



# REGULATORY SERVICES COMMITTEE

31 January 2013

# REPORT

**Subject Heading:**

**P1354.12 Winifred Whittingham House,  
Brookway, Rainham**

**Report Author and contact details:**

**Creation of 36 no. two and three  
bedroom semi-detached and terraced  
dwellings, plus associated roads,  
paths, car parking, landscaping and a  
new area of public open space  
(application received 20 November  
2012; revised proposals received 21  
December 2012).**

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**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

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

## SUMMARY

The application is for the redevelopment of this site to create 36 units, comprising a mix of two and three bedroom houses. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. A viability report has been submitted to justify the affordable housing offer and is being independently appraised. Subject to the independent appraisal justifying the affordable housing offer the proposal will be acceptable in this respect. The proposal is judged to be acceptable in all material respects and, subject to the completion of a Legal Agreement and conditions, it is recommended that planning permission is granted.

The application site comprises Council owned land.

## 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 £59,440. This is based on the creation of 2,972m<sup>2</sup> 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 Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision of 4 of the units within the development as affordable housing on the basis that an independent assessment of viability of the proposed development confirms this is the maximum the development can support.
- A financial contribution of £216,000 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 following plans and documents approved by the local planning authority:

PH116-004 Rev. A  
PH116-005 Rev. L  
PH116-006 Rev. J  
PH116-007 Rev. P  
PH116-008 Rev. H  
PH116-009 Rev. J

PH116/LS/01 Rev. D  
PH116-03-01 Rev. E  
PH116-50-04 Rev. C  
PH116-50-05 Rev. D  
PH116-50-01 Rev. D  
PH116-50-02 Rev. D  
PH116-50-03 Rev. C  
PH116-50-06 Rev. C  
PH116-50-07 Rev. C  
PH116-50-08 Rev. D

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials – The development shall be carried out in accordance with the details of external materials shown on drawing no. PH116-006 Revision J hereby approved, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

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 – The development shall be carried out entirely in accordance with the hard and soft landscaping proposals shown on drawings no. PH116/LS/01 rev. D hereby approved. 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 - 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 submitted to and 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 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 –Notwithstanding the details of boundary treatment shown on drawing number PH116-007 rev. P, prior to the commencement of development details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary

treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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, details of the measures to be incorporated in to 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 until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. Biodiversity –The development shall be carried out in accordance with the recommendations set out in paragraphs 4.2 and 4.3 of the Ecological Scoping Survey dated May 2012 and received on 6 November 2012.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

12. 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.

13. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

14. 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 authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

15. 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 (the Phase I Report having already been submitted to the Local Planning Authority):

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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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 two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

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. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

16. Archaeology – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in

accordance with a Written Scheme for Investigation, which has been submitted to and approved in writing by the Local Planning Authority;

B) No development or demolition shall take place other than in accordance with the Written Scheme for 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 for 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 the provisions of Policy DC70 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policy 7.8 of the London Plan and the National Planning Policy Framework.

17. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

18. Renewable energy - The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the residential occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. No additional 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 approved plans), shall be formed in the flank walls of the dwellings 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.

20. Site Waste Management – The development hereby approved shall be carried out in accordance with the submitted Site Waste Management Plan received on 20 November 2012 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable development practices.

21. Removal of Permitted Development Rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C or E (other than outbuildings with a volume no greater than 10 cubic metres) 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.

22. Alterations to Public Highway: The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

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

23. Licence to alter Public 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 CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

24. Flood Risk: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2012, reference 51080 (issue 1.1) compiled by Resource & Environmental Consultants Ltd. and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set approximately 600mm above average site levels (FRA section 4.5.1, page 12).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to reduce the risk of flooding to the proposed development and future occupants.

## **INFORMATIVES**

1. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the 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 conditions.
2. 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.
3. 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.
4. 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.
5. 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.

**Reason for Approval:**

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC18, DC20, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document.

In addition, the proposal is considered to comply with the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD.

The development is considered to accord with the provisions of the National Planning Policy Framework, as well as Policies 3.3, 3.4, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6, 7.8, 7.15, 7.19 and 8.2 of the London Plan.

### **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 situated on the north-west side of Brookway, Rainham. It has an area of 0.81 hectares. The site consists of the building and grounds of Winifred Whittingham House, which was in use as a care home but is now unoccupied. The existing building on the site is predominantly single storey but with some two storey elements, with a parking area to the site frontage and landscaped gardens to the rear. The application site also incorporates part of the existing play area, which abuts the western boundary of the site. The application site is located within a flood plain. Ground levels on this side of the road are generally higher than to the south side of Brookway.
- 1.2 The area surrounding the application site is predominantly residential in character and largely comprises two storey dwellings, either semi-detached or arranged in short terraces. There is an existing mews development of eight units located to the north of the site (Parkview Mews). The western

boundary of the site adjoins an existing play ground, which is largely grassed but also includes some children's play equipment.

## **2. Description of Proposal**

- 2.1 The application proposes the demolition of the existing building and the redevelopment of the site to provide a total of 36 new dwellings. The application site includes part of the adjacent park but makes provision for an equivalent area of land to be reinstated into the park to compensate for this. The purpose of this 'land-swap' is to create a straighter boundary to the western side of the site and improve the development potential of the land.
- 2.2 The proposals maintain an access to the site from Brookway. To the eastern side of the access, fronting on to Brookway, a terrace of five houses is proposed, with a row of five pairs of semi-detached houses to the western side of the access, also fronting onto Brookway. The main access road through the site curves in a westerly direction and serves the remaining houses in the development, which are arranged in short rows of linked, semi-detached housing. There is a further terrace of three dwellings at the northern end of the site, accessed from a private drive extending off the main access route. The development provides a total of 55 parking spaces.
- 2.3 The development proposes a total of eight different house types, although they all have similar characteristics. All of the proposed dwellings are two storeys high. The dwellings fronting on to Brookway are 'book-ended' by front facing gabled features and are designed with hipped, pitched roofs, rising up to a maximum ridge height above ground level of 9m. The dwellings are relatively traditional in character and appearance. Details and samples of materials have been submitted with the application and consist of red and buff coloured brick, with occasional use of timber cladding, and red or grey roof tiles.
- 2.4 A similar type and character of design is exhibited throughout the remainder of the development. Ridge heights are relatively consistent at 8.5-9m high and the same palette of materials and traditional design is used throughout. There are a number of linked, semi-detached houses within the centre of the development. Those on plots 7-10 and 13 are linked by way of single storey structures providing undercroft parking, whilst those on plots 20-24 are linked by first floor structures, which provide first floor bedroom accommodation with undercroft parking beneath.
- 2.5 Detailed landscaping proposals have been submitted with the application. Some existing trees will be removed from the site, including two trees on the public highway to the Brookway frontage of the site.
- 2.5 The application is accompanied by a suite of supporting documents including a planning statement, viability appraisal, affordable housing statement, arboricultural study, ecology survey, contaminated land assessment, daylight/sunlight assessment, design and access statement, energy statement, flood risk assessment, noise assessment, sustainability

statement, landscape proposals, safer places statement and transport statement.

### **3. Relevant History**

- 3.1 P1373.97 Change of use of 4 rooms within existing complex (disused staff accommodation) to Social Services Offices providing services for elderly persons – approved.
- 3.2 F0004.12 Determination whether prior approval is required for demolition of Winifred Whittingham House – prior approval required and granted.
- 3.3 Z0016.12 Screening Opinion for an Environmental Impact Assessment – EIA not required.

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

- 4.1 The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 84 local addresses. 5 letters of representation have been received. One letter of representation requests that service road behind Wennington Road properties is not obstructed, a hoarding should be placed along the service road, noise from development to be kept down as far as practical. The other 4 letters raise objection on the following grounds:
  - inadequate parking, especially while works are in progress
  - proposal will lead to parking congestion in Brookway
  - entrance could be where existing entrance is
  - increase in noise pollution
  - visually crowds area
  - should be redeveloped to provide new residential home for elderly
  - blocks sunlight
  - overlooking
  - will increase anti-social behaviour that already exists from local youths
  - would prefer park to be moved.
- 4.2 The Borough Crime Prevention Design Advisor has advised that higher boundary fencing and communal gates should be used in parts of the development but overall there are no objections to the proposals subject to community safety related conditions. The proposals have subsequently been revised to increase the height of boundary fencing.
- 4.3 Essex & Suffolk Water advise proposal does not affect existing apparatus. Give consent for development on condition a new water main is laid in the highway and connection made onto the Company network.
- 4.4 Thames Water raise no objection on sewerage infrastructure grounds and advise developer is responsible for making proper provision for drainage.

- 4.5 The Fire Brigade advise access to plots 17-19 does not appear to comply with Section of ADB volume 1.
- 4.6 Environmental Health raise no objection if conditions imposed relating to hours of construction and noise insulation.
- 4.7 English Heritage (GLAAS) advise there is potential for finds of archaeological interest on the site and request a condition for further investigation if permission is granted.
- 4.8 The Environment Agency advises that the site is in flood zone 3. The development must pass the Sequential Test to be considered appropriate i.e there should be no alternative sites available at a lower risk of flooding. If the site passes the Sequential Test then development will only be appropriate subject to conditions to reduce the risk of flooding.
- 4.9 Highways advise there is no objection to the proposals, which meets the required parking standards. Cycle parking should be provided to LDF standards. The proposals provide a satisfactory access from Brookway, Rainham and given the number of units served and the standard of the design geometry used the Authority would seek adoption of this road. This process will require the developer to enter in a Sectional Highway Act Agreement. The Authority is satisfied with the process used to determine the level of vehicular trips from the new units and is further satisfied that this will not impact significantly on the surrounding road network.

## **5. Relevant Policies**

- 5.1 Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC18, DC20, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

In addition, the draft Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 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), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan are material considerations.

5.3 The provisions of the National Planning Policy Framework are also a material consideration.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, the density and layout of the new development and the impact of its design, scale and massing on the character and amenity of the locality, the quality of the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues, affordable housing and the impact on community infrastructure.

### **6.2 Principle of Development**

6.2.1 The part of the application site forming part of the Winifred Whittingham house and grounds is not within a designated land use area and has previously been in residential use. Therefore its redevelopment for residential purposes is considered to be acceptable in principle and to accord with Policy CP1 of the Local Development Framework (LDF). The existing building on the site is not of any particular heritage interest and its demolition and replacement with new development is acceptable in principle.

6.2.2 The northern part of the curtilage of the care home comes to a point between the park and the houses in Parkview Mews. In order to create a more developable site area, the proposal includes a land swap, which effectively straightens the western boundary of the site. An equivalent area of land will be swapped between the application site and the adjacent park, such that there is no net loss of open space and the requirements of Policy DC18 of the LDF are met. The effect of this on the adjacent open space is that a new vehicle access and gate into the park would need to be created from the south (Brookway) side, which can be used by visitors to the park and maintenance vehicles. This would be secured through the contract of sale and is outside of the application site boundaries. Given there is no net loss of open space the proposal is considered acceptable in principle. The development contributes to the provision of housing within the Borough and therefore complies in principle with Policy CP1 of the LDF and Policies 3.3 and 3.4 of the London Plan.

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

6.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the borough' where a density range of 30-50 units per hectare

applies. The application site has an area of 0.81 hectares and proposes 36 new dwellings. This equates to a development density of 44.4 units per hectare and is within the range specified in Policy DC2.

- 6.3.2 The development proposes a development of two and three bedroom family housing. This complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. A number of the units within the development have internal areas that meet the internal space standards set out in Policy 3.5 of the London Plan. The Ga and Gb housetypes (3 bed, 4 person dwellings) however have an internal floorspace of 82.6 square metres, compared to the London Plan minimum requirement of 87 square metres. Members will wish to consider whether this internal shortfall of around 5 square metres is materially harmful to the living conditions of future occupiers of the development. The Ga and Gb housetypes constitute 18 (i.e. 50%) of the dwellings within the development. There is a further housetype Ha (2 bed, 3 person) which comprises a further 7 units within the development. This housetype is not specifically addressed in the London Plan space standards. However, it is not a particularly large unit with a gross internal area of 69 square metres.
- 6.3.3 There is judgement to be applied as to whether the number of units within the development falling below the London Plan requirements is acceptable. In considering this issue Staff have looked at the development in the round and, as the scheme is not outside of high density or unreasonably cramped in terms of layout and amenity provision and as the dwellings themselves have an acceptably useable and functional internal layout, it is considered on balance that the size of the units would not, of themselves, give rise to a fundamentally poor standard living environment. Staff therefore consider the proposal to be acceptable in this respect.
- 6.3.4 In respect of site layout, the application proposes an access point taken from Brookway and main access road which extends northwards, then curves in a westerly direction towards the boundary with the park. A private access road runs north from the main access road, adjacent to the boundary with the park, serving the three most northerly dwellings within the site. The layout of the site is considered to provide a reasonably spacious arrangement of the dwellings, all of which have access to private amenity space, which in terms of size, layout and usability meet the guidance in the Residential Design SPD. It is however recommended that permitted development rights are removed by condition in view of plots sizes and the relationship between dwellings.
- 6.3.5 The units to the Brookway frontage of the development are set back from the site boundary and have in curtilage parking to the front gardens. Staff consider this does not appear out of character with the surrounding area. A detailed landscape proposal has been submitted with the application and revised in accordance with advice from the Council's tree officer. Although the proposal would involve the loss of two street trees on the public highway, it is considered that this would be sufficiently compensated for by the proposed landscaping, which includes the provision of nine new trees to



the site frontage. The mix of hard and soft landscaping to the site frontage would also soften the visual impact of the frontage parking such that the development would appear acceptable in the Brookway streetscene.

- 6.3.6 The Borough Crime Prevention Design Advisor has been consulted at pre-planning stage and it is considered that reasonable measures have been undertaken to make the development as safe as possible. The proposals have been revised at the CPDA's request to improve the security of boundary treatments and this will be secured by condition. It is nonetheless recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 6.3.7 The development is designed to Lifetime Homes standard and 5 of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

#### **6.4 Design and Visual Impact**

- 6.4.1 Architecturally, the proposed dwellings have a traditional appearance, constructed predominantly of brick with a tiled pitched roof. Further visual interest is added through the intermittent use of weatherboarding, which breaks up the perceived mass of the development, particular the terrace to the site frontage. There is no predominant character to development in the locality, although built form, materials etc. tend to be of traditional appearance, such that the proposed development is considered to be appropriate to the locality. Details of materials are given in the application and are judged to be acceptable. The external materials should be secured by condition.
- 6.4.2 In terms of scale and massing, the proposed dwellings are predominantly two storey, although they are designed with a steep roof pitch, which enables accommodation to be provided in the roofspace. In terms of their impact on the Brookway streetscene, the proposed dwellings are of a scale and massing that will be distinctive compared to existing dwellings, due to the overall ridge heights (9m maximum), the gabled flanking elements and the variation in ground levels between the north and south side of Brookway. However, they are of a form (i.e. semi-detached and terraced housing) which is appropriate to the locality and given their siting at least 9m in from the front boundary of the site, the houses are not considered to be unacceptably intrusive or overbearing. The houses adjoin an area of open space and therefore are effectively able to establish their own character on this side of Brookway without a need to follow either the scale or design of nearby development. The impact on the Brookway streetscene is therefore considered to be acceptable.
- 6.4.3 Within the centre of the site the proposed development will effectively establish its own character, such that the scale and design of the proposed dwellings fit with each other and provide a consistent character.

6.4.4 The proposed development would be visible within Parkview Mews, to the north of the site. The most northerly units within the development, plot 19, is designed so that the principal elevation faces north onto Parkview Mews. This is one of the weather boarded dwellings but it is considered that this adds character to this part of the site frontage and appears acceptable in the wider streetscene. This dwelling benefits from pedestrian access to Parkview Mews but not vehicular access as Parkview Mews is a private road.

## **6.5 Impact on Amenity**

6.5.1 The proposed dwellings fronting on to Brookway will face towards dwellings on the south side of the road. The façade to façade distance will be in the region of 28m and this distance, combined with the orientation, is considered sufficient to prevent material loss of amenity to residents on the south side of Brookway through loss of light, shading or interlooking.

6.5.2 The proposed development is separated by the nearest dwellings to the west by the existing park so will not materially affect these properties. Existing dwellings to the east face on to Wennington Road, so back on to the application site. They have lengthy rear gardens and are separated from the site by a rear access road such that the back to back distances comfortably exceed 30m. The development is not therefore considered to materially impact on the amenity of residents to the east of the site.

6.5.3 To the north/north-east of the site lies Parkview Mews. The terrace of houses at 4-8 Parkview Mews is directly north of the site and there is a façade to façade distance of 19m between no.4 Parkview Mews and the front elevation of the nearest proposed dwelling (plot 19). This is considered sufficient to maintain the privacy and amenity of the properties to the north of the site.

6.5.4 To the north-east is a terrace of houses numbered 1-3 Parkview Mews, of which no.3 directly adjoins the eastern boundary of the site. The proposed dwellings on plots 17-19 are sited perpendicular to no. 3 Parkview Mews. The boundary runs at an angle so the garden depths of the proposed dwellings vary between 6m and 15m. No. 3 does not have any flank windows. It is considered, given the distances involved, the angled relationship between the sites and the back to flank relationship, that the proposal would provide acceptable amenity for both the occupier of no.3 Parkview Mews and of the proposed dwellings. The proposed dwellings on plots 11 and 12 also share a boundary with this property. The dwelling to plot 11 is side on to the rear of this property, with no first floor flank windows, and set a sufficient distance from the shared boundary to prevent material harm to amenity. Plot 12 backs on to the rear garden of no.3 Parkview Mews but the nearest first floor rear window to the shared boundary serves a bathroom so can be obscured glazed and the nearest bedroom window is judged to be sufficiently far from the boundary to prevent loss of privacy.

## **6.6 Environmental Issues**

- 6.6.1 The application site is located in Flood Zone 3. The Environment Agency has advised that the development is unacceptable unless a Sequential Test is undertaken demonstrating that there are no sequentially preferable sites for the proposed development. Staff have undertaken the required Sequential Testing and have looked at the availability of alternative development sites within the Rainham and Wennington locality, south of the A1306, in order to cater for demand for housing locally. Given much of the locality is in flood zone 3 and there is Green Belt further to the east in Wennington sequentially preferable alternative sites are uncommon. Given also that the Winifred Whittingham site has been developed previously and has a residential use, the proposal does not create a 'more vulnerable' use than that which it exists. Having regard to these factors it is considered that this is the most preferable site known to Staff in the immediate locality and that residential development on the site could be accepted. The proposed housing would, in fact, be less vulnerable to flooding than the existing sheltered housing provision as it could be built to better withstand the risk of flooding.
- 6.6.2 A land contamination desk top and site investigation study have been carried out. A condition is recommended in respect of land contamination issues.
- 6.6.3 An energy strategy and sustainability statement have been submitted with the application. It is recommended that the aims of these statements be secured by condition and will require a minimum of Code level 3 to accord with current LDF policy.
- 6.6.4 An Ecological Scoping Survey has been submitted with the application. The survey has not found indication of the presence of any rare or protected species, on the site. The report does however make recommendations relating to the impact of development on nesting birds and bats. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report.
- 6.6.5 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

## **6.7 Parking and Highway Issues**

- 6.7.1 The application proposes a total of 55 parking spaces, which equates to an average of 1.5 spaces per unit. The site has a PTAL rating of 1 and the LDF indicates that parking should be within the ratio of 2-1.5 spaces per unit. The proposal is therefore compliant in principle with the LDF. The development comprises 2 and 3 bed houses, which each have either one or two parking spaces per unit, creating the overall ratio of 1.5 spaces average

per dwelling. Highways have indicated that the amount and apportioning of the parking spaces is acceptable. Staff consider the parking spaces to be acceptably laid out within the site and to be adequate to serve the proposed development. The amount of parking is considered to be consistent with Policy 6.13 of the London Plan.

6.7.2 Each dwelling will be required to make provision for cycle storage to accord with the standards set out in Annex 6 of the LDF.

6.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals.

6.7.4 Streetcare have been consulted in respect of the proposals and raise no objection to refuse collection arrangements. At the time of writing this report the Fire Brigade have raised concern with regard to access to the dwellings on plots 17-19. This issue is still under discussion and Members will be advised of the outcome of this at the meeting.

## **6.8 Affordable Housing**

6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has provided with this current application a financial appraisal which in the applicant's view justifies the provision of 4 units of affordable housing within the scheme. An independent economic viability assessment is being undertaken at the time of writing this report and Members will be advised of the outcome of this at the meeting.

## **6.9 Infrastructure**

6.9.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £216,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

## **7. The Mayor's Community Infrastructure Levy**

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The building to be demolished has not been used for six of the last twelve months so is not deductible from the CIL payment. The applicable fee is based on an internal gross floor area of 2,972m<sup>2</sup> which equates to a Mayoral CIL payment of £59,440.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

## **8. Conclusion**

- 8.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. Staff further consider the design, scale, bulk and massing of the proposed buildings to be acceptable. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 A viability appraisal has been submitted to justify the affordable housing offer and Members will be advised of the outcome of independent appraisal of this. There will be a requirement to meet infrastructure costs associated with the development in accordance with the draft Planning Obligations SPD. The proposal is therefore judged to be acceptable, subject to the completion of a legal agreement and conditions and it is recommended that planning permission is granted.

## **IMPLICATIONS AND RISKS**

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

The application site comprises Council owned land.

### **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 is designed to meet Lifetime Homes criteria and include wheelchair adaptable units. The development also provides an element of affordable housing and thereby contributes to the provision of access to quality housing for all elements of the community.

## **BACKGROUND PAPERS**

Application forms, plans and supporting statements received 20 November 2012  
and revised plans received 21 December 2012.