for redevelopment of the site to provide two detached houses with garages and on-site parking. A Section 106 Legal Agreement is required in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the

residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

## 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:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement irrespective of whether the agreement is completed.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: 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.

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 the LDF Development Control Policies Development Plan Document Policy DC61.

4. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted 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.

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:- In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

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

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

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

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

8. Garage - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason:-To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

9. Garage door - The garage hereby permitted shall be fitted with a roller-shutter door of a type and design to have previously been submitted to and agreed in writing by the Local Planning Authority prior to commencement of works on the site to accord with the Development Control Policies Development Plan Document Policies DC61 and DC33.

Reason:- In the interests of pedestrian safety and visual amenity.

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

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

11. Car parking - 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.

12. Hours of construction - 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, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. Obscure glazing - The proposed first floor windows on the northern flank of the dwellings serving en-suites shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

14. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no roof extensions or alterations shall take place under Class B and C, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:- In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

15. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

16. Contamination - 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 I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if 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.

c) 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.

d) 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

e) 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. Highway alterations - The necessary agreement, notice or licence to enable the proposed alterations 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.

18. Secured by Design - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 310m<sup>2</sup> and amounts to £6,200.

## INFORMATIVES

### 1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP17, DC2, DC3, DC33, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Residential Extensions and Alterations Supplementary Planning Document and the Supplementary Planning Document (SPD) for Residential Design. The proposal is also considered to be in accordance with the provisions of Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.13, 7.4 and 8.3 of the London Plan.

2. In aiming to satisfy condition 18 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

3. 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.

4. 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.

5. 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.

### Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is located on the western side of Allen Road. The site is presently occupied by a single storey detached dwelling and a garage. The site has a frontage onto Allen Road of approximately 8.5 metres and the whole site has a depth of approximately 61 metres. The surrounding area is predominantly residential in character, comprising of single and two storey detached, terraced and semi-detached properties. The site is flanked by two storey detached dwellings, No. 57 to the south and No. 59a to the north.

### 2. Description of Proposal

- 2.1 The application seeks permission for the demolition of an existing bungalow and garage and the erection of two, five bedroom detached dwellings with garages.
- 2.2 In terms of appearance the proposed two storey dwellings would have gabled roofs with hipped ends. In terms of finishing materials, the predominant materials proposed are brickwork, roof tiles and windows and doors would be UPVC.
- 2.3 Each dwelling would measure 6.1 metres in width and 11 metres in depth (not including the garage). The garage would project an additional 2.750



metres from the front façade of the dwellings and would be located 0.1 metres from the respective northern and southern boundaries. The dwellings would be 8 metres in height. There would be one space on hardstanding and each dwelling has a garage.

### **3. Relevant History**

- 3.1 P0100.12 - Demolition of existing dwelling and erection of two detached houses and garages – Refused.

### **4. Consultations/Representations**

- 4.1 The occupiers of 22 neighbouring properties were notified of this proposal. No letters of representation have been received.
- 4.2 Environmental Health – Recommend a contamination condition if minded to grant planning permission.
- 4.3 Crime Prevention Design Advisor - Recommends a condition and informative if minded to grant planning permission.
- 4.4 The Highway Authority has no objections to the proposals and recommends a condition and informatives if minded to grant planning permission.
- 4.5 London Fire and Emergency Planning Authority - The Brigade is satisfied with the proposals.

### **5. Relevant Policies**

5.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply  
CP2 – Sustainable Communities  
CP17 – Design

5.2 LDF Development Control Policies Development Plan Document

DC2 – Housing Mix and Density  
DC3 – Housing Design and Layout  
DC11 – Non-designated sites  
DC33 – Car parking  
DC61 – Urban design  
DC63 – Delivering safer places  
DC72 – Planning Obligations

Residential Extensions and Alterations Supplementary Planning Document  
Supplementary Planning Document (SPD) for Residential Design  
Planning Obligations Supplementary Planning Document

5.3 The London Plan

- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.8 – Housing choice
- 6.13 – Parking
- 7.13 – Safety, security and resilience to emergency
- 7.4 – Local character
- 8.3 – Community infrastructure levy

#### 5.4 Government Guidance

National Planning Policy Framework

### **6. Staff Comments**

6.1 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene, the impact on neighbouring amenity and any highway and parking issues.

6.1.1 This application follows a previous planning application (reference P0100.12) for the demolition of the existing dwelling and the erection of two detached houses with garages which was refused in March 2012 for the following reason. The proposed development would by reason of the design, siting, scale, bulk and mass of the side dormer windows, appear a dominant, visually intrusive and incongruous feature in the streetscene and rear garden environment harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

6.1.2 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

- The hipped roof has changed to a gabled roof with half hipped ends.
- The front, side and rear dormer windows have been deleted.
- The height of the dwellings has reduced from 8.6 metres to 8 metres.
- Roof lights have been added to the dwellings.

#### 6.2 Principle of Development

6.2.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.

6.2.2 The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing

development, particularly as a dwelling occupies the site and therefore, the principle of a residential use is in accordance with policy criteria.

### 6.3 Density and site layout:

6.3.1 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.05 hectares and the proposal would produce a density of 40 dwellings per hectare which is deemed to be acceptable.

6.3.2 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance the proposed houses would each benefit from a private rear garden area of approximately 344 square metres. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

### 6.4 Impact on local character and street scene:

6.4.1 The application would comprise the demolition of the existing dwelling and garage on the site. While the dwelling appears to be in a structurally sound condition, the building is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

6.4.2 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. In this case, existing development within Allen Road comprise of a mix between single and two storey detached, semi-detached and terrace houses of varying styles. No objections are raised to two, two storey detached dwellings with garages.

6.4.3 It is considered that deleting the side dormer windows has brought the scheme within the realms of acceptability. It is Staff's view that the proposed houses do appear to replicate the architectural style of No. 59B Allen Road and would be comparable in terms of general proportions and detailing. (59B Allen Road comprises of a replacement dwelling that was approved in 2006 under application P2254.06).

6.4.4 The dwellings would be similar in height to neighbouring residential dwellings. It is considered that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality.

6.4.5 The position of the dwellings in the streetscene is considered to be compatible with the general building line in Allen Road. The proposed houses would utilise a mixture of materials including facing brickwork, roof tiles and UPVC windows. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

## 6.5 Impact on amenity

6.5.1 No. 57 Allen Road has a ground floor window on its northern flank, which is obscure glazed and serves a W.C. No. 57 Allen Road has a first floor window on its northern flank, which serves an en-suite and is obscure glazed. There would be a separation distance of approximately 2 metres between the new dwelling adjacent to the southern boundary and the flank wall of No. 57 Allen Road (not including the garage). It is considered that the proposal would not result in a significant loss of light to No. 57 Allen Road, as it does not have any flank windows that serve primary light sources, and the rear façade of the dwelling in Plot A would be set in approximately 1.4 metres from the rear façade of No. 57 Allen Road.

6.5.2 No. 59A Allen Road has a ground floor and two first floor windows on its southern flank, which are all obscure glazed. There would be a separation distance of approximately 2 metres between the new dwelling in Plot B and the flank wall of No. 59A Allen Road (not including the garage). It is considered that the proposal would not result in a significant loss of light to No. 59A Allen Road, as the dwelling in Plot B would be broadly in line with the front and rear facades of this neighbouring dwelling. In addition, there is a favourable orientation, as No. 59A Allen Road is located north of the application site.

6.5.3 If a rule of thumb notional line was taken from the neighbours on either side of the application site, created by a 2m set in from the rear façade of No.'s 57 and 59A Allen Road and permissible depth of a first floor rear extension at 3m, this line would not impede by the proposed detached dwellings and therefore it is considered that the proposal would not unacceptably impact on the amenity of No.'s 57 and 59A Allen Road.

6.5.4 It is considered that the proposal would not create any undue overlooking or loss of privacy. A condition will be placed in respect of boundary treatments if minded to grant planning permission. The first floor flank windows of the dwellings serving en-suites will be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission.

## 6.6 Highway/parking issues

6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be

one space on hardstanding and each dwelling would feature a garage, which shall be made permanently available for the parking of private motor vehicles and this will be secured by condition if minded to grant planning permission.

6.6.2 The Residential Extensions and Alterations SPD states that a sufficient distance must be provided from the edge of the public highway boundary to the front of the garage to enable the garage door to be opened with a car standing in front of it. This will vary from a minimum of 6 metres for a traditional door or an up and over garage to a minimum 4.8 metres for a roller door. In this instance, there would be a distance of 5.8 metres between the front of the garage and the highway. Therefore, a roller shutter door to the garage will be secured by condition. The Highway Authority has no objections to the proposals. The Fire Brigade is satisfied with the proposals.

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

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 310m<sup>2</sup> and amounts to £6,200.

## **8. Conclusion**

8.1 Residential development on the site is considered to be acceptable in principle and no objections are raised to the loss of the existing bungalow and garage. It is considered that the height, siting, design and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £6k towards infrastructure improvements. 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:**

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

**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 form, plans and a design and access statement received on 29<sup>th</sup> March 2012.