



REGULATORY SERVICES COMMITTEE

22 August 2013

REPORT

Subject Heading:

**P0361.13: Briar Site 2A-
Garage/parking court adjacent to 9a
Myrtle Road and Okehampton Road,
Romford**

**Demolition of garages and erection of
two storey block of flats (4 x 1 bed) and
pair of semi-detached houses (2 x 3
bed); creation of parking (application
received 28 March 2013; revised plans
received 11 June, 24 July and 29 July
2013)**

Report Author and contact details:

**Helen Oakerbee, 01708 432800
helen.oakerbee@havering.gov.uk**

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	[X]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. The application was deferred by the Regulatory Services Committee on 18 July to enable the submission of revised plans relating to the boundaries of the application site. The report is brought back to the Committee, updated to reflect the revisions to the scheme. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £5,860.00. This is based on the creation of 293m² 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:

- A financial contribution of £36,000 to be used towards infrastructure costs in accordance with the 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 be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

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 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 – 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 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 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 LDF Development Control Policies Development Plan Document Policy DC61.

6. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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, D 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. Levels - Before any of the development hereby permitted is commenced, details of finished ground levels of the site and ground floor levels of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure that the development would not have any unforeseen adverse impact on the appearance of the area or amenity of nearby occupiers, in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. In aiming to satisfy condition 15 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. Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted. The applicant should contact Essex & Suffolk Water for further information.
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.

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 comprises a garage and parking court located on the west side of Okehampton Road, to the north of its junction with Myrtle Road. The site currently includes two separate garage blocks and some areas of grass verge. To the immediate west of the site is no. 91 Myrtle Road; further west the site is backed on to by dwellings fronting Straight Road. Ground levels fall gently from the north to the south of the site.

2. Description of Proposal

- 2.1 The application proposes the construction of 4 no. one bed flats and 2 no. three bed houses. The flats would be within a two storey building to be located at the southern end of the site, which would be linked via a single storey refuse/cycle store building, to the proposed two storey pair of semi-detached houses, which are to be located at the northern end of the site.
- 2.2 The proposed flatted building measures 18m long and 9m deep. It is finished with a tiled, gable ended roof that rises to a maximum of 9.2m high, taking into account variations in ground level. The pair of semi-detached houses is 18.6m long and 6.5m deep. They are of a similar, traditional design and construction to the flats but slightly lower, with a ridge height of around 8m high taking into account variations in ground level.

- 2.3 The application proposes seven on site parking spaces, which are allocated for use by occupiers of the proposed development. The application drawings indicate that there will be further surface parking on garage land to the north of the application site but this does not form part of this application.
- 2.4 The drawings have been revised since the application was initially submitted. The revisions have changed the red line boundary around the application site to address land ownership issues. The layout and location of the car parking spaces to be allocated to the proposed new units has also been changed, although the number of spaces remains as seven.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 33 planning applications have been submitted as part of this package of proposals, of which all bar this application have been considered by the Regulatory Services Committee and approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 30 local addresses. Following the initial round of consultation two letters of representation, including one letter with five signatories, were received, objecting on the following grounds:

- the application encroaches on land and Rights of Way of Straight Road properties. Spaces cannot be used without encroaching on land owned by these properties
- will be unsafe for children
- drawings indicate changes to parking on Okehampton Square suggesting some form of controlled parking scheme is proposed
- parking in Okehampton Square not all shown correctly
- for the above reasons, proposal contrary to planning policy and the submitted transport assessment

Further neighbour notification has been undertaken following the receipt of revised plans. One further letter of representation has been received from a local resident raising a range of issues relating to the handling of the Briar Road project and the handling of this application. This letter is being considered under the Council's complaints procedure

- 4.2 Councillor Darvill has written in specifically raising the issue of land ownership and encroachment onto land outside the applicants ownership, as well as expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade have raised no objection in respect of water supplies or fire fighting access.
- 4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.
- 4.6 Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted.

5. Relevant Policies

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.

- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the Planning Obligations SPD, Residential Design 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.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.
- 6.2 This application was deferred at a previous meeting of the Regulatory Services Committee to enable the formal submission of revised plans and consultation with the public. The purpose of the revised plans was to deal with concerns raised by local residents with regard to land ownership issues. These matters are addressed more specifically in Section 6.8 below.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a

general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill Housing Trust as its development partner to build the new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed new dwellings would sit on land that is currently used as garages and hard standing for parking. The site already has a developed character and the proposed development is not therefore considered, in principle, to materially harm the existing character of the estate.

6.4.2 The proposed development would sit close to the edge of the highway on the western side of Okehampton Road and would be further forward in the street scene than the building line set by the terrace of houses at 1a-9a Myrtle Road. This will give it a degree of prominence in the streetscene. This is however considered to be acceptable as to the Okehampton Road streetscene, the units will have a front garden of some 1.6m deep, which provides a setting for the building and prevents it from being visually overbearing. To the Myrtle Road frontage, the development does not project beyond the demise of the front boundary of neighbouring houses and is set back from the highway by an existing footpath and a retained area of grass verge. The flank elevation of the proposed flatted building faces on to the Myrtle Road streetscene but is designed with a projecting bay window at first floor level, which is considered to add visual interest to the end elevation.

6.4.3 The proposed buildings are two storeys in height and are considered to be of a scale and massing which is compatible with the character of

development locally. There are both houses and flats in the locality and the flatted building is designed to be of a scale which reflects that of nearby development, as well as relating well to the scale of the proposed semi-detached dwellings. The flatted building is separated from the semi's by a single storey link, containing the refuse storage and cycle storage facilities for the flats, which serves to break down the perceived length of the building.

- 6.4.4 Each dwelling is provided with private, rear amenity space of around 9m in depth, which is judged to be of an acceptable size, private and well screened. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment. The flats have a private rear amenity area and the upper floor flats also have balconies, which are considered to meet the needs of prospective occupiers of the development.
- 6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.
- 6.4.6 The Borough Crime Prevention Design Advisor raises no objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

6.5 **Impact on Amenity**

- 6.5.1 The property most directly affected by the proposed development is no.9a Myrtle Road, which adjoins the western boundary of the application site. The proposed development will back on to this boundary. The flats back on to the boundary at a distance that varies from 3m at the southern end of the site increasing to 5m. The position of the flats is such that they will generally back on to the flank wall or front garden of no.9a Myrtle Road and would not therefore be overbearing or result in a material loss of privacy. Balconies to the flats are on the eastern side of the building facing towards Okehampton Road. One of the proposed houses backs on to the boundary with no.9a but at an increased distance that is generally 9m (save for a pinch point where the wall is angled). Staff are satisfied that this distance is sufficient to ensure the amenities of the adjoining occupiers are adequately maintained.
- 6.5.2 The most northerly of the proposed dwellings backs on to the rear boundary of Straight Road houses but given these properties have garden depths in the region of 20m they would not be materially affected by the proposed dwellings.
- 6.5.3 Dwellings on the eastern side of Okehampton Road are separated from the development by a distance of at least 10m, although generally more, across the public highway and are not considered to be materially affected by the proposed development.

6.6 Parking and Highway Issues

- 6.6.1 The application proposals a total of seven parking spaces to be allocated to the proposed development at a ratio of 2 spaces per dwelling and 1 space per flat. In combination this meets the LDF parking requirement of 2-1.5 spaces per unit, although it is acknowledged that each flat would in reality have only one parking space each. This would not be sufficiently below the standard to justify refusal. It is further noted that the application indicates the opportunity to demolish existing garages and provide further surface parking to the north of the proposed development. This cannot specifically be taken into account as part of the application as it does not form part of the detailed proposals. Nonetheless, it should be acknowledged that this application should be considered in the context of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.
- 6.6.2 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.5 Highways have raised no objection on highway safety or traffic movement grounds. The development makes provision for cycle storage for the flats and also for refuse storage for the flats. These arrangements are considered to be acceptable.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £30,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

6.8 Other Issues

- 6.8.1 The representations received in respect of land ownership issues have been noted. At the request of Staff, the applicant has looked into this matter in greater detail and has adjusted the site boundaries to ensure this is correctly represented on the application drawings. A further drawing has been submitted with the application, which overlays the land ownership title of neighbouring properties onto the application site plan. This clearly indicates that the application site boundaries, as indicated by the red line around the site, does not encroach onto land owned by neighbouring residents. The issue of land ownership is not a material planning consideration, rather it is a private matter to be resolved between the respective parties and Staff are satisfied that all has been done that can reasonably be required at this stage to address this issue.
- 6.8.2 Whilst the application site does not encroach onto neighbouring property, concerns were raised by local residents that the layout of the parking spaces for the proposed units were such that vehicles would have to manoeuvre across adjoining land outside of the applicants control to access/egress the spaces. Whilst this too is a land ownership issue and therefore technically outside of the planning process, the applicants have amended the plans to re-site the seven parking spaces to be provided as part of the proposed development in order that they can be used without needing to encroach over land owned by neighbouring properties. Staff are therefore satisfied that there are no material grounds to refuse the application based on land ownership issues.
- 6.8.2 Issues have also been raised regarding how parking outside of the site, both existing and proposed has been shown. These concerns relate to land outside of the application site boundaries and do not affect consideration of the proposed development. Planning staff are also not aware of any proposals to introduce controlled parking zones in the vicinity of the application site.

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 garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 293 square metres (413 less 120 squares of garage floorspace), which equates to a Mayoral CIL payment of £5,860 subject to future indexation.

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 development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013; revised plans received 11 June, 24 July and 29 July 2013 .