



REGULATORY SERVICES COMMITTEE

13 September 2012

REPORT

Subject Heading:

P0639.12 –Land opposite 1 & 3 Craven Gardens, Lodge Lane, Collier Row –
Extension of time application to P0485.09
Development of part of former playground
for 2 No. 2-bed and 1No. 4-bed houses
(received 31 May 2012)

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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

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 the extension of time to implement an approved scheme (P0485.09) for three houses: a pair of semi-detached 2-bedroom houses and a detached 4-bed house. This would include the provision of three new vehicular accesses onto Craven Gardens and retain the existing access into the retained playground area to the rear (North). Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended for the extension of the time limit to implement the scheme, subject to a Legal Agreement and conditions.

RECOMMENDATIONS

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 262.78m² and amounts to £5,255.60.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Draft 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 legal agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That Staff be authorised to enter into such a legal agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the following conditions:

1. SC04 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. SC09 Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. SC32 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications submitted to and approved by the Local Planning Authority.

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.

4. SC58 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. Unless otherwise agreed in writing these details shall include provision for underground containment of recyclable waste.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. SC59 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.

6. SC43 The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB

(maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. NSC01 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

8. NSC02 Prior to the commencement of the development, 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: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

9. SC08 (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 to accord with Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.

10. SC14 (visibility splays) - Clear and unobstructed visibility sight lines shall be provided to the satisfaction of the Local Planning Authority in the position and for the distance shown on the approved plan. The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

11. SC11 (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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in accordance with Policy DC60 of the LDF Core Strategy and Development Control Policies DPD.

12. NSC03 Prior to commencement of the development, details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the proposal has an acceptable impact on visual amenity in the street scene in accordance with Policy DC61 of the LDF Development Control Policies DPD.

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

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

14. NSC05 The necessary agreement, notice and/or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development. A Commercial standard access will be required for demolition and construction activities.

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

15. NSC06 Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in NPPF, and The LONDON PLAN, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy condition 15, 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).

2. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

3. Reason for approval:

The proposal accords with Policies CP1, CP7, CP17, DC2, DC3, DC18, DC20, DC61 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Documents, the London Plan and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85.00 is required per submission pursuant to discharge of condition.

4. 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.

Mayoral CIL

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 262.78m² which equates to a Mayoral CIL payment of £5,255.60

REPORT DETAIL

1. Site Description

- 1.1 The application site to the north of the highway, Craven Gardens, close to the junction with Lodge Lane comprises a grassed area which, at the time of the site visit, was in use for horse grazing. It formerly formed part of a vacant playground/recreation area. To the south-west of the application site are gates in the boundary fencing. The site area is 0.07 hectares.
- 1.2 The site adjoins an area of Metropolitan Green Belt to the west and north of the application site which comprises the remainder of the former playground area; beyond which are open fields. To the south and east of the site are mainly two-storey residential properties within the urban area.

2. Description of Proposal

- 2.1 The proposal is for an extension to the time period to implement the approval granted in June 2009. The scheme is for the erection of three 2-storey houses; one a detached 4-bedroom house and the others a pair of semi-detached 2-bedroom houses on the 56m wide and between 9.5m and 16.5m deep site.
- 2.2 Each of the 2-storey semi-detached pair would be 8.1m deep and 4.85m wide with gable-sided roof with a maximum ridge height of 7.8m above ground level. The detached part 1/part 2 storey house would have a maximum depth of 7.85m and 9.1m wide with an attached garage; its gable-sided roof would have a ridge height of 8.2m above ground level. It would have three dormer windows to its front elevation.
- 2.3 Due to the restricted depth of the application site, residential amenity space would be provided mainly to the side of each property and would for the semi-detached pair be 94 sq.m and 91.8 sqm and for the detached house, 199 sq.m.
- 2.4 Each property would be provided with two parking spaces; with one in a garage for the detached house. A new vehicular access would be provided for each property onto Craven Gardens.

- 2.5 The overall proposal for the immediate area includes the provision of a vehicular access to the remaining part of the former playground site (within the Green Belt), which does not form part of this application site.

3. **History**

- 3.1 P0485.09 - Development for former playground for 2x2 bed and 1 x4 bed house – Approved 01/06/09
- P0465.12 – Erection of 4 dwellings (2x3-bed semi-detached and 2x4 bed) – currently under consideration

4. **Consultation/Representations**

- 4.1 9 neighbouring and nearby properties were notified of the application for a time extension. A site notice was posted and a press notice placed in a local paper. There were no replies.
- 4.2 The Metropolitan Police Design Advisor has written to request that conditions and an informative attached to the original approval in relation to Secured by Design are similarly attached to the current application.
- 4.3 Thames Water have written to remind the developer that they are responsible for the proper provision of drainage to ground, water courses or a suitable sewer. They also indicate that there are public sewers crossing or close to the application site and that their approval would be needed if any works would come within 3m of a public sewer, but it would be likely to be refused for any new buildings.
- 4.3 The Fire Brigade (LFEP) indicate that access should meet 16.3 of ADB Volume 2 but if this cannot be achieved a fire main should be provided in accordance with 15.3 and access should meet 16.6 with a fire hydrant within 90m of the inlet to the fire main. These are the Building Regulations documents and a separate application would be needed.

5. **Staff Comments:**

- 5.1 The main issue is whether there have been any changes in legislation or policy since planning permission was granted on 1st June 2009 that would result in an alternative recommendation being made. The LDF was adopted in 2008 and remains unchanged. The London Plan was revised in 2011 and the National Planning Policy Framework was published in March 2012.
- 5.2 As before the issues relating to the proposal itself are: the principle of the development, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/car parking issues. Policies CP1, CP7, CP17, DC2, DC3, DC18, DC20, DC61 and DC72 of the Local Development Framework Core and Development Control

Policies Development Plan Documents are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

Principle of development

- 5.3 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The proposal is for the redevelopment of part of the existing field, formerly a playground, for residential development. Policy CP7 indicates that the Council will seek to retain and increase access to recreation and leisure opportunities by, among others, retaining existing facilities where a need exists. Policy DC18 specifies that if public open space is surplus to requirements because other facilities exist in the locality, alternative uses will be allowed. Policy DC20 indicates that the Children's Play Space standard is 0.8 hectares per 1,000 population with access to formal/informal play provision within 400m of home.
- 5.4 A new formal play area has been provided to the south in Lodge Lane, however, it is located approximately 600m from the application site. The remainder of the existing playground would be retained together with (as part of the current proposal) its existing access from Lodge Lane. No details have been provided as to a specific use of this area although it is within the Metropolitan Green Belt where Policy DC45 indicates that outdoor recreation would be a suitable continuing use. In addition, Lodge Lane itself provides access to the north into the Green Belt, for informal recreation, mainly walking and similar activity.
- 5.5 It was previously considered that the existing site had limited recreational value as it was locked, contained no useable play equipment and has been effectively unused land for a considerable period of time. Therefore the loss of the small area of open land (outside the Green Belt) was considered previously to be acceptable.
- 5.6 The proposal is for the erection of housing within the urban area. Whilst this is directly adjacent to the green belt and somewhat remote from facilities, as previously, it is considered that the site accords with Policy CP1 in that it would help to meet the housing targets and would be on existing open urban land, would be on land not designated for other uses within the urban area and would additionally be outside the Green Belt. The site is also served by public transport (a short walk to the south) and there are some limited shops in the locality and at the far end of Lodge Lane.
- 5.7 The London Plan and the NPPF promote the better use of urban land and support in general the provision of a range of housing to meet identified needs. As previously, therefore, it is considered that the proposed development would be acceptable in principle.

Density/Site Layout

- 5.8 The proposal is to provide 3 houses at the application site which is 0.07 hectares. Policy DC2 indicates that the density range would be 30-50 units

per hectare and the preferred housing type for this area. The proposed density at just under 43 units per hectare would fall within this range.

- 5.9 The London Plan indicates at Policy 3.5 (Table 3.3) that 2-storey houses should have a minimum floorspace of 83 sq.m for a 2-bed 4 person unit and a 4-bedroom 6 person unit should have a minimum floorspace of 107 sq.m. The submitted drawings show 2, 3-bedroom houses with 4 bed spaces each with internal floor areas of 66 sq.m and a four bedroom unit with at least 6 bed spaces with a floor area of 112 sq.m. The proposed 4-bed detached house would meet the Mayor's minimum space requirement for this size of property. However, the 2, 3-bed houses at 66 sq.m each would fall below the 83 sq.m minimum indicated for 2 bedroom houses. Members will need to place their own judgement on this issue, as this is a time extension application and the size of these dwellinghouses were previously considered to be acceptable. Staff consider that the size of the dwellings proposed would not be so unacceptable as to refuse planning permission on this ground alone.
- 5.10 In respect of amenity space provision, the SPG for Residential Amenity Space (which was used in respect of the original application) is no longer relevant and has been replaced by the SPD on Residential Design. The SPD indicates that amenity space should be large enough for the needs of the proposed occupiers for daily use, in this instance, families. In this case the amenity space provided for the detached house would be 199 sq m and 91 sq m each for the semi-detached dwellings. The SPD also specifies that the space should be private, screened from public view and convenient. In this case the most usable parts of the amenity space would be to the side of the proposed dwellings. It is considered that the amenity space provided would be suitable, receive good levels of sunlight and could be screened from the street without detriment to the future occupiers or the street scene. It is therefore considered, as previously, that the proposal provides a satisfactory level and quality of amenity space.
- 5.11 In conclusion, Staff consider that the proposal would be of a satisfactory density and layout.

Design/Impact on Street/Garden Scene

- 5.12 The development would result in two-storey residential development where there are currently no buildings, it would therefore be particularly visible in the street scene of Craven Gardens and, to a lesser degree in Lodge Lane. The new properties would also be clearly visible from the adjoining Green Belt land.
- 5.13 The proposals are for two-storey semi-detached properties and the detached house is single-storey with roof dormers to its front elevation which would generally be in character with the existing residential properties of mainly two-storey detached and semi-detached properties with some single-storey properties.

- 5.14 The proposed detached property has been set back from Lodge Lane to accommodate the former playground access and would not sit forward of the building line to this side of Lodge Lane. As such, it is considered that it would not be visible in longer views from the south and would have the same relationship with properties on the opposite side of Lodge Lane as exists to the south, albeit that it would front onto Craven Gardens rather than onto Lodge Lane. It is therefore considered that the view of the open/green area at this end of Lodge Lane would be retained.
- 5.15 The proposed buildings would not be sited any further north or west of existing properties to the east and south of the site and it is considered that the development would fit in with the existing urban form in accordance with SPD on Residential Design.
- 5.16 The properties would be set back from the highway by between 2m (semi-detached pair) and 3m (detached house). This would be significantly closer to the highway than properties opposite at over 6m back, nonetheless, it is considered that the existing 6m set back is deeper than usual for modern property development. While the proposed set backs would be significantly less, Staff consider that the proposal would not have any overbearing/ over-dominating impact in the street scene due to the provision of a set back and, in part, to the spacings between the buildings/side boundaries which are a minimum of 8.5m.
- 5.17 In conclusion, Staff consider that the proposed time extension would be acceptable as the proposed scheme would be of a satisfactory scale and design respecting the local character of the area.

Impact on Residential Amenity

- 5.18 It is recognised that the proposed development would bring additional activity to the small cul-de-sac of Craven Gardens, including vehicular traffic. Nonetheless, as previously, it is considered that as the properties would be located on the opposite side of Craven Gardens/Lodge Lane to the north/west of existing development, that there would be no undue harm to residential amenity.

Highway/Parking/Servicing

- 5.19 Policy DC2 indicates that parking would be needed within the range of 1.5-2 parking spaces per property. The proposal provides 2 parking spaces for each property which is acceptable.
- 5.20 There are no highways issues raised by the proposal, providing suitable visibility splays are provided for each vehicular access. This can be provided by a suitable condition attached to any grant of planning permission.
- 5.21 Suitable refuse storage would be capable of being provided within the curtilages of each of the proposed dwellinghouses and a suitable condition

will be attached to any grant of planning permission requiring details of refuse and recycling storage.

- 5.22 In line with Annex 6, cycle parking provision would need to be provided on site. Suitable provision can be made for cycle storage and further details can be submitted through a condition if planning permission is granted.

Planning Obligations

- 5.23 It is considered that as the proposal would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £18,000.

Mayoral CIL

- 5.24 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 262.78m² and amounts to which equates to a Mayoral CIL payment of £5,5255.60.

Other Issues

- 5.25 The Secured by Design Officer indicates that crime prevention measures have been considered in the design of the proposed development in recognition and asks if conditions and an informative can be attached, as previously.

6. Conclusions

- 6.1 The proposal is for a time extension to the period to implement a previously approved scheme for 3 houses within the existing area. As a matter of judgement previously Members considered the small loss of public open space to be acceptable. The proposed development would result in two dwellings which do not meet the Mayor's more recent minimum sizes and Members will need to place their own judgement on this issue, nonetheless Staff consider that this would not be sufficient to refuse planning permission on this ground alone for this application for a time extension to an originally permitted development. Staff consider that there have been no other significant or substantial changes in legislation or policy which would result in an alternative conclusion in respect of the scheme as resubmitted, nonetheless the Mayoral CIL and a legal agreement would be needed to cover infrastructure costs.
- 6.2 The scheme itself is therefore considered to be acceptable in principle. In addition, Staff consider that it would have would have an acceptable impact in the street scene, there would be no undue impact on residential amenity and highways and parking details would also being acceptable such that the proposal to extend the time to implement the original scheme, should be granted.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

8.1 A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

9. **Human Resource Implications:**

9.1 None

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

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

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.