

REGULATORY SERVICES COMMITTEE

29 November 2012

REPORT

Subject Heading:

**P1047.12 – Land rear of 223-233
Brentwood Road, Romford**

Report Author and contact details:

**New development to create 9 No. four
bedroom detached houses (Application
received 7th September 2012)**

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

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	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns an application for a new development to create 9 no. four bedroom detached houses. A Section 106 Legal Agreement is required to secure a financial contribution 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. This application was last brought to the 15th November Regulatory Services Committee. At that meeting, Staff requested the deferral of the application to enable clarification of land ownership. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Agreement.

RECOMMENDATIONS

That the Committee note that 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 1,390m² which equates to a Mayoral CIL payment of £27,800.

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 £54,000 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 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, 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 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 not be commenced 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 (as amended), no window or other opening (other than those shown on the submitted and approved plan/s,) 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 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.

8. 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.

9. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking on the approved plans 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.

10. 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.

11. 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:To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

12. 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 Classes A, B, C and E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, 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.

13. 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. The approved fencing or other boundary treatment shall be provided prior to the first occupation of any of the houses 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.

14. 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 (having previously submitted 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);

a) 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.

b) 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.

c) 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

d) 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.

15. External lighting - No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include the low level lighting of the access road. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

16. Secured by Design - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included 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 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

17. Obscure glazing - The proposed first floor window on the western flank of Unit 1 as shown on the approved plans serving a bathroom 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.

18. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and turning area 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 plans) to prevent their use for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

19. Access road - Before the dwellings hereby permitted are first occupied, the access road to the site shall be surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the use of vehicles visiting the site.

Reason: To ensure that access to the site is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

20. Alterations to the highway - 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.

21. Crossover - No development shall take place (except for works to construct the access required by this condition) until vehicular/pedestrian/cycle access from the public highway has been provided in accordance with the approved plans.

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.

22. Archaeological condition - A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to

development (including historic buildings recording) in accordance with recommendations given by the borough and in the NPPF.

23. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings 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.

Reason: To protect neighbouring amenity.

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 1,390m² and amounts to £27,800.

INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP17, DC2, DC3, DC11, DC32, DC33, DC34, DC35, DC36, DC40, DC53, DC55, DC61, DC62, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Design and the Draft Planning Obligations Supplementary Planning Document. 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 16 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.

6. Any statutory undertakers equipment requiring diversion due to the construction of the access into the development shall be diverted at the developers cost. As will the relocation or removal of any street furniture.

7. The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

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 towards the north of No's 223 – 233 Brentwood Road and forms part of the rear gardens of these properties. The site measures 0.272 hectares and ground levels are generally level.
- 1.2 The surrounding area is mainly characterised by two storey residential dwellings towards the north, east, south and west. The land to the north of the site was formally a building merchants, which has recently been developed to provide 74 affordable residential units. The land to the north of the site has a ground level of approximately 2.5 metres lower than that of the application site. Approximately 40m north of the site is the Upminster – Romford railway line. South of Brentwood Road is the Frances Bardsley School for Girls.

2. **Description of development:**

- 2.1 The application seeks permission for a new development to create 9 No. four bedroom detached houses.
- 2.2 Four houses would be located adjacent to the northern boundary and five houses would be located adjacent to the southern boundary, which backs onto the rear gardens of dwellings in Brentwood Road with an access road in between.
- 2.3 The dwellings have different footprints, with a minimum and maximum width of 7 and 10 metres respectively. The dwellings have a minimum and maximum depth of approximately 11.6 and 15.6 metres respectively.
- 2.4 The dwellings have a mixture of hipped and part gabled, part hipped roofs. Units 1, 2, 3, 4 and 7 have a ridge height of 8.3 metres. Unit 5 has a ridge height of 8.75 metres. Units 6 and 8 have a ridge height of 8.1 metres. Unit 9 has a ridge height of 8.35 metres.

3. **Relevant History:**

- 3.1 Land rear of 223-227 Brentwood Road
P1041.11 - New development to create 7 No. houses comprising 2 no. four bedroom houses and 5 No. three bedroom houses - Approved.

P0628.11 - New development to create 7 No. houses comprising 2 no. four bedroom houses and 5 No. three bedroom houses - Withdrawn.

223-225 Brentwood Road

P1681.11 - Demolition of two semi-detached houses and creation of 9 No. apartments comprising 3 No. one bedroom units and 6 No. two bedroom units – Refused for the following reasons:

1. The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of privacy, poor outlook, noise, headlight glare, restricted internal area and failure to adhere to designing out crime principles. As a result, the development represents an overdevelopment of the site contrary to Policies DC2, DC3, DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.

2. The building would, by reason of its crown roof form, excessive depth and width, scale, bulk and mass, position close to the boundaries of the site, combined with the prominent corner location and open aspect of the site, appear incongruous, overbearing, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies DPD.

3. The proposed development would by reason of its undercroft parking area, including the windows on the western elevation, would appear incongruous with the streetscene contrary to Policy DC61 of the LDF Development Control Policies DPD.

4. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies DPD.

5. In failing to deliver a high quality of design and layout through the deficiencies described in reasons 1- 4 above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.

6. The proposed 9 dwellings in conjunction with planning permission reference P1041.11 would cumulatively result in 16 dwelling units on the site in excess of the affordable housing threshold requirement of Policy DC6 of the LDF Development Control Policies DPD and Policies 3.12 and 3.13 of the London Plan. No affordable housing is proposed contrary to Policy DC6 of the LDF Development Control Policies DPD and Policies 3.12 and 3.13 of the London Plan.

7. In failing to deliver a high quality of design and layout through the deficiencies described in reasons 1- 4 above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.

4. Consultations/Representations:

4.1 The occupiers of 86 neighbouring properties were notified of this proposal. 17 letters of support were received and are broken down as follows:

6 letters of support were from No.'s 223, 225 and 227 Brentwood Road, the gardens of which form part of the application site. 9 letters of support were from other properties in Brentwood Road. 2 letters of support were from residents in Gidea Park.

4.2 Three letters of objection were received with detailed comments that have been summarised as follows:

- Queried the time frame for the works subject to planning permission being granted.
- Traffic and congestion.
- Parking.

- Queried as to when traffic regulators monitored the traffic in Francombe Close.
- Noise and dust.
- Fumes and smoke from burning paint cans on the site.
- The new build will not enhance the surroundings.
- Highly unsuitable location for a development of this number of sizeable properties.
- Disruption, smell and mess from building work.
- Building on gardens is undesirable.
- Highway safety.
- Access for emergency vehicles.
- The scale of the proposed development is excessive.
- Loss of trees in Francome Gardens.
- Devalue of property following the approval of planning application P1041.11.
- The proposal would be harmful to the character of the local area.
- Subsidence and pollution.
- Object to changing Francombe Close into a through road.
- Lack of visual interest as the proposed housing would be arranged in straight lines.
- Loss of light, privacy and overlooking.

4.2 In response to the above comments, conditions would be placed in respect of hours of construction and a construction method statement if minded to grant planning permission. Reduction in property value is not a material planning consideration. The remaining issues will be covered in the following sections of this report. There are no Tree Preservation Orders on the application site. Comments regarding noise, dust and disruption from building works are not material planning considerations.

4.3 Environmental Health - Recommend a condition if minded to grant planning permission.

4.4 Crime Prevention Design Advisor - Recommends conditions in respect of boundary treatments, cycle storage, lighting, landscaping and secured by design and an informative if minded to grant planning permission.

4.5 The Highways Authority has no objection to the proposals. Recommends two conditions and two informatives if minded to grant planning permission.

5. **Staff Comments:**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), 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), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), 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, the Draft Planning Obligations Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The National Planning Policy Framework is relevant.

5.2 Principle of Development

5.2.1 The site currently has a residential land use. In accordance with the objectives of Policy CP1, there is no objection in principle to residential development on this site, providing that the proposal is acceptable in all other material respects.

5.2.2 Notwithstanding, Staff noted on site inspection and aerial photographs that the rear gardens of dwellings along this part of Brentwood Road (No.'s. 223 – 237) are excessive in depth measuring between 63m to 82m in depth. These rear gardens are significantly longer than those properties along Francombe Gardens and Marwell Close, directly west of the application site. In Staff's opinion, although these rear gardens provide a quality rear garden environment, due to their size, a new development can be accommodated without prejudicing its quality as a rear garden environment. The proposal would still leave a large proportion of rear garden environment which is arguably more manageable for future residents. It is not considered that the loss of part of these rear gardens will result in harm to the overall character of the area in terms of its value as rear garden land.

5.2.3 The proposal is further in accordance with Policy 3.5 of the London Plan which states that DPD policies should ensure that new developments 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.

5.3 Density and site layout

5.3.1 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 in this location.

5.3.2 The proposal achieves a density of some 33 units per hectare on this 0.272 hectare site, which falls within the range of this density and is therefore acceptable.

5.3.3 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.

- 5.3.4 The site currently forms part of the rear gardens of properties along Brentwood Road (No.'s. 223 – 233). The subdivision would result in the donor properties being left with rear gardens of approximately 16.5 – 20m in depth. Each new dwelling would have an amenity area measuring between 62 and 111 square metres. The gardens of the donor properties would remain towards the rear and appropriate screen fencing and landscaping can be secured by condition if minded to grant planning permission. The drawings indicate that some of the landscaping, in particular the conifer hedging on the western boundary will be removed.
- 5.3.5 In Staff's opinion, appropriate fencing and landscaping can be required by means of a planning condition which would provide sufficient screening to the proposed amenity areas. The back-to-back relationship between dwellings along Brentwood Road and Units 5 – 9 will be a minimum of 23 metres and it is therefore not considered that there would be direct overlooking towards the proposed amenity areas of these dwellings.
- 5.3.6 No.'s 5 and 6 Francombe Gardens are two storey dwellings with windows facing east. The rear garden of Unit 1 would be approximately 18m from the rear of No. 5 Francombe Gardens. As such, it is not considered that there would be any potential for overlooking the amenity areas of Units 1 and 2.
- 5.3.7 Notice is given to the fact that the rear gardens would be smaller than the existing rear gardens of properties along Brentwood Road. Notwithstanding, the amenity areas are similar to those of more recent developments along Francombe Gardens and Marwell Close and therefore are not uncharacteristic of the area. 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. The amenity space provision is therefore considered to be consistent with the provisions of the Residential Design SPD.
- 5.3.8 It is considered that the proposed dwellings would not create any undue overlooking or loss of privacy, as there would be a front to front separation distance of between 7.8 and 13.8 metres between the front facades of Units 1-4 and Units 5-9.

5.4 Design/impact on street/Garden scene

- 5.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted

for development which maintains, enhances or improves the character and appearance of the local area.

- 5.4.2 The proposal would be at the end of a cul-de-sac. The rear façade of Unit 5 would be approximately 44 metres from the junction of Brentwood Road and Francombe Gardens and units 1 - 4 would be to the rear of No.'s. 5 and 6 Francombe Gardens. Staff are of the opinion that the overall character and design of the proposal would not detract from the character of the local area. The detached dwellings would have a sufficient setback from Francombe Gardens and would not appear as an intrusive feature. It is considered that the layout, design and size of these dwellings are consistent with other dwellings in the vicinity and therefore acceptable in this instance on the site and would not appear as prominent features in the street scene.
- 5.4.3 Units 5 - 9 would be more visible from Francombe Gardens as the flank wall of Unit 5 would be 1.4m from the site's western boundary and approximately 2.4m from the edge of Francombe Gardens. It is considered that the height of the dwellings would be similar to neighbouring properties. Staff are of the opinion that the bulk of the development would be visible within the newly created access road and as this proposal would present its flank wall to the existing street scene, it is not considered to appear overly bulky or intrusive in this location.
- 5.4.4 Staff acknowledge that the immediate vicinity is mainly characterised by detached and semi-detached dwellings. Therefore, it is considered that the overall scale, size and design of the detached dwellings would be an acceptable form of development in this location.
- 5.4.5 Some vegetation including the conifer hedging on the western boundary will be removed to accommodate the proposed development. Although this will give the site a more exposed appearance, conditions can be imposed requiring an appropriate level of replacement landscaping on the site, softening the appearance of the development.
- 5.4.6 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this rear garden environment and is therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

5.5 **Impact on amenity**

- 5.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 5.5.2 Towards the west, Unit 1 would be closest to the neighbour at No. 6 Francombe Gardens. Unit 1 would have a flank to back relationship with this neighbour of approximately 22 metres at first floor level. Unit 1 would have a

setback of approximately 2 metres at first floor level from the rear boundary of No. 6 Francombe Gardens. The roof has been designed to hip away from No. 6 Francombe Gardens reducing any potential impact. Given this relationship and design, it is considered that Unit 1 would not appear visually intrusive or overbearing on No.'s 5 or 6 Francombe Gardens. Unit 1 would introduce one flank first floor window on the western elevation, serving a bathroom. This window can be conditioned to be fixed shut and obscure glazed with the exception of top hung fanlights, preventing any potential for overlooking.

- 5.5.3 It is noted that the land to the north of the site has a ground level of approximately 2.5 metres lower than that of the application site, therefore, Units 1-4 will occupy a higher ground level than the neighbouring dwellings in Loom Grove. An existing block plan was submitted showing the existing ground levels within the site. Another drawing is required showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings, which can be secured by condition if minded to grant planning permission.
- 5.5.4 Although Units 1-4 would occupy a higher ground level than the dwellings in Loom Grove, it is considered they would not result in a significant loss of amenity to the two storey dwellings located north of the application site, as their rear gardens provide a minimum and maximum separation distance of approximately 5.4 metres and 14.4 metres. In addition, there is an access road that serves the dwellings which abuts the northern boundary of the site and provides a further separation distance of between 3.2 and 6.4 metres. Given the separation distances outlined above, it is considered that the proposal would not result in any undue overlooking or loss of privacy to the neighbouring properties located north of the application site.
- 5.5.5 It is considered that Units 5 - 9 would not result in a significant loss of amenity to the two storey dwellings located south of the application site, as their rear gardens provide a minimum and maximum separation distance of approximately 6 metres and 10 metres. In addition, the rear gardens of No.'s 223 -233 Brentwood Road provide a further separation distance of between 16.6 and 19.6 metres. Staff consider this relationship to be adequate and would not prejudice the amenities of neighbouring occupiers. Given the separation distances outlined above, it is considered that the proposal would not result in any undue overlooking or loss of privacy to the neighbouring properties located south of the application site.
- 5.5.6 It is considered that Units 5 - 9 would not result in a significant loss of amenity to the two storey dwellings located west of the application site, as there would be a minimum and maximum separation distance of approximately 23.8 and 29.6 metres between the front façade of No.'s 219 Brentwood Road and 1 Francombe Gardens and the western flank of the nearest dwelling – Unit 5. Staff consider this relationship to be adequate and would not prejudice the amenities of neighbouring occupiers. Given the separation distances outlined above, it is considered that the proposal would not result in any undue

overlooking or loss of privacy to the neighbouring properties located west of the application site.

- 5.5.7 Overall the proposal is considered acceptable in terms of its impact on neighbouring amenity. There would be no overlooking, overshadowing or any other harmful impact on the amenities of existing neighbours in the vicinity.

5.6 Highway/parking issues

- 5.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. Each dwelling has parking provision for two vehicles, which complies with Policy DC2. Units 1, 5, 6, 7, 8 and 9 have integral garages and one space on hardstanding. Units 2 and 3 both have a garage and one space on hardstanding. Unit 4 has two spaces on hardstanding. Details of cycle storage will be secured by condition if minded to grant planning permission. The Highways Authority will not be seeking to adopt the access road due to the proposed width, although it has no objection to the proposals subject to conditions. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

6. Trees

- 6.1 There are no tree preservation orders on the site. Staff have no concerns regarding the removal of some vegetation and conifer hedging on the site. Details of landscaping will be secured by condition if minded to grant planning permission.

7. Archaeology

- 7.1 The site is located within an archaeological priority area specified in the London Borough of Havering's Local Development Framework SPD, occupying part of the extent of the medieval Thames gravels, a geology from where numerous prehistoric remains have been recovered. Iron age or Romano British field boundaries have been found 300m south on Osbourne Road and a possible contemporary building is identified 300m north east. Given the size of the proposals and what appears to be limited modern disturbance, hitherto unknown remains may be present at the site and be affected by the planned scheme.
- 7.2 A condition securing the implementation of a programme of archaeological works would be appropriate for any forthcoming consent. This would likely involve a trial trench evaluation of the site with any appropriate mitigation work subsequently informed by the evaluation results.

8. The Mayor's Community Infrastructure Levy

- 8.1 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 1,390m² which equates to a Mayoral CIL payment of £27,800.

9. **Planning Obligations**

9.1 A Section 106 Legal Agreement is required to secure a financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.

10. **Conclusion**

10.1 The proposed residential use of the site is acceptable in principle. It is considered that the 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 £54,000 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 forms and plans received 7/9/2012.

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.