



REGULATORY SERVICES COMMITTEE

19 December 2013

REPORT

Subject Heading:

**P1175.13 – 69 Units 59, 61, 63-66, 68
and 70 Warwick Road, Rainham**

**The variation of Condition 6 of
planning approval P1210.12
(accordance with plans) - demolition of
existing buildings and the
redevelopment of the site to provide 16
residential units with associated
infrastructure and landscaping
(Application received 15 October 2013)**

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Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework
None**

Financial summary:

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

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

SUMMARY

Call in: Councillor David Durant has called in the application on the grounds that this application reduces amenity space and appears to be an overdevelopment of the application site.

This planning application relates to a variation of condition 6 to planning approval P1210.12 involving the replacement of the existing plans with a minor material amendment to the scheme for the demolition of the existing industrial buildings and a residential development of 16 residential units comprising 12 houses and 4 flats with a new road access and associated landscaping. The planning issues include the principle of development, design and street scene impact, parking and highway matters, amenity issues, trees, sustainability and affordable housing and planning obligations. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 of the Section 106 Agreement dated 18 September 2013 attached to planning approval P1210.12.

RECOMMENDATIONS

That it be noted that 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 a combined internal gross floor area for the dwellings of 1,703m² minus the existing floor area to be demolished of 1,946m², which equates to a total area of less than 0m² and a Mayoral CIL payment is not therefore required.

-That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed in 18 September 2013 in respect of planning permission P1210.12 by varying the definition of Planning Permission which shall mean either planning permission P1210.13 as originally granted or planning permission P1175.13.

Save for the variation set out above and necessary consequential amendments required by the Assistant Chief Executive Legal and Democratic Services (Acting) the Section 106 agreement dated 18 September 2013 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 18 September 2013 will remain unchanged.

That Staff be authorised that upon the completion of the legal agreement that planning permission be granted subject to the following conditions:

- A financial contribution of £96,000 to be used towards infrastructure costs.
- 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.

To pay the Council's reasonable legal costs in association with the preparation of a legal agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- Payment of the appropriate planning obligation/s monitoring fee.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions set out below:

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

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

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made as shown on the approved plans Drawing No. 206B and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: Notwithstanding the details submitted, 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) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) 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 (as amended or otherwise replaced) 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.

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

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32 of the LDF.

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

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

9) 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.

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning 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.

11) Highways Licence Agreement: 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.

12) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved 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 LPA

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

13) 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

14) Ground Contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted 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.
- 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 of two parts:

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, ‘Land Contamination and the Planning Process’.

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) no extensions, roof extensions, roof alterations or outbuildings shall take place 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.

16) 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.

17) Noise Insulation: The buildings shall be so constructed 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.

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

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

19) Renewable Energy System: The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

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

20) Lifetime Homes Standard: The new residential units hereby approved shall all be built to Lifetime Homes standards.

Reason: In order to comply with the requirements of Policy DC7 of the LDF Development Control Policies Development Plan Document.

21) Archaeological work: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to comply with the requirements of Policy DC67 of the LDF Development Control Policies Development Plan Document.

22) Protection of trees during development: The scheme for the trees adjacent to the northern boundary of the application site as contained in the submitted document Tree Amenity Development Constraints agreed in writing by the Local Planning Authority shall be implemented in accordance with the approved details. Such agreed measures to protect the trees to be retained shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees to be retained on/ adjoining the application site.

23) 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.

24) External Lighting: No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include the low level lighting of the access road. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

25) Existing and proposed levels: Before the development commences, details of existing and proposed levels shall be submitted to the Local Planning Authority. Once approved in writing, the proposed levels shall be implemented in accordance with the details submitted

Reason: To ensure that the development does not raise any significant material concerns in accordance with Policies in the LDF.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC50, DC51, DC55, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.7, 3.8, 3.11, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 8.3 of the London Plan and Sections 6 and 7 of the National Planning Policy Framework (NPPF).

Note: 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 (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.

2. 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.
3. 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 and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 4. The developer, their representatives and contractors are advised that planning permission 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.
 5. The applicant 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.
 6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
 8. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

9. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the southern side of Warwick Road at its cul-de-sac western end. The site comprises a number of two-storey (or high ceiling industrial units) currently in use for various industrial uses within Use Classes B2/B1, although at the site visit it was noted that some buildings appear vacant. There is unmarked parking to the front/side of each building, mainly adjoining the driveway access.
- 1.2 To the south of the application site is another industrial area (Imperial Trading Estate) with commercial development to the west. Otherwise the area is mainly residential development including three-storey town houses to the north and 2-storey residential accommodation along Warwick Road to the east and to the north-west (Westlyn Close) with a few properties accessing/fronting onto New Road to the south and south-west. To the east behind the frontage development and the associated rear gardens is a row of garages/lock-ups accessed from Warwick Road.

2. Description of Proposal

- 2.1 The application seeks the variation of condition 6 (accordance with plans) to submit a minor material amendment to the approved scheme. Specifically the changes do not alter the number of dwellings (16), number of parking spaces (29) or alignment of the proposed access road. The proposal would continue to include the demolition of the existing buildings on the site and their replacement with 12 houses and 4 flats. The new spine road would, as previously, be constructed north to south within the application site with entry and exit onto Warwick Road at the north-east using the existing main access into the industrial site.
- 2.2 The proposal would continue to comprise 1 no. one bedroom flat, 2x 2-bed flats and 1x3-bed flat and 4 x 3-bed houses and 8x4-bed houses. The development would provide parking at surface level with two spaces each for the houses and 5 spaces for the 4 flats, as previously.
- 2.3 The proposed houses would be provided as a semi-detached pair of houses located to the south-eastern corner and another semi-detached pair located adjacent to No.57 Warwick Road (as previously) with the flatted block, as previously, would be located to Warwick Road at the corner with the new spine road. One of the main changes to the scheme is that instead of two

4x4-bed house terraces to the west of the proposed spine road the amendment would provide these new properties as 4 sets of semi-detached pairs.

- 2.4 The proposed flatted block would continue to be L-shaped but would have maximum measurements of 11.25m wide and 14.6m deep (previously, 11.6m wide and 14.8m deep) with pitched, gabled roofs with ridge height of approximately 10.4m (previously 9.45m) above ground level. The block would be set back further away from the road than previously approved. There would be two dormers to the front elevation, either side of a central gable. The two ground floor flats would have a private patio area each with the first floor flats each having a balcony to the rear with side screening. The roof level unit would have access to a balcony (previously did not) and there is in addition a communal garden area of 50 sq.m (previously 58 sq.m) where cycle storage is also located.
- 2.5 The approved terrace blocks: 24.5m long and 7m wide with pitched roof ridge height of 10.1m and 31.6m wide, 8.2m deep and with gabled end elevations with a ridge height at approximately 9m above ground level, would be replaced by semi-detached houses set back deeper into the site. The houses would be similar to the other semi-detached pairs within the proposed amended scheme and each pair is either a maximum of 13.75m wide and 8.3m deep and 9.75m high or 12.95m wide by 5.55m deep and 9.35m to the ridge both sizes with accommodation in the roofspace with velux roof lights. There would be 2 parking spaces for each house, (previously one provided as an integral garage). Garden sizes for these properties would range from 73.5 sq.m to 95.6 which replace the approved terraces with their approximately 85 sq.m amenity spaces each.
- 2.6 The pair of semi-detached houses to the south-east of the application site would be 11.45m wide (previously 11.4m wide), 9.9m deep (previously 9.5m deep) with front and rear gables with a maximum ridge height of 10m above ground level (previously 9.87m above ground level) with a central valley. They would be altered slightly in terms of their orientation so that they would have a more oblique aspect to the new access road. There would be accommodation on three floors (partly within the roof space). Unlike previously there would be no Juliette balconies/balconies to the first floor and roof level to the rear elevation. The proposed gardens would be at least 88 sq.m (previously 60 sq.m each).
- 2.8 The pair of semi-detached houses to Warwick Road would be located between the adjoining property at No.57 Warwick Road and the proposed new flatted block. They would be set back further into the site than previously. This building would have exactly the same dimensions as the other pair of semi-detached houses to the south eastern corner of the application site (see above). The garden areas would be 71 sq.m/90 s.m.
- 2.9 The current application is for a variation of a condition relating to P1210.12 and previous documentation remains relevant including a Three Dragons Viability Assessment has been submitted which indicates that the proposal

is not viable if affordable housing, a CIL payment and a Planning Obligations payment is required. The validity of this is explored below.

- 2.10 Other documentation submitted with the application is as follows: Transport Statement, Tree Survey and Arboricultural Reports, Archaeological Assessment, Contamination Assessment, Energy Report, Code for Sustainable Homes Report, Acoustic Survey, Ecological Survey and Planning Statement together with the Design and Access Statement.

3. Relevant History

- 3.1 Q0232.13 – Application for discharge of conditions 5, 8 11, 15, 17, 18 & 19 of P1210.12 – under consideration

P1210.12 - The demolition of existing buildings and the redevelopment of the site to provide 16 residential units with associated infrastructure and landscaping – approved 19-09-2013

P0049.05 – erection of 24 units – withdrawn

P0060.08 (with Cap Brun and Woodside, New Road) – erection of 9 buildings providing 2 studio flats, 16 one-bed flats, 81 two-bed flats and 6 four-bed houses - Refused 2/5/08

P1488.06 (59 only) erection of 9 flats (outline) – refused 6/10/06

- 3.2 P0164.11 (59-61 only) – change of use to B2 (general industry) – refused 1/4/11; subsequent appeal dismissed 18/11/2011.

4. Consultations/Representations

- 4.1 Notification letters were sent to 63 neighbouring properties, a site notice was posted and a press notice was placed in a local paper. There was one letter objecting to the scheme on the grounds that the proposed car ports would be lost resulting in all vehicles being parked on the street and there is insufficient parking for the size of the houses/flats and there is no visitor parking; the parking situation is compounded because at 48 Warwick Road there are no visitor's parking spaces; plans should not be allowed to change without any consideration to the existing residents; the replacement of the factories is to be welcomed but not if this results in parking havoc.
- 4.2 The Council's Environmental Health Service previously requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals as parking meets the required standard. The road would not be adoptable, nonetheless conditions are required relating to the proposed connection to the public highway.

- 4.4 The Borough Crime Prevention Design Advisor has asked for a secured by Design condition is attached to any grant of planning permission.
- 4.5 English Heritage previously requested a condition securing the implementation of a programme of archaeological works.
- 4.6 Thames Water indicate that they have no comments
- 4.7 The London Fire and Emergency Planning Authority previously indicated that the Fire Brigade is satisfied with the proposed from both an access and water provision basis.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), DC53 (land contamination), DC55 (noise), DC61 (urban design), DC63 (crime), DC70 (archaeology) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies: 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential Developments), 3.8 (Housing Choice), 3.11 (Affordable Housing Targets), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) and 8.3 (Community Infrastructure Levy) of the London Plan (2011) (as amended 2013) and the Mayor's Supplementary Planning Document on Residential Design (November 2012).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 The principle of the redevelopment of the site for residential development was previously considered to accord with the NPPF, The London Plan and Policy CP1 (additional housing) and DC11 (non-designated employment land) of the LDF. This remains the case for this scheme for a minor material amendment. As the proposal is to substitute new plans in exchange for the approved ones, the main issues to be considered are the size of

development, site layout and amenity space, design/street scene issues, amenity implications, trees, sustainability, parking and highways issues and planning obligations.

6.2 *Size of Development*

- 6.2.1 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks (reiterated in the SPD) should incorporate minimum space standards. The Mayor has set these at 74m² for a 3 bed 4-person flat, 61m² for a 2-bed 3-person flat and 50m² for a 1-bed 2-person flat. The proposed flats would be in line with these minimum guidelines and are considered acceptable.
- 6.2.2 For the three-bed houses the Mayor has set the minimum internal space standards at 87m² for a 4-person dwelling and 96m² for a 5-person dwelling and for 4 bed dwellings, 100m² for 5 people and 102m² for 6 people. The proposed dwellings are in line with these minimum guidelines and considered acceptable.
- 6.2.3 As the site has a history of commercial use and the Contaminated Land Report submitted by the applicant confirms, land contamination is present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted. Similarly issues of archaeology could also be dealt with by the attachment of a suitable condition.

6.3 *Density and Site Layout*

- 6.3.1 The application site is ranked as being within a low Public Transport Accessibility Level Zone (PTAL 1-2), with the density range of 30-50 units per hectare. The proposal would not alter the number of units at 16 units on the 0.3ha site such that the density remains the same at 54 units per hectare. This remains above the recommended density range but was previously considered to be acceptable.
- 6.3.2 In terms of site layout, the proposed amendment represents no change to the overall layout which would provide a new spine road with houses fronting onto this, flats at the new corner and two properties fronting onto Warwick Road. However, the properties have been set back deeper into the site, further from the road/proposed access road, which enables more landscaping to be provided to the front of the buildings. The SPD on Residential Design indicates that gardens to houses should be of a reasonable size to enable day-to-day use and that flats should be provided with a minimum of a balcony although outdoor shared communal space is welcome. Staff consider that the proposed amended gardens/amenity space would meet the qualitative guidance contained in the SPD and that the development would have a reasonably spacious setting.

6.3.3 As previously it is proposed to provide units to Lifetime Homes standards with one flat and one house capable of adaptation to wheelchair accessible standards in order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes.

6.4 *Design and Visual Impact in the Streetscene*

6.4.1 The proposed amendments would result in changes to the height, width and depth of the buildings and some changes to both design and window locations. Staff consider that the changes are minor, although material, but would not result in any significant change to the visual impact of the approved scheme in relation to visual amenity in Warwick Road and that this scheme would similarly satisfactorily integrate into the existing street scene.

6.4.2 The proposal would change the approved terraces to the west of the site into pairs of semi-detached houses. Staff consider that the spine road development would remain visually acceptable and that the new streetscene which is created would not appear cramped and that the proposed flatted block would not over-dominate or be visually intrusive on this part of the application site. The development of two-storey accommodation, some with roof level accommodation (including in the flatted block) would, Staff consider, remain in character with the mixed residential development to this part of Warwick Road.

6.4.3 It is again the case that the scheme would have a limited variation in that it would be of the same palate of external materials; nonetheless these are traditional materials and this would be in character with existing development in Warwick Road where there are predominantly traditional external materials.

6.5 *Impact on Residential Amenity*

6.5.1 The nearest residential properties are 57 Warwick Road, other properties in Warwick Road and Westlyn Close together with those recently approved at Lambs Lane North to the south-west of the application site.

6.5.2 The nearest part of the development in relation to No.57 Warwick Road is the proposed adjoining semi-detached pair. The nearest proposed property would be located a minimum distance of 2.6m (previously 2m) from the shared boundary, have a set back which is slightly deeper than the existing property to accommodate a full car parking space depth and extend on two floors to 3.7m (as previously) beyond the rear elevation of No.57 Warwick Road. It would be 0.2m higher than the existing property. In terms of bulk, visual impact and impact on light, the proposed property would not, in Staff's view result in significant harm to the residential amenity of this existing occupier.

6.5.3 The nearest part of the proposed development to the 3-storey town houses at the end of Warwick Road would be 19.25m (previously 18.3m) from the side elevation of the nearest semi-detached and 35m (previously 32m) from

the proposed flatted block. Staff consider that as this would be a front-to-front or front to side relationship with obscure windows such that there would be no loss of residential amenity to these current occupiers from the proposed development.

- 6.5.4 The nearest part of the development to No.13 Westlyn Close is the rear elevation of the northernmost semi-detached property which would be located 24m (previously 25.4m) from the rear corner of this existing property. At this distance and given the oblique angles it is not considered that there would be any loss of privacy to this occupier. In relation to No.12 Westlyn Close, which would be 16.6m (previously 16.9m) from the rear elevation of the nearest proposed property, Staff consider that while the new property would have a back to back relationship, that at this distance, and given the oblique angle involved, that there would be no undue loss of residential amenity to this occupier.
- 6.5.5 The proposed balconies in the flatted block would need to have screening glazing to the flanks. While occupiers could lean over the railings and look across to the garden of No.57 Warwick Road, at a distance of a minimum of nearly 14.2m and at an oblique angle, only the rear part of garden areas to the east could be viewed from any of the rear balconies. Similarly, the semi-detached pair to the south of the application would have windows facing eastwards, nonetheless at a minimum distance of 24.25m (previously 25.75m), only the rear garden would be overlooked to any degree which is commonplace in the Borough where roads are at right angles to another road. There are no proposed windows to the flank elevations of the buildings. Staff therefore consider that the amenities of the occupiers at No.57 Warwick Gardens would not be so significantly affected by the proposal as to refuse the scheme.
- 6.5.6 The flats' balconies would be located at least 14m away from No.57 Warwick Road. While occupiers of flats may choose to sit out and some noise may occur as a result, given that there would be two intervening family-houses noise levels of a smaller flatted unit may not be as great as during the ordinary use of a domestic garden. Staff therefore consider that the provision of balconies of themselves would not lead to greater noise levels to the degree that this would be considered harmful to existing residential amenity.
- 6.5.7 The recently approved scheme at Lambs Lane North would have two houses which would back directly onto the application site such that they would be close to the property proposed in the south-western corner. It is considered that at a distance away of 13.2m (previously 13.6m) and given that the properties would be at right-angles to each other that there would be an acceptable level of amenity for both sets of new occupiers.
- 6.5.8 Anyone purchasing properties at this former industrial site would be aware that there are other industrial sites in close proximity. People choosing to buy would therefore be in a "buyer beware" position and should take this into account before deciding whether to purchase. It can be reasonably

assumed that commercial noise and activity would be higher than in a purely residential area.

6.6 *Sustainability/Renewables*

6.6.1 The proposed development is considered capable of gaining Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. A suitably-worded condition would look to ensure the development attains this standard.

6.6.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO2 emissions is met.

6.7 *Highways / Parking Issues*

6.7.1 Access into the site would be formed from the end of Warwick Road where it currently enters the industrial site (as previously). The new spine road would be formed with footpaths to either side and vehicular crossovers to each parking area within the curtilage of each building/property. Highways confirm that the width of the access road is below adoptable standards but that they have no objection to this. The Fire Brigade has written to advise that it has no objections to the scheme in part because a turning area for larger vehicles would be provided within the application site. The proposed turning and access arrangements are considered to be acceptable, and meet the access and servicing needs of the development.

6.7.2 The development proposes a total of 29 parking spaces, a previously, which is a ratio of 1.8 spaces per unit. The application site is located in a low PTAL area (PTAL 1-2) where the expected parking provision range is 1.5-2 spaces per unit. In view of this, the proposed parking provision is considered to be within the acceptable range and would accord with the density matrix in Policy DC2.

6.7.3 The proposal includes cycle storage provision for the flats and cycle storage could be provided in sheds in the private gardens of the proposed houses. This would accord with Policy DC36 and would encourage alternative means of transport. Staff consider, having regard to the package of measures proposed and the location of the site, that the parking provision is acceptable.

6.7.4 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of suitable refuse storage enclosures for the flats and bin storage for the houses which

staff consider would allow convenient kerb side collection. A condition requiring further details in this respect could be imposed.

6.8 *Affordable Housing*

6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has previously provided a financial appraisal which in the applicant's view justifies the provision of 0% affordable housing within the scheme. The Council's Housing department confirmed that for reasons of viability, the proposal cannot make any contribution towards affordable housing and that, in this case, this is acceptable.

6.9 *The Mayor's Community Infrastructure Levy*

6.9.1 The proposal would result in a reduction in total floor space at the application site and therefore is not liable for the Mayoral CIL.

6.10 *Planning Obligations*

6.10.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £96,000.

6.11 *Trees*

6.11.1 There are a number of trees at the northern end of the application site. Since these lie outside the application boundary, they would be retained and a suitable condition is required to ensure that they are not harmed during the construction phase of the development

6.12 *Other Issues*

6.12.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions and an informative requested by the Metropolitan Police Designing Out Crime Officer.

7. Conclusion

7.1 In conclusion, residential development on the site was previously considered to be acceptable in principle and would result in the removal of an existing commercial use. The proposal is for a variation of condition to enable some relatively minor amendments to the scheme. The proposal would continue to provide 16 dwellings and 29 parking spaces with suitable levels of amenity space for both houses and flats. Staff consider that the

current scheme would be acceptable in terms of scale, form, massing and visual impact. Staff are also of the view that the proposed amendment would have an acceptable relationship with adjoining properties. The development is also considered to be acceptable in respect of general highway issues and in all other respects. It is recommended that planning permission be granted, subject to a financial contribution towards infrastructure costs.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a deed of variation of the legal agreement attached to P1210.12.

Legal implications and risks:

Legal resources will be required to prepare and complete the deed of variation of the legal agreement attached to P1210.12.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 15th October 2013.