

# REGULATORY SERVICES COMMITTEE

31 January 2013

# REPORT

**Subject Heading:**

**P1007.12– Land at Hendon Garages,  
Hendon Road**

**Demolition of existing garages and  
construction of 5 new dwellings  
(Application received 16<sup>th</sup> October  
2012)**

**Report Author and contact details:**

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

## SUMMARY

This report relates to land in the ownership of the Council. This report concerns an application for the demolition of the existing garages and the erection of 5 new dwellings with 10 parking spaces using existing accesses. 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. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## 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 would be £9,820. This is based on the creation of 491sqm of new gross internal floor space.

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 £30,000 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, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:- In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

Reason:- In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that

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

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

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

7. Cycle storage - Prior to completion of the 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 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 - 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 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 windows on the rear façade of the dwellings in plots 1, 2, 3 and 4 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. Highway alterations - The proposed alterations to the Public Highway shall be submitted in detail for approval and agreed prior to the commencement of the development.

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

19. 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.

20. Boundary treatment and buffer strip - Prior to the commencement of the development hereby approved, details of boundary treatment and a buffer strip to be provided between the proposed new parking area on the southern side of the site and the boundary with no.135 Highfield Road shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the parking bays first being brought into use and maintained permanently thereafter in accordance with the agreed details.

Reason: In the interests of residential amenity.

21. 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.

## INFORMATIVES

### 1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP8, CP17, DC2, DC3, DC4, DC7, DC11, DC27, DC32, DC33, DC34, DC35, DC36, DC40, DC49, 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.



3. 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).

4. 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.

5. 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.

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

#### Planning Obligations

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

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

<b>REPORT DETAIL</b>
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#### 1. **Site Description:**

- 1.1 The application site comprises land and garages at the western end of Hendon Gardens. The site includes a row of 12 single storey lock-up

garages, together with areas of highway and verge. The garages are disused and are in a dilapidated condition.

- 1.2 Hendon Gardens is a cul-de-sac and culminates in a turning area and hard and soft landscaping at its western end. The road is residential and characterised by two storey dwellings along its south eastern side. There is a four storey block of flats at the western end of Hendon Gardens. To the north, there is a three storey block of flats and two storey dwellings in Hillrise Road, which back on to the north western boundary of the site. Ground levels fall towards the western end of Hendon Gardens. Levels also fall towards the south and the site is on a lower ground level than the dwellings to the north in Hillrise Road.

## 2. **Description of development:**

- 2.1 The application is for demolition of the garages and redevelopment to provide five dwellings. The development consists of two four bed detached dwellings and two three bed semi-detached dwellings positioned close to the north western boundary of the site. A fifth, two bed dwelling is situated on the southern side of the site, on an area of grass verge adjacent to No. 10 Hendon Gardens.
- 2.2 The proposed dwellings are two storey with gabled roofs. External materials are indicated to be brickwork, white painted render and clay plain roof tiles.
- 2.3 The proposal involves altering the existing road layout at the western end of Hendon Gardens. The existing turning area will be replaced with a turning head and the provision of nine parking bays. An existing lay-by on the south side of the site will be removed and replaced with eight parking bays. A further two parking bays are proposed in the north-eastern part of the site, creating a total of 19 parking spaces.

## 3. **Relevant History:**

- 3.1 P2126.07 – The demolition of 12 no. garages and the erection of 5 no. family houses – Approved. The permission lapsed in December 2010.

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

- 4.1 The occupiers of 48 neighbouring properties were notified of this proposal. Four letters of representation were received with detailed comments that have been summarised as follows:
  - The proposal would remove neighbours right of way to the back entrance of their garden in Hillrise Road.
  - There is currently a lack of parking spaces in Hendon Gardens for existing residents and this will be exacerbated by the proposal.
  - No objection to the garages being demolished, although the space should be used for parking spaces, instead of housing.
  - Traffic and congestion.

- Lack of consultation.

- 4.2 In response to the above comments, there would be a footpath which would provide a right of way for No.'s 68 to 88 Hillrise Road. The remaining issues will be covered in the following sections of this report.
- 4.3 The Fire Brigade is satisfied with the proposals.
- 4.4 Environmental Health - Recommend a condition if minded to grant planning permission.
- 4.5 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.
- 4.6 The Highways Authority do not object to the proposals if amendments are made. The Highway Authority is aware that planning consent has previously been granted for this development and therefore, it is considered that it cannot object to the slightly amended proposals. The Authority has provided comments regarding parking on the highway in the development area. The proposals satisfy the individual parking standards for a development of 5 units in Collier Row, however, visits to the area have shown that the highway around the garage site is heavily parked even during the day. The proposals include the provision of 9 general parking spaces, however, it is recommended that the plans be amended and extra general parking be provided to prevent parking displacement onto the highway outside of the development. The Highway Authority also seeks the adoption of the extra carriageway as this would improve the refuse collection arrangements. Secure cycle parking facilities should be provided for a minimum of one bicycle for up to two-bedroom homes and for two bicycles for three-bedroom homes. Recommends two conditions and two informatives if minded to grant planning permission.

## 5. **Staff Comments:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), 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. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## **5.2 Principle of Development**

- 5.2.1 Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site is non-designated land for which housing is a priority use.
- 5.2.2 The application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals.
- 5.2.3 The site is currently occupied by 12 garages. However, these are generally in a poor condition and appear not to have been used for parking for some time. Staff therefore consider that the loss of these garages may be considered to be acceptable in principle.

## **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.
- 5.3.2 The proposal achieves a density of some 20.8 units per hectare on this 0.14 hectare site, which is below the range indicated by Policy DC2 and by national planning policy. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable area, which would prevent the site from being successfully developed at a higher density.
- 5.3.3 The development site, by virtue of its linear shape, changing levels, relationship with surrounding dwellings and the dominance of the highway, is a constrained site to develop and it is therefore necessary to take an innovative approach to the development of the site.
- 5.3.4 In order to try to overcome these constraints, the dwellings are principally arranged along the northern end of the site to benefit from the change in ground levels. The rear façade of the houses on plots 1, 2, 3 and 4 are a minimum of 3 metres and a maximum of 6.5 metres from the north western boundary. In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear and side garden areas of the dwellings on the north western boundary of the

site range between some 55-102 square metres. The rear and side garden of the dwelling in plot 5 has an area of 73 square metres. Staff are of the view that the proposed 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.

5.3.5 The remaining 'public' area within the development is largely hard surfacing and consists of the highway and parking provision.

5.3.6 It is considered that the layout of the site is acceptable. The proposal makes significant alterations to the road layout, principally at the western end of the site but this presents an improvement to the existing haphazard parking arrangements, which take place in the existing turning area at the end of the road. The proposal also replaces an existing lay-by with a large parking area on the south side of the site. Staff consider that this represents opportunities in terms of the possibilities for improved lighting and landscaping within Hendon Gardens, which could be beneficial to the amenity and safety of the locality.

#### **5.4 Design/impact on street/Garden scene**

5.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. Hendon Gardens is typified by two storey dwellings with hipped and gabled roofs and blocks of flats.

5.4.2 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality.

5.4.3 The position of the dwellings in the streetscene is considered to be compatible with the general building line in Hendon Gardens. The proposed houses would utilise a mixture of materials including facing brickwork, white painted render and clay plain roof tiles. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

#### **5.5 Impact on amenity**

5.5.1 On the north western side of the site, the proposed dwellings back on to the rear boundary of dwellings in Hillrise Road. The rear façade of the dwelling on plot 1 is set in 3 metres from this boundary. The dwellings in plots 2 and 3 are

set in 6.5 metres from the north western boundary. The dwelling in plot 4 is set in 5.5 metres from the north western boundary. The impact of the dwellings is partly mitigated by the change in ground levels.

- 5.5.2 The nature of the change in ground levels is such that the ground level of the proposed houses is some 2.5m below the floor level of houses to the north west in Hillrise Road. This means that the ground floor of the proposed houses, although close to the boundaries, would be largely screened from view by boundary treatment and so is not considered to be materially overbearing. There would be a back to back distance of between 17 and 20 metres between the dwellings in plots 1 – 4 and the neighbouring houses to the north west. The first floor windows on the rear façade of the dwellings in plots 1 – 4 serve non-habitable rooms and can be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission. Having regard to the change in ground levels, which mitigates potential intrusiveness of the impact, and the absence of first floor habitable room windows on the rear façade of the dwellings in plots 1-4, staff consider that this relationship is acceptable.
- 5.5.3 In respect of the relationship with dwellings on the south eastern side of Hendon Gardens, dwellings would face towards these at a distance of between 13 and 18 metres front to front. As this relationship is across a highway and not necessarily an uncommon situation within the Borough, staff consider, on balance, that this is an acceptable relationship. The impact on No. 135 Highfield Road and the relationship between the new dwellings and the flats at the end of Hendon Gardens is considered to be acceptable owing to the distance between the building and the front and flank relationships.
- 5.5.4 It is considered that the proposed dwelling in plot 5, that is on the southern side of Hendon Gardens, would not result in a significant loss of amenity to No. 137 Highfield Road, as it is in general alignment with its front building line. The proposed dwelling in plot 5 is within between 1m and 4m of the side boundary with No. 10 Hendon Gardens. Although it is sited forward of the front building line of this neighbouring property, it is not considered that this would materially harm the light and outlook of that property. Staff consider, on balance, that this is not unacceptably harmful to amenity, due to its position to the side of No. 10 Hendon Gardens. Consideration has also been given to the fact that the rear façade of the dwelling in plot 5 would be in alignment with that of No. 10 Hendon Gardens. The street tree in the front garden of Plot 5 is being retained.
- 5.5.5 It is considered that there would not be materially greater impact in respect of noise and disturbance compared to that previously generated by the 12 garages on the site. The proposal does create an eight bay parking area adjacent to the flank boundary of No. 135 Highfield Road but this property is screened by an existing brick wall and there is scope for a landscaped buffer to be provided. The impact of this on the amenity of occupiers of No. 135 Highfield Road is therefore considered to be acceptable. The proposal also creates parking bays in place of landscaped areas adjacent to the amenity

areas of flats 19-26 Hendon Gardens as well as flats 48-56 and 58-66 Hillrise Road. It is not considered that this arrangement would be materially harmful to amenity owing to the limited numbers of parking bays and subject to adequate boundary treatment and the provision of a buffer strip.

## **5.6 Highway/parking issues**

- 5.6.1 Currently there is a relatively high level of on-street parking in Hendon Gardens, as few of the dwellings in Hendon Gardens have off-street parking provision. The proposal would provide a more formal parking layout than currently exists by providing a total of 19 parking bays. The agent indicates that this level of parking provision is based on providing 10 spaces for the new housing and 9 spaces for existing users.
- 5.6.2 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. The proposal complies with Policy DC2, as there would be 2 spaces per dwelling.
- 5.6.3 The Highway Authority is aware that planning consent has previously been granted for this development, although it would welcome the provision of more than 9 general parking spaces.
- 5.6.4 On balance, Staff consider that 9 further parking spaces is considered acceptable replacement for on-street parking displaced by the development. The parking arrangements would also be less haphazard than the existing on-street parking situation and staff therefore consider the amount and configuration of the parking proposals to be acceptable in principle.
- 5.6.4 The previous planning application, P2126.07, for the demolition of 12 no. garages and the erection of 5 no. family houses was granted with the provision of 9 spaces for the new housing and 10 spaces for existing users. In this instance, Members may conclude that 9 parking spaces for existing users is sufficient taking into account the parking arrangements would be less haphazard than the existing on-street parking situation. It is Staff's view that it would be difficult to justify a refusal based upon insufficient parking provision for existing users, particularly as the Highway Authority does not formally object to the proposal.
- 5.6.5 The alterations to the road layout remove the existing turning area at the end of the site and creates a larger turning head. Staff consider this relationship to be acceptable in principle, although this may be subject to some minor modifications to meet Highways requirements.
- 5.6.6 Details of cycle storage can be secured by condition if minded to grant planning permission. The Fire Brigade has no objection to the proposal. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

## 6. The Mayor's Community Infrastructure Levy

- 6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The existing garages have not been in use since January 2010 and as such, have not been in use during six of the last 12 months prior to this application being determined. Therefore, the gross internal floor area of the existing garages cannot be deducted from the gross internal floor area of the proposed dwellings. A total of 491 square metres of new floor space is proposed for the proposed dwellings. On this basis, the CIL liability equals  $491 \times £20 \text{ per sq.m} = £9,820$ .

## 7. Planning Obligations

- 7.1 A Section 106 Legal Agreement is required to secure a financial contribution of £30,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Draft Planning Obligations Supplementary Planning Document.

## 8. Conclusion

- 8.1 Staff consider the site to be acceptable in principle for residential development and the removal of the vandalised garages from the site would be beneficial to the locality. 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. However, the issue for Members is whether 9 parking spaces for existing users is sufficient to justify planning approval. Staff are however of the opinion that 9 parking spaces for existing users is sufficient taking into account the parking arrangements would be less haphazard than the existing on-street parking situation. There would be a financial contribution of £30,000 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:

The application relates to a garage site, which is within the Council's ownership.

### 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 16/10/2012.

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.