

REGULATORY SERVICES COMMITTEE

9 January 2014

REPORT

Subject Heading:

P1159.13 – Land rear of 4-12 Tansy Close, 10-14 Dewsbury Close, 50-82 Dewsbury Road and 1-9 Woodlands House, Harold Hill - Demolition of existing garages and construction of 5 new dwellings, private amenity space, parking and an access road (received 29/10/13)

Report Author and contact details:

Helen Oakerbee
Planning Manager (Applications)
Helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan

Financial summary:

None

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

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

SUMMARY

This report relates to land in the ownership of the Council. This report concerns an application for the demolition of the existing garages and the erection of 5 new dwellings, private amenity space, parking and an access road. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £5,276.15. This is based on the creation of 265 square metres of new gross internal floor space.

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

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time limit - The development hereby permitted shall not be commenced 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. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans, particulars and specifications approved by the Local Planning Authority.

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.

4. Flank windows - 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 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.

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. 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.

7. 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.

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

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

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

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

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

12. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority 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.

13. Contamination – (1) 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 I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

14. Contamination – (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a ‘Verification Report’ must be submitted demonstrating that the

works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

15. 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 approved details shall be implemented in full prior to 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.

16. 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, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

17. Obscure glazing - The proposed first floor window on the west flank elevation of the dwellings in plot E shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

18. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings 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.

Reason: To protect neighbouring amenity.

19. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and parking area shall

be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent their use for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

20. Wheel scrubbing - 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 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 on site.

Reason: 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. 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 the National Planning Policy Framework 2012.

2. In aiming to satisfy condition 16 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.

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

4. 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.

5. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site comprises land and garages to the rear of 4-12 Tansy Close, 10-14 Dewsbury Close, 50-82 Dewsbury Road and 1-9 Woodlands House, Harold Hill. The site is split into two areas. The area to the east of the site currently has 26 single storey lock-up garages. To the north west of the site is an unused allotment. The latter area adjoins 4-12 Tansy Close, two storey terraced properties with rear gardens backing onto the site. There is a right of way in between No. 4 and 5 Tansy Close. A scout hall is located in between the allotment and the garages, which will remain.
- 1.2 The rear gardens of two storey dwellings in Dewsbury Road and Dewsbury Close back onto the site to the east, west and south. Woodlands House is a three storey block of flats located north east of the application site. Ground levels fall from west to east across the site with a steep grassed area to the western corner of the site.

2. **Description of development:**

- 2.1 The application is for demolition of the garages and redevelopment to provide five dwellings. The development consists of two three bed semi-detached dwellings located in the north western part of the site and three, three bed terraced dwellings in the south eastern part of the site. The existing Scout hall will be retained.
- 2.2 The pair of semi-detached dwellings in plots D and E would have a width of 10.4 metres, a depth of 9.5 metres and a height of 7.6 metres to the ridge of the gabled roofs. The three terraced properties would have a width of 15.4

metres, a depth of 9.5 metres and a height of 8 metres to the ridge. The roofs of the dwellings in Plots A and C are hipped. External materials are indicated to be brickwork and concrete roof tiles.

- 2.3 The proposal includes an access road and areas of hardstanding, creating a total of 10 parking spaces.

3. Relevant History:

- 3.1 No relevant planning history.

4. Consultations/Representations:

- 4.1 The occupiers of 70 neighbouring properties were notified of this proposal. At the time of drafting this report, the neighbour notification period had yet to expire. Members will be verbally updated of any further representations received. Three letters of representation were received with detailed comments that have been summarised as follows:

- Overlooking from the side elevation windows.
- Concerns that the trees in front of plots D and E may restrict access to the rear of Tansey Close properties if planted too close to the corner of the plot.
- Drainage.
- Parking.
- Access.
- Development would restrict access to existing garage in rear garden.

- 4.2 In response to the above, comments regarding drainage are not material planning considerations and is a building control matter.

- 4.3 The Fire Brigade is satisfied with the proposals.

- 4.4 Environmental Health - Recommend conditions if minded to grant planning permission.

- 4.5 Designing Out Crime Officer - Recommends conditions in respect of boundary treatments, cycle storage, external lighting and secured by design and an informative if minded to grant planning permission.

- 4.6 The Highways Authority does not object to the proposals. The Authority would however prefer a Bin Store within 25 metres of the public highway so that the bin collection can be completed without the need for smaller refuse vehicles. Secure cycle parking facilities should be provided for a minimum of one bicycle for up to two-bedroom homes and for two bicycles for three-bedroom homes.

5. Staff Comments:

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36

(Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

5.2 Principle of Development

5.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

5.2.2 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 should incorporate minimum space standards. The Mayor has set these at 86m² for a 3-bed 4-person dwelling. The proposed dwellings have individual internal floor space of 87m² which is in line with the recommended guidance and considered acceptable.

5.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.

5.3 Density and site layout

5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare.

5.3.2 The proposal achieves a density of some 22.4 units per hectare on this 0.2231 hectare site, which is below the range indicated by Policy DC2 and by national planning policy. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable

area, which would prevent the site from being successfully developed at a higher density.

5.3.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear garden areas of the dwellings have private amenity space ranging between some 55-112 square metres. Staff are of the view that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

5.3.4 The remaining 'public' area within the development is largely hard surfacing and consists of the highway and parking provision. It is considered that the layout of the site is acceptable.

5.4 Design/impact on street/Garden scene

5.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. The locality is typified by two storey dwellings with gabled roofs and blocks of flats.

5.4.2 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality.

5.4.3 The proposed houses would utilise a mixture of materials including facing brickwork and concrete roof tiles. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

5.5 Impact on amenity

5.5.1 The semi-detached dwellings in plots D and E back onto the rear boundary of dwellings in Dewsbury Close. There would be a back to back distance of between 23 and 29 metres between the dwellings in plots D and E and the neighbouring houses in Dewsbury Close. The impact of the dwellings is partly mitigated by the change in ground levels. No.'s 10 to 14 Dewsbury Close are located at a higher ground level than the application site, which will help to mitigate the impact of the new dwellings. Having regard to the change in ground levels, which mitigates potential intrusiveness of the impact, and the back to back distances, staff consider that this relationship is acceptable.

- 5.5.2 In respect of the relationship with No.'s 5 to 12 Tansy Close, the north western flank wall of the dwelling in plot E is set in 2 metres from this boundary. There would be a rear to flank distance of approximately 18 metres between the north western flank of the dwelling in plot E and the rear façade of No.'s 5 to 12 Tansy Close. The relationship between the new dwellings and No.'s 5 to 12 Tansy Close is considered to be acceptable owing to the distance between the dwelling and the back and flank relationships. No.'s 5 - 12 Tansy Close are located at a higher ground level than the application site, which will help to mitigate the impact of the new dwellings.
- 5.5.3 It is considered that the new dwellings in plots D and E would not result in a significant loss of amenity to No. 4 Tansy Close, as there is a separation distance of approximately 17 metres between the front façade of the dwellings in plots D and E and the north eastern boundary of 4 Tansy Close. Given this separation distance, Staff consider that this relationship is acceptable.
- 5.5.4 The terraced dwellings in plots A, B and C back onto the rear boundary of dwellings in Dewsbury Road. There would be a back to back distance of approximately between 26 and 27 metres between the dwellings in plots A, B and C and the neighbouring houses in Dewsbury Road. Given the back to back distances, Staff consider that this relationship is acceptable.
- 5.5.5 The terraced dwellings in plots A, B and C front onto the parking bays adjacent to No.'s 1-9 Woodlands House. There would be a front to front distance of approximately between 23 and 25 metres between the dwellings in plots A, B and C and the front façade of Woodlands House. Given the front to front distances, Staff consider that this relationship is acceptable.
- 5.5.6 In respect of the relationship with No.'s 50 to 60 Dewsbury Road, the eastern flank wall of the dwelling in plot A is set in 1 metre from this boundary. There would be a flank to rear distance of approximately between 14 and 16 metres between the western flank of the dwelling in plot A and the rear façade of No.'s 50 to 60 Dewsbury Road. Following negotiations with the agent, the dwellings in Plots A and C have been changed from gabled to hipped roofs to minimise their bulk and help mitigate their impact on neighbouring properties. Given the flank to rear distances and the hipped roofs of the dwellings in plots A and C, Staff consider that this relationship is acceptable.
- 5.5.7 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 5.5.8 It is considered that there would not be materially greater impact in respect of noise and disturbance compared to that previously generated by the 26 garages on the site. The proposal creates an access road and parking bays to the front of the proposed dwellings. It is not considered that this arrangement would be materially harmful to amenity owing to the limited numbers of parking bays and subject to adequate boundary treatment.
- 5.5.9 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential

development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

5.5.10 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

5.6 Highway/parking issues

5.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The development would provide a total of 10 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The proposal includes the provision of an access road, which is deemed to be acceptable.

5.6.2 Strategic Property Services has confirmed that there are currently 9 garages occupied out of a total of 26. Strategic Property Services has confirmed that the garages which are occupied at the moment are on tenancy agreements, which can be terminated with one week's notice. Existing tenants will be offered alternative garages at the following sites: Tansy Close (1 garage available), Leyburn Road (1 garage available), Kingsbridge Road (3 garages available) and Petersfield Avenue (2 garages available). In addition, five more garages could be repaired and cleared on these sites. It is considered that there are a sufficient number of alternative garages to offset the loss of car parking spaces.

5.6.3 Details of cycle storage can be secured by condition if minded to grant planning permission. The Fire Brigade has no objection to the proposal. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

5.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

5.7 Other Issues

5.7.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days.

5.7.2 One of the objections related to access to a garage in the rear garden of No. 58 Dewsbury Road, which has a set of double gates leading from the garden to the application site. The occupier would lose access as a result of the development. Strategic Property Services advises that the access through the garage site is not supported by an access licence and their use, is therefore unauthorised.

6. **The Mayor's Community Infrastructure Levy**

6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for five new dwellings. The twelve garages with a floor area of 150 square metres are being demolished. According to the CIL form, the new dwellings would have a combined floor space of 415 square metres. On this basis, the CIL liability equals $415 - 150 = 265$. The CIL form states that twelve garages have been in use for 6 months of the 12 previous months when the planning application was submitted on 29th October 2013. On this basis, the CIL liability would be payable up to £5,276.15 (subject to indexation).

$£20\text{sq.m} \times 265 = £5,300.$

$£5,300 \times 0.9955 = £5,276.15$

7. **Planning Obligations**

7.1 A Section 106 Legal Agreement is required to secure a financial contribution of £30,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

8. **Conclusion**

8.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the siting, design and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £30,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

The application relates to a garage site, which is within the Council's ownership.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 29/10/2013.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.