

REGULATORY SERVICES COMMITTEE

REPORT

19 December 2013

Subject Heading:

P1119.13 – 16 & 18 Prospect Road (and land rear of), Hornchurch – Demolition of No.s 16 & 18 Prospect Road and the erection of 9 detached dwellings and 2 replacement dwellings with new access road (outline) (received 26 September 2013)

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

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

Call in: The application has been called in to Committee by Councillor Ron Ower on the grounds of concerns on traffic and in-fill and its closeness to the Green Belt.

This report concerns an application for the demolition of No.s 16 and 18 Prospect Road and the erection of 9 new houses and 2 replacement bungalows with an access road with ancillary car and cycle parking. The application is in outline with Access, Appearance, Layout and Scale to be determined at this stage with Landscaping as a Reserved Matter to be dealt with at a later stage. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

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 x 9 = £54,000 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.

That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

1. Time Limit for details: Application/s for approval of the reserved matters – Landscaping - shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. Time Limit for Commencement: The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. External 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 and DC68.

4. Accordance with Plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, which are listed on page 1 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 the LDF Development Control Policies Development Plan Document Policy DC61.

5. Refuse/Recycling Storage: 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 the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

6. Cycle Storage: Prior to completion 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, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36

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

7. Sound Insulation: The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal 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 in accordance with the recommendations of the NPPF.

8. Screen Fencing: Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new properties and at the boundaries of the new properties with the existing properties and shall be permanently retained and maintained 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 in accordance with Policy DC61.

9. External Lighting: The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

10. 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 LDF Development Control Policies Development Plan Document Policy DC61.

11. Approval of Details/ Hard and Soft Landscaping: The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

Reason: The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

12. Contaminated Land: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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):

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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

13. Secured by Design: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award

scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

14. Construction Methodology Statement: Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

15. 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 submitted and approved 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.

16. Removal of permitted development allowances: 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 to No.16 and No. 18 Prospect Road and to House Type A immediately adjoining the rear of No.16 Prospect Road (as shown on approved plan drawing reference No.1695 LO1) under Classes A, B, C, D, E, F, G or H 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.

17. Access road materials: Before any of the development hereby permitted is commenced, samples of all finishing materials to be used in the construction of the proposed access road 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.

18. Visibility splays: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed 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.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

19. Obscure/fixed glazing: The proposed windows at first floor in the flank elevations shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut 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.

20. Ground levels: Prior to commencement the developer shall submit details of proposed ground levels and finished floor levels to the Local Planning Authority;

once approved in writing, the details shall be implemented as part of the approved scheme.

Reason: In order to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

21. **Archaeology:** A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority. B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A). C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programmed set out in the Written Scheme of Investigation approved under Part ((A), and the provision made for analysis, publication and dissemination of the result and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive in the site. The Local Planning Authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the Borough and in PPS5/NPPF.

22. **Biodiversity/Protected Species:** The applicant shall submit with the application for reserved matters – Landscaping - further survey information as indicated in the Summary of their submitted report “Update Extended Phase 1 Habitat Survey” dated 2/9/13. Any mitigation measures identified shall be put in place prior to the commencement of the development.

Reason: To ensure that appropriate mitigation measures are included in respect of flora and fauna

23. **Road Noise Assessment:** Prior to the commencement of any development, an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office memorandum “Calculation of Road Traffic Noise”, 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relation to community noise and PS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with the NPPF and the Noise Policy Statement for England (NPSE).

24. 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.

INFORMATIVES

1. Community Safety - Informative:

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

2. Highway Informatives:

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.

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.

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.

3. Archaeology informative:

The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in

the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

4. **Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010:**

Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para. 186-187 of NPPF 2012.

5. **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.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of (1,410.4sq.m – 179.5sq.m) 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation). This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here is based on a gross internal floor area at £20 per square metre.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises the dwellings at No. 16 and No.18 Prospect Road, their rear gardens and land to the rear of Prospect Road formerly comprising "The Bowery" and "Sunset". The site, apart from the rectangle containing No.s 16 and 18 Prospect Road is loosely triangular in shape with its long side fronting onto Southend Arterial Road (A127) – a length of approximately 150m. It has a depth of approximately 30m. Ground levels fall slightly from the highway of Prospect Road towards the south/south-east. Just beyond the site boundary to the A127 there is a sharp drop in levels covered by some tree/shrub planting. The application site has an area of 0.43 hectares.
- 1.2 There are three vehicular accesses onto the application site: those to No.s 16 and 18 are to garages to the rear of the residential properties and the other one provides access directly from Prospect Road between No.s 32 and 43 to the rear area. This third access and a portion of the land currently available do not

from part of the current planning application, nonetheless this is the existing vehicular access to the former The Bowery and Sunset properties.

- 1.3 The surrounding area is residential in character with mainly single-storey properties to this southern side of Prospect Road with 2-storey properties to the north and east along Prospect Road. To the rear part of the site, the boundary adjoins an area of Metropolitan Green Belt, of which this part of an open, grassed, playing field.

2. Description of Proposal

- 2.1 The application follows earlier refusal and a dismissal at appeal and is to demolish No.s 16 and 18 Prospect Road and replace them with narrower, one-storey properties to enable an access drive through to the rear land for the erection of 9, 2-storey properties.
- 2.2 The site would be laid out with the replacement bungalows fronting onto Prospect Road frontage and the new houses located to the south/south-west of, and fronting onto, the new 5.2m wide access road which would extend from Prospect Road to the south/south-east for a distance of approximately 110m. The access road is a combined carriageway and footpath.
- 2.3 The two replacement bungalows would, as currently, be attached to the remaining part of their respective semi-detached pairs, i.e., No.s 14 and 20 Prospect Road. They would be narrower (at 4.2m wide) and deeper (14.85m deep) than the existing semi-detached bungalows, nonetheless they would have the same a matching roof form (the highest ridge height would remain at 6.1m above ground level), eaves levels and materials as the remaining semi-detached properties. Two parking spaces would be provided for each property one to the front garden area and one at the end of each rear garden area.
- 2.4 Each of the 9 new houses would be detached with its own rear amenity area and parking provision for 2 vehicles, either in an integral garage or on hardstanding to the front of the property. There would be 4-bedroom properties of two types A and B; the main difference being that A would be provided with an integral garage and B with an attached garage. All the properties would have a similar appearance within a limited external materials/ colour palette.
- 2.5 There would be 3, Type A houses. They would be a maximum of 7.7m wide, 13.1m deep and have hip, pitched roves with a ridge height of 8m above ground level.
- 2.6 There would be 6, Type B houses. They would each be a maximum 10.4m wide (including the attached garage), 10.6m deep and have hip, pitched roves with a ridge height of 8m above ground level.
- 2.7 A Noise Exposure Assessment has been submitted together with a Phase 1 Habitat Survey. The former concludes that in relation to noise from road traffic on the adjoining A127 Southend Arterial Road, mitigation measures including glazing and trickle vents are recommended to achieve good internal noise

levels. The latter concludes that there is potential for stag beetles, bats, common species of reptiles and badgers at the site and that mitigation measures should be undertaken to minimise impact, a repeat check for evidence of badgers and a further check of buildings to be removed and a tree climb for evidence of bats should be conducted prior to the reserved matters application being submitted.

3. **History**

3.1 P1829.07 – Proposed development to provide 16 dwellings. Refused 7/12/07.

P1627.09 - Outline application for demolition of No.18 Prospect Road and the erection of 14 dwellings with associated access and parking. Refused 18/6/10. Dismissed on appeal 23/12/10.

P0087.11 – Outline application for demolition of No.s 16 & 18 Prospect Road together with "Sunset" and "The Bowery" and the erection of 11 dwellings with associated access and parking. Refused 09/05/11. Dismissed on appeal 03/11/11.

The reasons for refusal of the 2011 scheme are as follows:

“1. The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road resulting in the remainder of the property appearing as a discordant and incongruous feature in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. The application makes no provision to secure the provision of affordable housing within the development to the detriment of housing opportunities and social inclusion, contrary to the provisions of Policies DC6 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policy 3A.9 of the London Plan.

3. The proposal fails to make adequate provision for the resultant additional school places required and as such fails to make a contribution towards identified educational needs within the Borough to the detriment of social inclusion contrary to Policy DC29 of the LDF Core Strategy and Development Control Policies Development Plan Document and Interim Planning Guidance for Educational Needs Generated by New Development.”

4. **Consultation/Representations**

4.1 57 neighbouring occupiers were notified of the proposal. There were 20 replies: one making a comment and 19 objecting to the proposal on the following grounds:

- overdevelopment
- the proposed new frontage dwellings would be an eyesore and out of character in the street scene
- unacceptable increase in traffic leading to danger for existing occupiers
- overlooking/loss of privacy

- overshadowing/loss of light
- the houses would be overbearing
- insufficient parking and future insufficient parking as children grow up
- increase in parking on Prospect Road, particularly when the footballers are also there at weekends
- the access road would be too narrow for emergency vehicles, particularly if there is parking along it
- loss of light due to the proximity and 2-storey height of the new houses
- no pedestrian footpaths to the access driveway
- Party Wall Acts would need to be entered into and there would be noise and disturbance during the construction period which would cause adjoining elderly people to have unnecessary stress and emotional upset, contrary to their Human Rights
- part of the site has been excluded from the current application and there are concerns over how the applicant would use this land
- mostly older, retired people live here and it is out of character for the proposal to include family-sized homes with their additional noise, activity levels and pollution
- change to the landscape of the road
- loss of property values
- loss of view beyond property boundaries
- loss of preserved Oak trees
- loss of wildlife
- loss of outlook to the remaining semi-detached pairs to Prospect Road
- there is already a development of 6 flats very close
- the new access road would be directly opposite an existing property such that headlights will shine into a front room
- there are insufficient schools, Dr.s etc and this would make things worse
- proposed trees to replace the existing would not compensate adequately
- Prospect Road is itself too narrow to support this development
- Boundary treatments may mean no one will take responsibility for them

Staff comment: Central Government have indicated that noise and disturbance during the construction period is not a reason to refuse planning permission.

- 4.2 The Emerson Park and Ardleigh Green Residents' Association have written objecting to the scheme on the grounds that the gap formed would not be wide enough for an access road and two replacement bungalows, that the proposed replacement bungalows would be unduly long and narrow and not be in character in the streetscene which has an existing regular balance and rhythm, that the ridge/eaves for the replacement bungalows would not match that of the retained semi-detached pairs, that the appeal inspector agreed that the proposed relationship between the bungalows/access was unsatisfactory due to disturbance to the bungalow occupiers, insufficient fenestration to the new bungalows leading to the need for artificial lighting indoors, the new crossovers would create a highway hazard due to the proximity to the new road junction, density would be excessive, gardens would be too small to compensate for the loss of woodland trees, that on-street parking on the access drive would obstruct service/visitor vehicles and that the new properties would be unduly dominant and visually intrusive.

- 4.3 The Fire Brigade/LFEPA indicate that they are satisfied by the proposals in respect of access but that 1 private fire hydrant will need to be installed.
- 4.4 Thames Water has written to remind the developer that it is their responsibility to apply for the necessary prior approval and discharge permits needed.
- 4.5 English Heritage: Greater London Archaeology Advisory Service (GLAAS) have written confirming that the application site lies in an Archaeological Priority Area and has asked for a condition and informative to be attached to any grant of planning permission.
- 4.6 Transport for London have written to remind the developer that they should not block the A127 during construction and any pruning or removal of trees on the A127 would require their prior approval. Providing 2 parking spaces and two cycle spaces are provided for each property they have no objections to the proposal. Disabled parking spaces should be provided within the scheme as well as, if possible, electric vehicle charging points.
- 4.7 The Metropolitan Police Designing Out Crime Officer has written indicating that he had pre-applications with the applicant and that the application shows how crime prevention measures have been considered in the design of the proposal. He requests that conditions are attached to any grant of planning permission in relation to Secured by Design (together with an informative), boundary treatment, external lighting and cycle storage.

5. **Staff Comments:**

5.1 *Planning Issues and Relevant Policies*

- 5.1.1 Planning permission was refused for 11 dwellings only on the grounds of the appearance of the proposal in the streetscene and as there was no mechanism for the securing of either affordable housing or educational places as a result of the scheme being refused. The Planning Inspector in dismissing this last scheme (P0087.11) did so only in respect of the impact of the proposal on visual amenity in the streetscene to Prospect Road and similarly as the mechanism for securing affordable housing and educational places could not be implemented as a result of dismissal. The scheme is for 11 units, nonetheless two are replacements of the existing properties and there would be a net addition of 9 units. Therefore there is no affordable housing requirement (although see relevant section below). Also educational places are now secured as part of the Planning Obligations Payment through a legal agreement.
- 5.1.2 The Planning Inspector in dismissing the 2011 scheme considered that the site was acceptable in principle for proposed housing development. Nonetheless as this is a different scheme, issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. These are addressed in turn below.

5.1.3 Policies CP1, CP2, CP17, DC2, DC3, DC33, DC34, DC35, DC36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD. The SPD on Residential Extensions and Alterations (as relevant), SPD on Residential Design, SPD on Sustainable Design and Construction and SPD on Planning Obligations. London Plan Policies 2.15, 3.3, 3.5, 3.8, 3.9, 4.2, 4.7, 6.9, 6.13, 7.3, 7.4 and 7.6, as well as the National Planning Policy Framework (NPPF) are applicable.

5.2 *Principle of development*

5.2.1 The site lies in the existing urban area. This scheme would involve the properties at No.s 16 and 18 Prospect Road and the former residential properties at The Bowery and Sunset and their garden/amenity areas. Although rear gardens are not considered to be previously developed land or "brownfield land", the National Planning Policy Framework (NPPF) does not preclude all development in the urban area, as material circumstances will be relevant. In this case the two frontage properties have an existing frontage onto the public highway at Prospect Road and the two former properties to the rear do represent previously developed land. Staff consider that with the provision of a full carriageway to the new cul-de-sac that the proposal would not result in tandem development or "back-land" development as such.

5.2.2 Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states in order to provide land for new residential development that "...outside town centres and the Green Belt, prioritising all non-designated land for housing". The application site is on land which is not designated land in the LDF, such that its use for housing would be acceptable.

5.2.3 The NPPF indicates that sustainable development should normally be granted planning permission and the site would be in a sustainable urban location. The details of the scheme will be important in deciding whether the proposed development is acceptable.

5.3 *Density/Site Layout*

5.3.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.43 Hectares and the proposal is for 11 dwellings (including the replacement properties). The proposed density is therefore 25.6 units per hectare which falls below the guidance range. However, the provision of the access road reduces the area available for development such that the density of the land specifically developed is likely to be somewhat higher. Nonetheless density is only one indicator and the main consideration is whether the proposal provides a high quality of design and layout. The main consideration is whether the scheme is of a high standard of design and layout in accordance with Policies DC2 and DC61.

5.3.2 The London Plan indicates at Policy 3.5 (and Table 3.3) that for 4-bed houses for 6 people should be a minimum of 107 sq.m (gross internal area: gia). The proposed 4-bed houses would have a gross internal floor area of 146 sq.m (type

A) and 145 Sq.m (type B) which would be in excess of the minimum identified. A 1-bed unit for 2 people should be a minimum of 50 sq.m. All units would be in excess of the minimum internal space standards.

- 5.3.3 In respect of the site layout, the new driveway access would extend from the existing southern edge of Prospect Road and extend southwards between the replacement bungalows and then south-east parallel to the rear boundaries of No.s 20, 22 and 24 Prospect Road. The proposed detached houses would be located to the south/south-western side of the proposed driveway and it is considered that this would provide an acceptable arrangement with parking to the front/in garages and amenity space provided to the rear of each property.
- 5.3.4 Six of the properties would front directly onto the access drive with two fronting onto the spur section at the south-eastern corner. The south-eastern corner has a less formal arrangement which are often the case at the end of cul-de-sacs where arrangements reflect the shape of the land available. Staff consider that the properties are reasonably well spaced and that they do not appear cramped. In any event, this would be a “buyer beware” situation where prospective purchasers would be aware of the layout/outlook before making their decision.
- 5.3.5 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. The proposed separate amenity spaces for each property at a minimum of 59 sq.m (No.18 Prospect Road) and maximum of 275 sq.m to the first Type A house to the rear of No.16 Prospect Road are considered by Staff to be appropriate to the nature and size of the proposed units such that this scheme would provide an acceptable level of amenity space. Staff therefore consider that this would be acceptable.
- 5.3.5 Staff therefore consider that the proposed layout would be acceptable.

5.4 *Design/Impact on Street/Garden Scene*

- 5.4.1 The surrounding area is of mainly single-storey bungalows from 2 – 28 Prospect Road, but is otherwise of 2-storey houses in Prospect Road and Owlets Hall. The proposal would result in two bungalows to Prospect Road and 9 houses to the rear.
- 5.4.2 The two replacement semi-detached single-storey bungalows would be narrower than the existing retained pairs, nonetheless the hipped roof form, ridge and eaves heights, windows/cill levels and materials directly fronting onto Prospect Road would match with the existing. Staff consider that this single-storey development to Prospect Road would integrate well with the retained halves of the semi-detached pairs at No.14 and 20 Prospect Road. In addition, as there is some variation in the properties on this side of Prospect Road and in Prospect Road generally, that it would not be so out of character as to result in a

significant loss of visual amenity in the streetscene to Prospect Road. This is a matter of judgement, nonetheless Staff consider that this part of the proposed development would overcome the Planning Inspector's concerns in relation to the previously dismissed scheme where the properties were to be truncated with a high pitched gable end to each property.

- 5.4.3 As the side elevations of the new No.s 16 and 18 would be visible in the Prospect Road streetscene as well as from the new driveway, consideration is given as to whether it is acceptable. Given that the proposal is for development which has a pitched roof form and its apparent extension beyond the rear of the retained semi-detached pairs also has the same single-storey height but a slightly lower ridge line than the main ridge, it is considered that the building would appear as a bungalow which has been extended to the rear. In respect of its impact on visual amenity in the streetscene, staff recognise that that this form of development is visible around the Borough where there is a street corner and buildings have been extended. Staff therefore consider that the proposed frontage replacement properties would have an acceptable impact on visual amenity in the streetscene at this corner location.
- 5.4.4 Apart from views along the new access road and glimpses of the houses between or possibly over the single-storey frontage development, Staff consider that the proposed houses would have no direct impact on visual amenity in the streetscene in Prospect Road.
- 5.4.5 The new houses would be most directly visible from the A127 and properties on the opposite side of the Southend Arterial Road, in part as they are in an elevated position in relation to the A127's carriageway. Nonetheless, there is a significant tree/shrub screen along this part of the A127. While the proposed properties would be visible, particularly during the winter months, Staff consider that they would be viewed as part of the existing built up area to this side of the road and would have an acceptable impact on visual amenity.
- 5.4.6 The two frontage properties would replace the existing No.16 and 18 Prospect Road. They would be single storey but unlike the properties they replace would be narrower and deeper. They would respectively 1.85m (No.16) and 5.1m (No.18) beyond the rear of nearest part of the adjoining properties, 14 and 20 Prospect Road. The SPD on Residential Extensions and Alterations normally allows 3m extensions to such properties. However, it should be noted that existing properties No.s 16 and 18 Prospect Road have been previously extended and the proposed additional length in relation to No.18 represents only a 1.85m extension beyond the existing furthest rear elevation of both No.18 and No.20. Staff therefore consider that the additional depth of less than 2m single-storey extended section would not a significant adverse impact in the rear garden environment.
- 5.4.7 The new houses would be located to the rear of existing properties. The nearest being the Type A house directly at the rear of No.s 12-16 Prospect Road. The two-storey property would be located approximately 1m from its own northern side. In relation to the frontage properties the nearest proposed side elevation would extend at least half-way across the end of each of the rear gardens to

No.s 12 and 14 Prospect Road. Staff consider that while the 2-storey development would be located close to the side boundary, it would be to the rear boundary of these properties and located a minimum of 18m from the nearest rear elevations of these two frontage properties. The maximum ridge height would be 8m above ground level such that it is considered that there would be an impact. However, Staff consider that properties in side roads across the Borough are located in similar 90 degree positions at the end of frontage property's rear gardens and that this relationship would not be out of character or result in the new property being overbearing or overly dominant in the rear garden environment. The other proposed properties are located further away from frontage properties and it is similarly considered that they would not have a significant adverse impact on the rear garden environment.

5.4.8 A new streetscene would be formed onto the driveway access with a row of houses to the southern/south-western side of the new access road. Six of the properties would front directly onto the access drive with two fronting onto the spur at the south-eastern corner. Staff consider that the south-eastern corner has a less formal arrangement, nonetheless it is considered that such arrangements are often provided at the end of cul-de-sacs where arrangements reflect the shape of the land available. In this case there are three houses which have a less conventional aspect in relation to the roadway access. Staff consider that the properties are reasonably well spaced and that they do not appear cramped or likely to adversely impact in the new rear garden environment to an unacceptable degree.

5.4.9 Staff therefore consider that the design and siting of the proposed dwellings would not appear materially obtrusive in the street scene, nor would they have an adverse impact on the rear garden environment. They would introduce an element of development behind the existing frontage development in Prospect Road, nonetheless this is previously developed land. Staff do not consider that the proposed development would be overbearing or intrusive.

5.5 *Impact on Amenity*

5.5.1 The nearest affected properties are No.s 14 and 18 Prospect Road and beyond them, those to the southern side of Prospect Road from No.s 2 to 28 (evens).

5.5.2 Staff consider that, while the new 2 storey properties would be visible to the occupiers of the existing frontage properties, at a minimum distance of 19m away there would not be any significant loss of light or privacy or overlooking between the new and existing properties. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy.

5.5.3 Staff further consider that the proposed development would also not suffer from a reduced level of residential amenity due to the orientation and relative positioning in relation to existing residential development and each other.

5.5.4 Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree.

5.6 *Highway/Parking/Servicing*

5.6.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. 2 parking spaces are proposed to each of the 9 new houses and the replacement one-bedroom bungalows. This would be acceptable.

5.6.2 In respect of access, the proposed development would take access from Prospect Road. A Fire Tender and refuse vehicle swept path analysis has been submitted with the application showing that such vehicles can enter and exit the new road in forward gear. The Fire Brigade are satisfied with the proposed access. Highways have indicated that the proposed fully integrated driveway is acceptable.

5.6.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.

6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations, totalling £54,000.

6.2 The proposed density is below the range for the area which results in 9 additional units being just below the trigger point for affordable housing (10 or more units). Staff consider that if smaller units or semi-detached pairs were provided, that this would increase the density and number of units, nonetheless this is not the scheme for consideration. Staff consider that the proposed form of development and the size of the units are not unacceptable of themselves and that, as such, it would not be possible to add further similar-sized units without the development appearing cramped. Members may take a different view on this matter. The Planning Inspector considered that a development of 11 units (without the replacement of the two frontage properties) was generally acceptable to the rear of the frontage properties.

6.3 An area of land has been excluded from the application site. Staff consider that this could support either one or possibly 2 additional detached properties of the same scale to those proposed. If this site comes forward for development as a second phase, the number of additional properties would in total meet the trigger point for the provision of affordable housing and any application for this adjoining site would therefore be subject to an affordable housing contribution.

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 applicable fee is based on an internal gross floor area of 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

8. *Other Issues*

- 8.1 The Designing Out Crime Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage and boundary treatment.
- 8.2 A Noise Impact Assessment has been submitted with the planning application. A full assessment is requested to devise a suitable scheme for sound insulation against traffic noise through a suitably-worded condition.
- 8.3 Archaeological remains are likely at the application site due to its prominent position on the Black Park gravel terraces and as the site is also on Wingletye Hill where there is potential for pre-historic activity to survive, together with middle ages and Saxon possible settlement/land uses. A suitable condition would be attached to any grant of planning permission in relation to the need for further archaeological investigation.
- 8.4 The applicants submitted a Phase 1 Habitat Survey with the application. It is considered that there are further requirements in terms of further surveys with regard to trees (retention or removal) and mitigation measures for protected species together with other landscaping requirements which could usefully be submitted with the reserved matters application which relates solely to Landscaping. A suitable condition will be attached to any grant of outline planning permission requiring further information/details to be submitted in line with the summary contained in the Phase 1 Survey.
- 8.5 While the site lies adjacent to an area of Metropolitan Green Belt it forms part of the existing urban area and, in line with previous Planning Inspector's decisions, it is concluded that this development would not adversely impact on the openness of the adjoining Metropolitan Green Belt as it would be viewed in the context of the urban area.

9. **Conclusions**

- 9.1 The proposal is for 9 houses and two replacement bungalows. Staff consider that the proposal would be acceptable in principle and that the details of the scheme are acceptable such that the scheme would be in accordance with Policies DC2, DC33, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 26th September 2013.