



REGULATORY SERVICES COMMITTEE

2 August 2012

REPORT

Subject Heading:

P0649.12 – Land adj 151 Harrow
Crescent, Harold Hill

Report Author and contact details:

New 3 bed house and 2 vehicle
crossings (6th June 2012)

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Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[x]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This report concerns an application for a new three bedroom house to be provided attached the existing pair of semi-detached properties No. 151 and 153 Harrow Crescent, on land which currently forms the side garden of No 151. A Section 106 Legal Agreement is required in accordance with the draft 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 associated with the development in accordance with the draft planning obligations SPD.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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 hereby permitted shall 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 - All new external finishes shall be carried out in materials to match those of the existing building(s) and before any of the development hereby permitted is commenced samples of the materials to be used shall be submitted to and agreed 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. Removal of Permitted Development Rights - 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 development shall take place to either No.151 Harrow Crescent or the dwelling hereby permitted, under Part 1 Class A, B, C, D or E 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.

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. Cycle storage - Prior to completion of the development 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.

7. 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.

8. Hours of construction - No construction works or construction related 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 construction related 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.

9. Boundary fencing - Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected along the boundary with Ruskin Gardens from the rear boundary to the front building line, 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 prevent undue overlooking of the adjoining property, and that the development

accords with the Development Control Policies Development Plan Document Policy DC61.

10. Highway alterations - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

Reason: To ensure the interests of the travelling public are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

11. Vehicular crossovers – Prior to the occupation of the development hereby permitted a vehicular crossover shall be constructed running the entire length of the proposed off street parking area / spaces, to the satisfaction of the local planning authority.

Reason: To ensure highway safety for the travelling public.

12. Secure 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 might 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 the National Planning Policy Framework, Policy 7.13 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. Sound Insulation - The building shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airbourne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the National Planning Policy Framework, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

14. Contaminated Land - 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 site 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 two parts:

Part A - Remediation Scheme 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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

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 74m² and amounts to £1,480.

INFORMATIVES

1. Reason for Approval The proposal is considered to be in accordance with CP1, CP2, CP17, DC2 , DC3, DC11, DC33, DC61, DC63, 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. 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.

3. The developer, their representatives and contractors are advised that this planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

4. In aiming to satisfy condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. 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).

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 comprises land which currently forms the side garden of 151 Harrow Crescent, which is a semi-detached property. The site is located on the corner of Harrow Crescent and Ruskin Gardens. The site currently consists of garden land. It has a frontage onto Harrow Crescent with a width of 8.7m. The site has a depth of 20m. An electricity sub-station is located behind the site.
- 1.2 The site has a relatively consistent ground level. The site is bounded to Ruskin Gardens by a 1.8m fence. There are no trees which would be affected by the proposed development.
- 1.3 The surrounding area is predominantly residential in character, comprising two storey semi-detached, and terraced properties.

2. Description of Proposal

- 2.1 The application seeks permission for the construction of a new three bedroom dwelling to the existing, semi-detached, 151 Harrow Crescent, resulting in a terrace of three properties.
- 2.2 In terms of appearance the proposed new dwelling would seek to replicate the donor house, with identical proportions, a mansard roof and matching materials and fenestration. The house would have an internal floor area of 74 square metres, comprising three bedrooms and a bathroom on the first floor, and a sitting room and kitchen/diner on the ground floor.
- 2.3 The dwelling would measure 6m in width and 7.1m in depth. The front gardens of the new dwelling and the donor house would each measure 6.2m deep and each would include two parking spaces. Each dwelling would have a new vehicle crossover from Harrow Crescent. The rear gardens of the new and the donor dwelling would measure 7.7m at the shortest point. Between the flank wall of the new dwelling and the flank boundary with Ruskin Gardens would be a gap of 2.6m.

3. Relevant History

- 3.1 P1294.99 – Two storey side extension – Approved but not implemented
- 3.2 P0711.99 – Two storey side extension - Refused

4. Consultations/Representations

- 4.1 Twenty neighbouring occupiers were notified of the proposal. One comment was received reporting existing parking problems and stating that the

respondent had no objections to the proposal providing that the two spaces were provided, with the crossover facing Harrow Crescent.

- 4.2 The Council's Environmental Health Service, the Borough Crime Prevention Design Advisor and the Highways Authority all advised that they had no objections to the proposals, but each requested the addition of conditions and/or informatives.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply
CP2 – Sustainable Communities
CP17 – Design
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
Draft 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.

7. Principle of Development

- 7.1 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. As the site does not fall within any designated areas, and the surrounding use is residential, then residential uses are acceptable in this area.

8. Density and site layout:

- 8.1 The residential density range for this site is 30 - 50 units per hectare. Two dwellings on a site of 293 sqm represent a density of 68 units per hectare, above the upper end of the density range. Numerically the application falls marginally outside the recommended density requirements. However density on its own is not the only measure of the suitability of a development proposal. Higher density developments can prove acceptable where they are able to demonstrate adequate features that show that the development will not impact on neighbouring properties, will be compatible with the streetscape, and not cause amenity impacts to surrounding properties. Furthermore, the proposed density is similar to the existing density of other dwellings in this section of Harrow Road.
- 8.2 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.3 The proposal would involve separating the site into 2 separate plots. The total size of the amenity space to be provided for the new dwelling will be approximately 93 sqm. Amenity space for the donor dwelling would be reduced to approximately 50 sqm, which is consistent with other mid-terraced properties in the area.
- 8.4 The amenity space for both dwellings would be towards the rear and screened from public view by means of boundary treatments and would have access to direct sunlight as they are east facing. The amenity space to both the donor and proposed properties would be private and in a conveniently usable form. As a result, it is considered that the proposed amenity area of the new dwelling complies with the requirements of the Residential Design SPD.
- 8.5 The London Plan 2011, outlines recommended sizes for new dwellings (policy 3.5). For 3 bedroom houses it recommends a floor area of 87 sqm.

At 74 sqm, the proposal is some way below this. However, the layout is similar to the neighbouring three bedroom houses.

- 8.6 Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. It is a matter of judgement for members as to whether the internal size is acceptable. Staff are of the view that the consistency of the size of the house with other three bedroom dwellings in the area, indicates that, on its own, the floor area does not offer sufficient justification for a refusal. The attractiveness of the dwelling as living accommodation would be a matter of choice for prospective occupiers.

9. Impact on local character and street scene:

- 9.1 The proposal would introduce a new dwelling house to the side of the existing premises at 151 Harrow Crescent. It would essentially form part of the Harrow Crescent and Ruskin Gardens streetscape.
- 9.2 The development of vacant corner sites creates design challenges, in that any proposal must create a suitable relationship with more than one street frontage. The balancing of the need for additional housing must not be at the expense of poor streetscape outcomes.
- 9.3 As such, consideration is required to be given to the streetscape implications of the proposal in this high profile location, to both Harrow Crescent and Ruskin Gardens. The applicants have taken into consideration the nature of the existing buildings and streetscape, and propose to integrate the new dwelling to create a terrace similar to those opposite the subject site.
- 9.4 Harrow Crescent and Ruskin Gardens consist of two storey terraced and semi-detached houses of a similar design and character. The building line along Ruskin Gardens is somewhat staggered, with certain blocks set further forward than neighbouring blocks. Side gardens to corner plots are typically generous. In the past a number of properties have taken advantage of this through the addition of two storey side extensions including 149 Harrow Crescent, on the opposite side of Ruskin Gardens.
- 9.5 When viewed from Harrow Crescent, the proposed dwelling would appear as a consistent extension of the existing pair of houses, by adopting a similar setback, proportions and facade treatment to the adjoining existing dwelling.
- 9.6 A 2.6m gap would be retained from the flank wall of the new dwelling to the side boundary with Ruskin Gardens. This gap is consistent with the gap between the flank wall of the side extension at No. 149 Harrow Crescent and will balance out this end of Ruskin Gardens. Staff consider that this gap would prevent the development from appearing cramped. The new house

would protrude beyond the front building lines of the properties on Ruskin Gardens, however, the staggered building line of Ruskin Gardens, combined with the spacing to the flank wall would prevent the dwelling from dominating the streetscene.

- 9.7 Staff consider that the dwelling would appear as an extension of the existing section of housing. In doing so it will not have a harmful effect in the streetscape, in that it will not be a building of different, height or character and will not obscure any important vistas. Whilst in a prominent position in the streetscene, the proposal is considered acceptable and will not appear overbearing in this location.

10. Impact on Amenity

- 10.1 The existing pair of semi-detached properties would be extended to the side to create the new dwelling, and the new dwelling would not protrude to the front or rear. Therefore, the new dwelling would not lead to any loss of light or overshadowing to Nos. 151 or 153 Harrow Crescent. The new dwelling would be over 11m from No. 2 Ruskin Gardens, the nearest unattached neighbour, and therefore would also not result in overshadowing or loss of light to other neighbouring properties.
- 10.2 The front and rear facing windows would have the same view as No. 151 Harrow Crescent and therefore would not lead to any loss of privacy to neighbouring properties. No first floor flank windows are proposed, and views from the ground floor flank windows would be obscured by the boundary fence.
- 10.3 As proposed, the application does not present the potential to impose a significant loss of amenity on adjoining neighbours

11. Highway/parking issues

- 11.1 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 includes 4 parking spaces, two for the new dwelling and two for the donor dwelling. Two new vehicle crossovers are proposed, and the Highway Authority has no objections to the proposals subject to the imposition of various conditions. No highway or parking issues are raised by the proposals.

12.0 Other Issues

- 12.1 The Council's draft SPD on Planning Contributions requires a payment of £6000, per new dwelling created. This will require a total of £6,000 to be secured by way of a Section 106 agreement.

12.2 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 chargeable floorspace of the development once the demolition works are taken into account is approximately 74sqm, which equates to a Mayoral CIL payment of £1,480.

13.0 Key Issues/Conclusions

13.1 Staff consider that the height, siting, design and scale of the proposed dwelling 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 not appear unduly dominant within the streetscape. Staff consider that the proposal provides suitable amenity provision for future occupiers, although this is a matter of judgement when considering the internal space provided. The development is considered to be acceptable in respect of parking and highway issues. The applicant has agreed to pay a financial contribution of £6,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered by staff 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 to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regards to Equality and Diversity issues.

BACKGROUND PAPERS

Plans and Documents submitted with the application 6th June 2012