



REGULATORY SERVICES COMMITTEE

14 November 2013

REPORT

Subject Heading:

**P1065.13 – 168 Suttons Lane,
Hornchurch**

**Demolition of existing side extension
and erection of a new attached
dwelling (Application received 22nd
August 2013)**

Report Author and contact details:

**Helen Oakerbee (Planning Manager,
Regulatory Services) 01708 432800**

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns an application for the demolition of an existing side extension and the erection of a new attached dwelling. A Section 106 Legal Agreement is required in accordance with the Planning Obligations Supplementary Planning

Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 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 Agreement, prior to completion of the Agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that Agreement, grant planning permission subject to the conditions set out below.

1. Matching materials - All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans.

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

LDF Development Control Policies Development Plan Document Policy DC61.

3. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any amendment of that Order or successor order), no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

4. Landscaping – The dwelling hereby permitted shall be demolished to ground level and materials resulting from the demolition shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

(i) within 3 months of the date of this decision a scheme for landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

In respect of this condition, a scheme of hard and soft landscaping 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.

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

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

6. Cycle storage - Prior to the first occupation 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.

7. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on the approved Drawing No. SK.1645.12.1 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.

8. Hours of construction – 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.

9. Obscure glazing - The first floor bathroom window on the rear façade of the building as shown on the approved Drawing No. SK.1645.12.2 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.

10. Boundary fencing - Before the building(s) hereby permitted is first occupied, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and the approved boundary fencing and/or screening installed and thereafter permanently retained and maintained 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.

11. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

12. Highway Alterations – The dwelling hereby permitted shall be demolished to ground level and materials resulting from the demolition shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) below:-

(i) within 3 months of the date of this decision the necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into subject to the Council as Highway Authority facilitating completion within 3 months.

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. Vehicular access - The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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.

14. Sound insulation - The dwelling shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise.

15. Contamination– The dwelling hereby permitted shall be demolished to ground level and materials resulting from the demolition shall be removed within six months of the date of failure to meet any one of the requirements set out in (a) to (c) and (ii), (iii) and (iv) below:-

a) within 3 months of the date of this decision the developer shall submit for the written approval of the Local Planning Authority; a Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model and evidence that contamination has not been encountered during development work.

b) within 4 months of the date of this decision the developer shall submit for the written approval of the Local Planning Authority a Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) within 5 months of the date of this decision the developer shall submit for the written approval of the Local Planning Authority a Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A – Remediation Scheme which will be fully implemented before the development 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.

(ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

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

INFORMATIVES

1. 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 £1,652.53. 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.

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3. Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request is needed.

3. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

4. Any statutory undertakers equipment requiring diversion due to this construction shall be diverted at the developers cost.

6. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

7. 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, the Road Traffic Regulations Act 1984 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.

8. The Highway Authority recommends a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed and existing access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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. Call in

- 1.1 Councillor Matthews requested this application be called in to committee, on the grounds of that the application is imposing. There is also concern that the neighbouring property, No. 166 Suttons Lane, will lose a high percentage of light because their side windows will be obscured by the proposed building.

2. Site Description

- 2.1 The application site is located on western side of Suttons Lane. The site is presently occupied by a two storey end of terrace dwelling. The site has a

frontage depth onto Suttons Lane of approximately 7 metres and the whole site has a depth of approximately 25.2 metres. The site has a width of approximately 6 metres. There is a low brick wall with a timber paling fence and conifers on the front boundary of the site. The site adjoins a two storey end of terrace dwelling, No. 168 Suttons Lane and is flanked by a two storey detached dwelling, No. 166 Suttons Lane to the north east. The surrounding area is predominantly residential in character, comprising of two storey detached, terraced and semi-detached properties.

3. Description of Proposal

- 3.1 The application seeks permission for the demolition of an existing side extension and the erection of a new attached dwelling. In terms of appearance the proposed dwelling would have a gabled roof. In terms of finishing materials, the predominant materials proposed are London Stock bricks, slate roof tiles and UPVC windows.
- 3.2 The dwelling would measure 5.3 metres in width and a maximum depth of 10.55 metres. The dwelling would be located 0.65 metres from the north eastern boundary. The dwelling would be approximately 8.2 metres in height. There would be two spaces on hardstanding for the donor property and two spaces for the proposed dwelling. It is noted that construction works have substantially advanced on site.

4. Relevant History

- 4.1 No relevant planning history.

5. Consultations/Representations

- 5.1 The occupiers of 8 neighbouring properties were notified of this proposal. One letter of objection was received with detailed comments that have been summarised as follows:
- Loss of light.
 - The new building would be close to the boundary, which would be difficult to erect the scaffolding.
- 5.2 In response to the above, comments regarding scaffolding are not material planning considerations. The remaining issue will be addressed in the following sections of this report.
- 5.3 English Heritage – In view of the limited groundworks involved in the scheme, there is not a need for archaeological intervention through the planning system in this case.
- 5.4 The Highway Authority has no objections to the proposals but requires that the vehicle crossover is extended or provided for both the donor and proposed dwellings to allow for vehicles to enter and exit the parking spaces as shown on the submitted plans. Recommends two conditions and various informatives if minded to grant planning permission.

5.5 Environmental Health – Recommend three conditions if minded to grant planning permission.

6. Relevant Policies

6.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply
CP2 – Sustainable Communities
CP17 – Design

6.2 LDF Development Control Policies Development Plan Document

DC2 – Housing Mix and Density
DC3 – Housing Design and Layout
DC11 – Non-designated sites
DC33 – Car parking
DC35 - Cycling
DC61 – Urban design
DC63 – Delivering safer places
DC72 – Planning Obligations

The Landscaping Supplementary Planning Document
Residential Extension and Alterations SPD
Supplementary Planning Document (SPD) for Residential Design
Planning Obligations Supplementary Planning Document

6.3 The London Plan

3.3 – Increasing housing supply
3.4 – Optimising housing potential
3.5 – Quality and design of housing developments
3.8 – Housing choice
6.13 – Parking
7.13 – Safety, security and resilience to emergency
7.4 – Local character
8.3 – Planning obligations

6.4 National Planning Policy Framework

Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design

7. Staff Comments

7.1 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene, the impact on neighbouring amenity and any highway and parking issues.

7.2 Principle of Development

7.2.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.

7.2.2 The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing development, particularly as a dwelling occupies the site and therefore, the principle of a residential use is in accordance with policy criteria.

7.3 Density and site layout:

7.3.1 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.0277 hectares and the proposal would produce a density of 36 dwellings per hectare which is deemed to be acceptable.

7.3.2 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance, the proposed dwelling would benefit from a private rear garden area of approximately 45 square metres. The donor property would benefit from a private rear garden area of approximately 41 square metres. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

7.3.3 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 seeks that new residential development conforms to minimum internal space standards set out in the plan. The London Plan seeks a minimum internal floor area of 96 square metres for a dwelling with three bedrooms and 5 bed spaces. The proposed dwelling would have an internal floor area of approximately 106 square metres, which is acceptable.

7.4 Impact on local character and street scene:

7.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding

area. In this case, existing development within Suttons Lane comprises of two storey terraced, semi-detached and detached houses. No objections are raised to one, two storey end of terrace dwelling in the locality.

7.4.2 No objections are raised to the demolition of the side extension. The dwelling would be the same height as the attached terraced property. It is considered that the height and scale of the proposed dwelling is compatible with the prevailing scale and character of development within the locality.

7.4.3 The position of the dwelling in the streetscene is considered to be compatible with the general building line of this row of terraced properties in Suttons Lane. The proposed dwelling features a single storey front projection and it is considered that this would integrate satisfactorily with the streetscene. The proposed dwelling does appear to replicate the architectural style of the donor property and would be comparable in terms of design and detailing.

7.4.4 The proposed house would utilise a mixture of materials including London Stock bricks, slate roof tiles and UPVC windows. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. It is considered that the dwelling would not appear cramped in the streetscene, as it would be located approximately 0.5 metres from the north eastern boundary.

7.5 Impact on amenity

7.5.1 With regard to amenity issues, consideration should be given to the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

7.5.2 It is considered that the proposed dwelling would not result in a significant loss of amenity to the donor property, as it would be flush with its front and rear façades. Also, the dimensions of the single storey projection of the proposed dwelling adhere to the Residential Extensions and Alterations SPD.

7.5.3 No. 166 Suttons Lane has two flank windows - one is a ground floor flank window that serves a W.C and is obscure glazed. There is a first floor flank window which serves a stairwell and is obscure glazed. It is considered that the proposal would not result in a significant loss of amenity to 166 Suttons Lane, as this neighbouring property does not feature any flank windows that serve habitable rooms and are primary light sources. In addition, the front and rear facades of the proposed dwelling are in general alignment with those of No. 166 Suttons Lane. Also, the dimensions of the single storey projection of the proposed dwelling adhere to the Residential Extensions and Alterations SPD. The dwelling would be located 0.65 metres from the north eastern boundary of the site.

7.5.4 The design and siting of the rear dormer window of the proposed dwelling adheres to the Residential Extensions and Alterations SPD. It is considered that the proposal would not create any due overlooking or loss of privacy over and above existing conditions. Details of boundary treatments and landscaping will be secured by condition.

7.5.5 If minded to grant planning permission, it is proposed to remove permitted development rights for extensions, roof extensions or alterations to the proposed dwelling under Classes A - E, to protect the amenity of neighbouring occupiers.

7.6 Highway/parking issues

7.6.1 There would be off street parking provision for two vehicles on hardstanding to the front of the proposed dwelling, which is sufficient. There would be off street parking provision for two vehicles on hardstanding to the front of the donor property, which is sufficient. The Highway Authority has no objection to the proposal and recommend two conditions and various informatives if minded to grant planning permission. It is considered that the proposal would not create any parking or highway issues.

8. The Mayor's Community Infrastructure Levy

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The side extension with a floor area of 23 square metres has been demolished. According to the plans the new dwelling would have a floor space of 106 square metres. On this basis, the CIL liability equals $106 - 23 = 83$. Therefore, CIL would be payable up to £1,652.53 (subject to indexation).
 $£20\text{sq.m} \times 83 = £1,660$.
 $£1,660 \times 0.9955 = £1,652.53$.

9. Planning Obligations

9.1 A Section 106 Legal Agreement is required to secure a financial contribution of £6,000 for the proposed dwelling to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF.

10. Conclusion

10.1 The erection of a new attached dwelling is considered to be acceptable in principle and no objections are raised to the demolition of the side extension. It is considered that the proposed dwelling would integrate satisfactorily with the donor property and the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £6k towards infrastructure improvements. Subject to the completion of a

legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, plans and a design and access statement received on 22nd August 2013.