



# REGULATORY SERVICES COMMITTEE

# REPORT

31 January 2013

**Subject Heading:**

**P1416.12 – Land to the rear of Magala,  
Southend Arterial Road, Romford**

**Demolition of garage and erection of  
one dwelling**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" 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 planning application proposes the demolition of an existing double garage block, and the erection of a new dwelling with associated vehicle parking and private amenity space. The application is brought before Members at the request of Councillor Lynden Thorpe, owing to concerns about the possible loss of amenity, dominance of the building, overdevelopment of the site, and safety concerns in the event of fire.

## 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 £820. This is based on the creation of 80sqm of new gross internal floor space, less the 39sqm of existing floor space contained in the garages, which have been in use for six out of the last twelve months.

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:

- The sum of £6,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid 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 to which this permission relates must be commenced not later than three years from the date of this permission.

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

2. 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

3. Car parking - Prior to the occupation of the development hereby approved, the proposed vehicle parking spaces shall be provided. The parking spaces shall be retained for the life of the development.

Reason:-

To ensure that the development provides adequate off-street parking spaces.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. 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 LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and recycling - The development shall not be occupied or brought into use until a scheme for the collection and storage of refuse and recycling is submitted to and approved in writing by the local planning authority and the refuse and recycling storage is provided in accordance with the approved scheme. Refuse collection and storage arrangements shall be maintained in perpetuity in accordance with the approved scheme.

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

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design 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 creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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 LDF 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. Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which

has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

13. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, or any subsequent order revoking or re-enacting that order, no development shall take place 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.

## **INFORMATIVES**

Highways - Informative:

1. The Highway Authority requires the Planning Authority to advise the applicant 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. The Highway Authority requests that

these comments are passed to the applicant. 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.

2. 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.

#### Community Safety - Informative:

In aiming to satisfy the Secure by Design condition, 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).

#### 4. Reason for Approval:

Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal is considered to be in accordance with the aims, objectives and provisions of the Residential Design SPD and Policies CP1, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

#### 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.

## Approval Following Revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of NPPF.

### REPORT DETAIL

#### **1. Site Description**

- 1.1 The application site comprises land to the rear of an existing property, known as Magala, which is a semi-detached dwelling located alongside the Southend Arterial Road. The site forms a square area of land located to the south west of Magala, and comprises a double garage block and hardstanding area. The site is in an untidy condition and has been fenced off from what is now the rear garden of Magala.
- 1.2 The site's north eastern boundary adjoins the rear gardens of the properties known as Magala and Vani; the north western boundary lies adjacent to a private access road shared with other properties; the south western boundary abuts land associated with Nos.1-4 Ferguson Court, which is a two storey block of flats; whilst the south eastern boundary lies adjacent to a communal open space associated with the existing properties forming Ferguson Court.

#### **2. Description of Proposal**

- 2.1 This planning application proposes the demolition of an existing block of two garages, and the erection of a two bed, two storey dwelling. The frontage of the proposal would be onto Ferguson Court with the proposal being set back by approximately 6m, with hard and soft landscaping proposed in between. Two parking spaces would be provided to the side, with vehicular access to the site being from the Southend Arterial Road via a private access to the rear of the proposed dwelling.
- 2.2 The proposed dwelling would have a modern design, with a shallow inverse pitched roof and balconies to the front and rear. The proposal would be approximately 6m in height and have a floor area of approximately 50sqm.

#### **3. Relevant History**

- 3.1 There are no previous planning decisions of particular relevance to this application.

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



4.1 Notification letters were sent to 37 neighbouring occupiers. Objection letters have been received from 18 neighbouring occupiers, including a petition containing 112 signatures. The objections to the proposal are on the following grounds. The proposal would:

- a) Result in a loss of parking spaces;
- b) Result in access problems, particularly during construction;
- c) Not be in keeping with the character of existing development;
- d) Increase traffic and therefore be detrimental to highway safety;
- e) Not be accompanied by sufficient amenity space;
- f) Include parking spaces that would not be capable of being accessed;
- g) Require land outside the ownership of the applicant;
- h) Result in an over development of the site;
- i) Be a potential fire hazard owing to its close proximity to other properties;
- j) Result in a loss of privacy and natural light to neighbouring properties.

4.2 Objections have been received from Councillors Lynden Thorpe and Michael White, on similar grounds to those cited above.

4.3 Representations have also been received from the following:

Highway Authority - No objections;

Crime Prevention Design Advisor - No objections; condition recommended.

Environmental Health - No objections; condition recommended.

Transport for London - No objections; condition recommended.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

National Planning Policy Framework ("the NPPF")

### **5.2 Regional Planning Policy**

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), and 8.2 (planning obligations).

### **5.3 Local Planning Policy**

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61,

DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations.

In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of the development, the design and scale of the proposed dwelling, its impact in the street scene and upon the residential amenities of neighbouring properties, and car parking/highways.

### **6.2 Principle of Development**

6.2.1 According to the submitted information, the site was formerly in residential use, forming part of the curtilage of neighbouring properties. As the site no longer forms part of the curtilage of a residential property, Policy CP1 of the LDF applies. This policy states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is considered to be acceptable in principle.

### **6.3 Density and Site Layout**

6.3.1 Neighbouring occupiers have objected to the proposal, stating that it would result in an over development of the site and that insufficient amenity space would be provided.

6.3.2 Policy 3.5 of the London Plan stipulates the minimum internal space standards for new dwellings. For two bed, three person units such as that being proposed, the minimum gross internal area is 61sqm; the proposal would have gross internal area of approximately 80sqm. The proposal would have a site density equivalent to approximately 58 dwellings per hectare. Given the size of the proposed dwelling and the proposed provision of amenity and parking spaces, it is considered that the proposal would not represent an over development the site.

6.3.3 The proposal is for a 2-storey single family dwellinghouse and would have a frontage onto Ferguson Court. The three parking spaces and bin storage area located within Ferguson Court and immediately to the front of the proposal would be unaffected. The property would have a back-to-front arrangement with vehicular access being to the rear, and pedestrian access being to the front.

6.3.4 In terms of its density and site layout, the proposal is considered to be acceptable.

## **6.4 Design Considerations**

- 6.4.1 Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 Neighbouring occupiers have objected to the proposal, stating that it would result in an over development of the site and that it would not be in keeping with the surrounding built environment.
- 6.4.3 The proposal is for a 2-storey single family dwellinghouse and would have a frontage onto Ferguson Court which is an area characterised by flat roofed houses and flatted development, constructed in the 1960s. Properties to the rear of the proposal are more traditional in appearance. It is considered that it is the character of Ferguson Court, which the proposal would have the most potential to have an impact upon. The proposal would have a modern, blocky form that it is considered would be in keeping with the surrounding development. The roof of the proposal would comprise an inverse pitched roof, the shallow nature of which would not look significantly dissimilar to the neighbouring flat roofed buildings. The height of the proposed dwelling would be comparable to the flat-roofed, block of four flats located immediately to the south.
- 6.4.4 The fenestration of the proposal would differ from the surrounding properties, including balconies and different openings. However, it is not considered that these features would be significantly harmful to the character of the area. A condition could be imposed requiring the approval of materials to ensure that the main facing materials match those of the surrounding development. Subject to this condition, it is considered that the proposed building itself would not be harmful to the visual amenities of the local area.
- 6.4.5 It is recommended that conditions be imposed requiring the submission of details relating to the proposed use of external materials, boundary treatment, landscaping, and refuse storage, and to remove permitted development rights, to ensure that the proposal has an acceptable ongoing impact on the character of the area. Subject to the use of these conditions, it is considered that the proposal, given its siting, scale, and design, would not be significantly harmful to the character of the area, and in this regard, would be in accordance with Policy DC61 of the LDF.

## **6.5 Amenity Considerations**

- 6.5.1 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.5.2 Neighbouring occupiers have objected to the proposal stating that it would result in overlooking and a loss of natural light to neighbouring properties. It

is also stated that there would be insufficient amenity space for the use of future occupiers.

- 6.5.3 The proposal would include approximately 50sqm of private amenity space at ground level, along with balconies to the front and rear. It is considered that the proposal would provide sufficient amenity space for the use of future occupiers.
- 6.5.4 The nearest neighbouring properties to the proposal would be Nos. 1-4 Ferguson Court, which form a two storey block of flats approximately 2m to the south of the site. This building does not have any side windows facing the site, and the proposal would be built in line with this block. The block comprising Nos. 5-14 Ferguson Court would be located approximately 15m to the north east. The dwellings known as Magala and Vani would be located approximately 21m to the north.
- 6.5.5 The proposal would not include any flank windows and the ends of the proposed balconies would be screened. Given the siting of the proposal in relation to existing properties, including its orientation and the proposed separation distances, it is considered that it would not result in any significant adverse impacts on the amenity of neighbouring occupiers, in terms of overlooking, loss of natural light, or loss of outlook.
- 6.5.6 A condition is recommended to prevent the future insertion of flank windows into the proposal, and to remove other permitted development rights to prevent further development that might adversely affect the amenity of neighbouring occupiers.
- 6.5.7 Subject to the afore mentioned condition, it is considered that the proposal would not result in any significant adverse impacts on the amenity of neighbouring occupiers and in terms of amenity, the proposal is considered to be in accordance with Policy DC61 of the LDF.

## **6.6 Parking and Highway Issues**

- 6.6.1 The site would be accessed from a private, unadopted access road leading to the Southend Arterial Road. Neighbouring occupiers have objected to the proposal stating that the proposal would result in a loss of parking spaces in the local area and diminish highway safety owing to an increase in traffic.
- 6.6.2 The proposal would include two parking spaces. The Council's Highways officers have raised no objections, considering the proposed provision of parking spaces to be acceptable. Transport for London, who are responsible for the Southend Arterial Road have raised no objections subject to the use of a condition requiring the submission of a construction method statement. This condition can be imposed should planning permission be granted.
- 6.6.3 Should planning consent be granted, a condition is recommended requiring that the proposed parking spaces be provided and retained for the life of the

development. A further condition is also recommended requiring the submission of details relating to cycle storage.

- 6.6.4 Officers consider the application site would provide sufficient parking for the size of dwelling being proposed, and that it would comply with the parking standards as set out by Policy DC33 of the LDF Development Plan Document.

## **6.7 Community Infrastructure**

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 41sqm, which equates to a Mayoral CIL payment of £820.

- 6.7.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £6,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **6.8 Other Considerations**

- 6.8.1 Neighbouring occupiers have objected to the proposal, in part, on the grounds that the proposal would be built on land outside the ownership of the applicant. However, the submitted information states that the site is fully owned by the applicant. Disputes over land ownership are private, civil law matters, rather than planning, matters.

- 6.8.2 Objectors have also stated that the proposal would cause a safety hazard in the event that a fire engine needed to gain access to the site. It is considered that the proposed development would be accessible to the Fire Services in the event of an emergency.

## **7. Conclusion**

- 7.1 Subject to the completion of a legal agreement and the afore mentioned conditions, the proposed development is considered to be acceptable having had regard to Policies CP1, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF, and all other material considerations.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreement.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

## BACKGROUND PAPERS

Planning application p1416.12, all submitted information and plans.