



REGULATORY SERVICES COMMITTEE

24 October 2013

REPORT

Subject Heading:

**P0870.13 2a Deyncourt Gardens,
Upminster.**

**Demolition of existing dwellinghouse
associated outbuildings and garage,
and construction of 9 x self-contained
flats with associated landscaping,
boundary treatment, amenity space,
parking and changes to vehicular
crossovers creating 1 x new crossover.**

**(Application received 15 July 2013,
revised plans received 5 September
2013)**

Report Author and contact details:

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Local Development Framework**

Policy context:

Financial summary:

None

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

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

SUMMARY

This report concerns a proposal to demolish an existing house and erect a replacement building containing 9 no. flats. The application is reported back to committee following deferral from the 3 October 2013 meeting. For the reasons set out within the report, the proposal is considered to be unacceptable. Refusal is therefore recommended. The application has been called into committee by Councillors Ford and Tebbutt.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. The proposal would provide an insufficient amount of ground floor amenity space to meet the requirements, relating to flatted development, contained in the Hall Lane Special Policy Area SPD, and would therefore result in a cramped development. It is considered that the cramped nature of the proposal and its proximity to the public highway would be harmful to the street scene and the spacious character of the area. The proposal is therefore contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the guidance continued in the Hall Lane Special Policy Area SPD.
2. The proximity of the proposal to the southern boundary, and the extent of overlooking, loss of light, and loss of outlook in relation to a neighbouring site, are such that the proposal would prejudice the adequate potential future development of neighbouring land. The proposal is therefore contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
3. In the absence of a legal agreement to secure infrastructure contributions in accordance with the Planning Obligations SPD, the proposal is considered to be contrary to Policy DC72 of the Core Strategy and Development Control Policies DPD and the Planning Obligations SPD.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Background

- 1.1 This planning application was previously reported to the Regulatory Services Committee on 3 October 2013. Following debate, the Committee resolved to defer the application to enable staff to bring back a report identifying terms of a Section 106 Legal Agreement and planning conditions, as Members were minded to approve the scheme on the basis that the impact of the development in the streetscene, on amenity and upon the development potential of the adjoining site would be acceptable. Clarification was also sought as to the background behind the Hall Lane Policy Area and whether all, or part, of the application site falls within in.

Hall Lane Policy Area

- 1.2 Turning to the latter aspect first, the Hall Lane Policy Area comprises approximately 56 Hectares (138 acres) of land on either side of Hall Lane, Upminster, immediately north of Upminster Railway Station. Its designation pre-dates the current Local Development Framework and it is detailed by the Hall Lane Supplementary Planning Document.
- 1.3 The introductory text to the SPD states that “the Hall Lane area of Upminster is occupied mostly by established large detached and semi-detached dwellings, generally well maintained and set in large gardens, having the amenity of considerable tree and shrub planting. There are some more recent developments of flats along the Hall Lane frontage. The area’s character derives primarily from the long and well landscaped rear gardens whose size and good tree cover create unusual spaciousness which is extensive and uninterrupted.”
- 1.4 For the purposes of the SPD, the Policy Area is divided into two zones in which different criteria will be applied. The application site is located within Zone A.
- 1.5 This area fronts Hall Lane between the railway line and Ashburnham Gardens and contains some developments of flats. The SPD indicates that scope exists for further development of flats without causing harm to the character of the road. Nevertheless, the existing long and well landscaped rear gardens to Hall Lane properties do contribute to the special character of the wider area, and therefore any frontage developments will be expected to have generous rear amenity space provision. The criteria specify minimum sizes for plots and frontages to help achieve this objective.
- 1.6 The specific criteria applied to flatted development proposed within Zone A are as follows:

- Except for detached and semi-detached houses, development will only be permitted provided an area of compact shape of 1.2 hectares or more, with a minimum frontage of 150 metres, has been assembled by the developer.
- South of Waldegrave Gardens and Deyncourt Gardens where this is not possible, and on corner sites generally, relaxation of the frontage and site area requirements may be considered but only where the main intentions of the policy are not thereby endangered.
- Flats will be allowed where the individual units have a minimum floor area of 75 square metres and the overall development has a maximum height of three storeys. The development must incorporate a private sitting out amenity space at least equivalent in area to the total floorspace of the flats and that is screened from public view.
- A major element of these criteria is the retention as far as possible of the landscape and amenity created by the considerable tree and shrub planting that exists:
 - Special attention must be given to the effect of any proposal on the landscape, and to this end plans submitted with any application shall include a survey of all existing trees and shrubs on the site.
 - New buildings shall be sited with the object of preserving as many trees and shrubs as possible consistent with good layout and design.
 - New planting may be required by the Council.

1.7 In respect of these criteria, the flats do have a minimum floor area of 75 square metres. The development does not incorporate a sitting out amenity space at least equivalent in area to the total floorspace of the flats and limited opportunity exists on site to enable the retention and/or provision of a level of soft landscaping commensurate with the expectations of the Hall Lane Policy SPD.

Heads of Terms and Possible Planning Conditions

1.8 In the event of an approval, the following obligations are recommended for the legal agreement:

- A financial contribution of £48,000 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 preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

1.9 In respect of conditions, the following are suggested:

1. **Time:** The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

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

2. **Accordance with plans:** The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. **Car Parking:** Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

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

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6. **Boundary Treatment:** Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

7. **Refuse and recycling:** Notwithstanding the details shown on the submitted drawings, prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order

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

8. **Cycle Storage:** Prior to the first occupations of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

9. **Construction Hours:** All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

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

10. **Construction Method:** 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:

parking of vehicles of site personnel and visitors;
storage of plant and materials;
dust management controls;
measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
siting and design of temporary buildings;
scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

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

11. **Wheel Washing:** Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

12. **Highways:** The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason:-

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

13. **Secure by Design:** Prior to the commence of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF.

14. **Noise:** The buildings shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason:

To prevent noise nuisance to adjoining properties.

15. **Contamination:** Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 388:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with the LDF Core Strategy and Development Control Policies DPD Policy DC53.

16. **Obscure Glazing:** The proposed windows serving all bathrooms and ensembles on the southern facing flank shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 1.10 In respect of informatives, the following are suggested:

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8,580. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

3. 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.
4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. 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.
5. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

Report Detail

- 1.11 The report set out below is largely the same as that presented to committee on 3 October 2013. At that meeting an update was given in respect of dimensions within the report which suggested that the proposed building would be within 1m of the highway. This dimension is incorrect as the building would be located between 2.3m and 3.3m from the highway. This figure has been amended within the report.
- 1.12 An update was also given in respect of who had called the application in. In addition to the call-in received from Councillor Tebbutt, a call-in has also been received from Councillor Ford. The reasons for call in are as follows:

Councillor Ford:

Over intensification of development; height of development is over and above that of properties directly opposite and adjacent; not in keeping with the street scene; building materials at odds with design of surrounding development; development going beyond the building line of properties in the area; it will have an adverse impact on traffic in the locality.

Councillor Tebbutt:

Boundary and overlooking issues, and the relationship between the proposal and the church.

Original Report as presented on 3 October 2013

2. Site Description

- 2.1 The site comprises a residential property and its curtilage, located on the southern side of Deyncourt Gardens. The site forms a rectangular area of land running in an east-west direction. The northern boundary adjoins the public highway; the eastern boundary abuts a private access road associated with a separate property; the southern boundary lies adjacent to Upminster Methodist Church; whilst the western boundary adjoins the curtilage of no.14, which is split into four flats. The area is characterised by a mixture of residential development, including houses and, fronting onto Hall Lane, at the western end of Deyncourt Gardens, flatted development.
- 2.2 The site is located in the Hall Lane Special Policy Area.

3. Description of Proposal

- 3.1 This planning application proposes the demolition of the existing dwelling and the erection of a new building containing nine 2-bed flats. The building would include openings in all of its elevations, although all of the west-facing windows above first floor level would be set at a height of 1.7m. Each of the upper floor flats would include a balcony, whilst the ground floor units would include private amenity spaces. The site would include a communal garden area between the proposed building, located towards the western end of the site, and the car park, located at the eastern end of the site. The car park would include nine parking spaces. The proposal would include bin storage, located at the western end of the site, and bicycle storage located at the eastern end of the site.
- 3.2 The proposed building would rise upto approximately 12m in height from ground level and would include hipped roofs and gable-featured bay extensions to the northern extension facing the public highway. The proposed block would be approximately 22m in length running alongside the highway, and upto around 13m in width. Balconies would be included in the northern and eastern elevations.

4. Relevant History

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

5. Consultation Responses

- 5.1 Neighbour notification letters have been sent to 75 local addresses. 12 letters of objection have been received, raising the following objections:

- The proposal would be visually intrusive in the street scene;
- The proposal would exacerbate traffic congestion in the local area;

- The proposal would be harmful to the character of the area;
- The proposal would result in an over development of the site;
- The proposal would be detrimental to highway safety;
- The proposal would not include visitor parking;
- The proposed would be too close to the site boundaries and would be over dominant;
- There will be a loss of light and privacy to the church;
- There would be a loss of amenity to the occupiers of Abington Court and 1A Deyncourt Gardens;
- There would be a lack of adequate amenity space and the proposal would be a cramped development.

5.2 The Crime Prevention Design Advisor raises no objections and recommends a condition and informative.

5.3 Environmental Health (Noise) - No objections; conditions recommended

5.4 Environmental Health (Contaminated Land) - No objections; condition recommended.

5.5 Highway Authority - No objections; conditions and informatives recommended.

5.6 London Fire Brigade - No objections.

6. Relevant Policies

6.1 Policies CP1, CP17, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations.

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

6.3 The London Plan (2011) and National Planning Policy Framework ("the NPPF") are also relevant.

7. Mayoral CIL

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works (371sqm) are taken into account is approximately 429sqm, which equates to a Mayoral CIL payment of £8,580. This sum is subject to indexation.

8. Staff Comments

- 8.1 The issues arising from this application are the principle of development, layout, design and amenity considerations, environmental impact, highway and parking issues, community infrastructure, and other considerations.

Principle of Development

- 8.2 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

Density/Site Layout

- 8.3 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity or "prejudice the satisfactory development of adjoining land". The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

- 8.3.1 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.

- 8.3.2 The proposed development would have a density of approximately 110 dwellings per hectare. This is considered to be in accordance with the standard for this location set out in Policy DC2. However, the proposed site density is not, in itself, considered to constitute a sufficient reason to consider a scheme to be acceptable. The assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular, along with the siting of the proposed building in relation to its surroundings.

- 8.3.3 In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide small, private gardens for the ground floor flats, along with balconies for the upper storey apartments. The proposal would also include communal amenity space at ground level. On

balance, it is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.

- 8.3.4 The proposed building would be located approximately 2.3-3.3m from the boundary with the highway, with resultant impacts on the character of the area. This matter will be discussed further in the following section of the report. The proposal would also be located approximately 1m from the southern boundary, which is shared with Upminster Methodist Church. The proposal would directly overlook and borrow light from this site, and as such, would sterilise its potential redevelopment in future. Good planning would ensure that the proposal would be set back further from the site boundary to enable an acceptable standard of development to occur on the neighbouring land in future. As such, the proposal is considered to be contrary to Policy DC61 of the LDF.

Impact upon Streetscene

- 8.4 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development. The site is located in Zone A of the Hall Lane Special Policy Area, which states that, for flatted development, the development must include an outdoor amenity area equivalent to at least the total floorspace of the flats. This requirement is intended to ensure adequate space is provided around buildings to contribute to the more open character of residential development in the area.
- 8.4.1 The application proposes a three storey building, employing a pitched roofed form and the use of brick and render to the walls, and roof tiles for the exterior construction materials. The external appearance of the proposed building is considered to be sufficiently in keeping with the surrounding development to be acceptable.
- 8.4.2 The site is located in a broadly residential area comprising a range of house types, including traditional, two storey, pitched roof dwellings, along with larger scale flatted development (Abington Court) located at the western end of Deycourt Gardens and fronting onto Hall Lane. This flatted development is set back from the highway by at least 9m behind open grass, and follows the street line established by the houses located further to the east. On the southern side of Deyncourt Gardens the street line is set, at the western end, by 14 Hall Lane, which is set approximately 3m back from the highway, with the subsequent properties to the east being set back further. The proposal would be located within 2.3-3.3m of the highway, and given its overall scale, bulk, and massing, it is considered that its siting would be harmful to the character of the local area, which is otherwise characterised by generous setback distances from the highway. This is underlined by the fact that the proposed provision of amenity open space at ground floor level

would fall short of the requirements contained in the Hall Lane Special Policy Area SPD.

- 8.4.3 Given the nature of the proposal, including its siting and scale, and the amount of ground floor amenity space to be provided, it is considered that the proposal would be harmful to the character of the area, and therefore contrary to Policy DC61 of the LDF and Hall Lane Special Policy Area SPD.

Impact on Amenity

- 8.5 Neighbouring occupiers have objected to the proposal on the grounds that it would significantly diminish the amenities of neighbouring occupiers, in terms of overlooking, loss of outlook, overshadowing, and the generation of noise.

- 8.5.1 The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.

- 8.5.2 The proposed building would be located approximately 23m from Abington Court and 1A Deyncourt Gardens; 28m from No.2 Deyncourt Gardens; 4m from the neighbouring church building, and around 1m from the shared boundary; and 16m from the flats at No.14 Hall Lane, and around 1m from the boundary shared with that property. It is considered that the proposal would not result in any significant adverse impacts on those properties located to the north and east. The proposal would be located in very close proximity to the rear curtilage of No.14 Hall Lane, however, all of the windows facing that property would be located at high level, preventing any significant overlooking. There are currently tall evergreen trees located along the boundary between these two properties, on the side of the site under consideration. The occupiers of No.14 Hall Lane therefore currently benefit from an outlook softened by greenery. However, it is considered likely that these trees could be removed in future given that they would be in very close proximity to openings in the proposed flats. The proposal could therefore result in a more harsh and overbearing outlook for the occupiers of No.14 Hall Lane. Officers consider that, given the separation distances involved, it is unlikely that the proposal would result in any significant loss of outlook from this property. However, Members may wish to apply their judgement to this aspect of the scheme and consider this as a potential reason for refusal.

- 8.5.3 The proposal would result in overlooking to the church site, however, this is not considered to be a sufficiently sensitive land use for the degree of overlooking involved to be detrimental given that site's existing use. It is considered that the loss of outlook and overshadowing involved would also be acceptable given the existing church use. However, as discussed earlier in this report, it is considered that the future redevelopment of the neighbouring site for residential or other purposes would be significantly undermined as a result of these windows.

- 8.5.4 Officers consider that in terms of impacts on the amenities of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policies DC2 and DC61 of the LDF and guidance contained in the Residential Design SPD.

Highways/Parking

- 8.6 The application proposes the creation of a new site access on land currently occupied by an existing dwelling. Neighbouring occupiers have objected to the proposal stating that it would result in an increase in traffic congestion and parking problems in the local area.
- 8.6.1 The application proposes 9 car parking spaces. The proposed car parking provision would therefore equate to 1 space per dwelling. Cycle storage would also be provided.
- 8.6.2 The site is located within walking distance of Upminster railway and is considered to be well connected to public transport. The proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.
- 8.6.3 Should planning permission be granted, it is also recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles, plant, and materials will be parked. A condition is also recommended requiring the submission of more specific details relating to cycle storage.
- 8.6.4 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

Other Issues

- 8.7 The Council's Environmental Health officers have requested the use of a condition relating to contaminated land; it is recommended that this be imposed should planning be granted.
- 8.7.1 The Designing Out Crime Officer has raised no objections to the proposal, but requested the use of a condition should planning consent be given.

Section 106

- 8.8 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £48,000 towards infrastructure costs, which is based on the creation of nine dwellings, less the existing property, which would be demolished. In the

absence of a Section 106 agreement to secure the required contribution, the proposal is considered to be contrary to Policy DC72 of the LDF.

9. Conclusion:

9.1 The proposal is considered to be unacceptable having had regard to Policies CP1, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be needed to draft the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms and plans received on 15 July and 5 September 2013.