| **Barking and Dagenham Council**  
| **Development Control Board**  
| **Date:** 7 November 2016  
| **Application No:** 16/01025/FUL  
| **Ward:** Chadwell Heath  
| **Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution:**  
| The proposed development is an application which, by reason of its scale, impact upon the environment or the level of public or likely Councillor interest should, in the opinion of the Acting Head of Regeneration and Planning (Planning), be determined by the Development Control Board.  
| **Address:** Land south of Cemetery, Whalebone Lane North, Romford  
| **Development:** Erection of 55 dwellings comprising 26 two bedroom flats, 4 two bedroom houses and 25 three bedroom houses in 2 and 3 storey buildings together with new vehicular access from Whalebone Lane North and associated car parking, landscaping, cycle and refuse stores.  
| **Applicant:** Abbey Developments Limited  
| **Contact Officer:** Simon Bullock  
| **Title:** Principal Development Management Officer  
| **Contact Details:**  
| Tel: 020 8227 3803  
| E-mail: simon.bullock@lbdd.gov.uk  
| **Summary:**  
| The site lies to the south of Chadwell Heath cemetery and would be accessed from Whalebone Lane North. The site is also known as Bagleys Spring. It is an open field that was formerly used as pasture.  
| The land is currently owned by the Council which has entered into an agreement to sell to the applicant subject to planning permission.  
| The site is adjacent to, but not within the Green Belt, nor is it designated Public Open Space, and there is no public access to it. The proposed residential development of the site is therefore policy compliant and acceptable in principle  
| The development would comprise a mixture flats and houses in buildings of two and three storeys in private sale tenure. It is proposed that a Section 106 contribution would be paid towards the cost of providing affordable housing off-site.  
| The proposed design and layout is considered to be of good quality and responsive to its neighbours; the cemetery, Green Belt, and adjoining residential occupiers.  
| A new access road into the site can be provided from Whalebone Lane North which is considered to be acceptable by the transport officer subject to further details of the layout of the junction.  
| There are a number of mature trees around the perimeter of the site which for the most part can be retained within the proposed development.  


The proposed residential units, balconies and garden areas achieve the standards required by Borough and London Plan policy, thereby ensuring a good standard of amenity for future occupiers.

The rough grassland within the site and the trees provide some bio-diversity value which can be protected and enhanced through the imposition of conditions.

A local labour and business agreement can also be secured by condition.

The proposed development is considered to provide a good quality scheme and is recommended for approval.

**Recommendation:**

That the Development Control Board grant planning permission subject to a Section 106 agreement securing a £1million contribution towards the provision of off-site affordable housing and the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

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

2. No development shall commence until the completion of a Section 278 highways agreement that secures the provision of a new vehicular access from Whalebone Lane North together with associated highway works, and which secures an extension to the footway within Thatches Grove in order to link to the footway within the development site. The development shall not be occupied until completion of the approved scheme.

   Reason: Completion of the agreement is required prior to commencement in order to ensure the provision of a satisfactory access to the development in the interests of highway safety and in accordance with policy BR10 of the Borough Wide Development Policies Development Plan Document.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

   i. the parking of vehicles of site operatives and visitors;
   ii. details of access to the site;
   iii. loading and unloading and the storage of plant and materials used in constructing the development;
   iv. the erection and maintenance of security hoardings including decorative displays;
   v. wheel washing facilities;
   vi. measures to control the emission of noise, dust and dirt during construction;
   vii. measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during construction and demolition”, Mayor of London, July 2014; including but not confined to, non road mobile machinery
(NRMM) requirements.

viii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and

ix. details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Reason: The construction method statement is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

4. No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

5. No demolition or development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. Part B shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Archaeology must be identified prior to the commencement of development to ensure that archaeological investigation is initiated at an appropriate point in the development process and that any areas of archaeological preservation are identified and appropriately recorded/preserved and the results published in accordance with policies BP2 and BP3 of the Borough Wide Development Policies Development Plan Document and section 12 of the National Planning Policy Framework.

6. No development shall commence, including any works of demolition, until an Employment and Skills Strategy applicable to the development has been submitted to the Local Planning Authority for approval in writing. The Strategy shall promote employment opportunities for, and encourage job applications from, local people and businesses. In particular, work experience opportunities for young people 18-24 years should be included in the Strategy. Any skills training opportunities should also be considered and incorporated if possible. The approved Strategy shall be implemented in partnership with the Council’s Employment and Skills Team.
Reason: Details are required prior to commencement in order to contribute to the local economy and local residents in need of employment and in accordance with the principles within policy CC3 of the Core Strategy.

7. No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

8. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site which shall include indications of all existing trees, shrubs and hedgerows on the site and details of those to be retained. The details shall incorporate a landscaped scrub grassland buffer to the north boundary with the cemetery, and shall seek to maximise the use of native species, and incorporate hedgerow planting.

Reason: To safeguard and improve the appearance of the area, and protect bio-diversity in accordance with policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

9. The landscaping scheme as approved in accordance with condition No. 8; shall be carried out in the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

10. No development above ground level shall take place until a scheme showing those areas to be hard landscaped, including details of the design of the proposed play space, and the details of that hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme, including the playspace, as approved shall be carried out prior to the occupation of the development and thereafter permanently retained.

Reason: To safeguard and improve the appearance of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

11. No development above ground level shall take place until a scheme showing the provisions to be made for street and external lighting, CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The lighting details must demonstrate measures
to minimise light spillage and glare in order to limit its impact on wildlife habitat. No part of
the development shall be occupied until the approved scheme has been implemented for
that part. Thereafter the approved measures shall be permanently retained unless
otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future occupants and visitors to
the site, to reduce the risk of crime, and to prevent harm to wildlife habitat in accordance
with policies BR3 and BP11 of the Borough Wide Development Policies Development Plan
Document.

12. No development above ground level shall take place until there has been submitted to
and approved in writing by the Local Planning Authority a plan indicating the position,
design, materials and type of boundary treatment to be erected. The design for garden
fences shall incorporate gaps at ground level to enable the passage of small mammals
between gardens. No part of the development shall be occupied until the approved
boundary treatment for that part has been provided. The approved boundary treatment
shall be retained unless the Local Planning Authority gives prior written approval for its
removal.

Reason: To ensure the boundary treatment protects or enhances the character and
amenity of the area and protects wildlife habitat and in accordance with policies BR3 and

13. The refuse enclosures indicated on drawing Nos. 1531/P/30-01 Rev. A; 1531/P/30-07
Rev. A; and 1531/P/30-14 Rev. A shall be constructed in accordance with the approved
plans prior to the occupation of the development hereby approved and thereafter
permanently retained for the use of the occupiers of the premises.

Reason: To provide satisfactory refuse storage provision in the interests of the
appearance of the site and locality in accordance with policies BP8 and BP11 of the

14. Cycle stores to serve the flat blocks shall be completed in accordance with the details
shown on drawings Nos. 1531/P/50-02; 1531/P/10-02 Rev. A; and 1531/P/30-14 Rev. A
prior to the occupation of the block served, and shall thereafter be maintained and kept
available for the use of occupiers and visitors to the site.

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of
transport and in accordance with policy BR11 of the Borough Wide Development Policies
Development Plan Document.

15. No development above ground level shall take place until details of the parking layout,
including the provision of accessible parking bays to serve the wheelchair accessible
housing approved under condition 17, has been submitted to and approved by the Local
Planning Authority. Each parking space or parking area shall be completed prior to the
occupation of the part of the development it serves.

Reason: To ensure that sufficient off-street parking areas are provided and not to
prejudice the free flow of traffic or conditions of general safety along the adjoining highway,
and to ensure and promote easier access for disabled persons to the development in
accordance with policy BP11 of the Borough Wide Development Policies Development
16. Before occupation 90% of the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance with policy 3.8 of the London Plan.

17. A minimum of 10% of the residential units provided shall be constructed to, or capable of easy adaptation to, Building Regulations Optional Requirement Approved Document M4(3) Category 3: (Wheelchair user dwellings) (2015 edition). The locations of these units and the mix of unit types to be provided shall have been submitted to and approved in writing by the Local Planning Authority. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with policy 3.8 of the London Plan.

18. The development hereby permitted shall be carried out in accordance with the submitted Energy Report dated 14 July 2016 and shall achieve as a minimum a 35% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013).

Reason: To ensure compliance with the proposed energy strategy in accordance with Policy 5.2 of the London Plan and Policy BR2 of the Borough Wide Development Policies Development Plan Document.

19. The development shall be carried out in accordance with the drainage strategy set out within the submitted Drainage Strategy Report ref. 216495 and drawing no. 216495/2.

Reason: In order to minimise flood risk and regulate the flow of surface water into the surface water sewer and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document.

20. In the event that the planning permission is not implemented by 1 April 2017, prior to the commencement of the development a reptile survey of the site shall be carried out and the results submitted to the Local Planning Authority. If reptiles are present a species protection and habitat mitigation strategy shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development, and no development shall be carried out except in accordance with the approved details.

Reason: In order to ensure that an up to date reptile survey is undertaken prior to the commencement of the development and to protect habitat if present and in accordance with policy BR3 of the Borough Wide Development Policies Development Plan Document.

21. No vegetation, scrub, tree clearance, or tree works may take place between 15 February and 30 September unless approved in writing by the Local Planning Authority, whereby in accordance with a bird nesting survey strategy approved by the Local Planning Authority a survey shall be carried out by a qualified ecologist no more than 2 days prior to the clearance work, and if any nesting birds are found, the works will be delayed until the
nests are no longer being used and the fledglings have left the area.

Reason: In order to prevent harm to wildlife habitats and in accordance with Policy BR3 of the Borough Wide Development Policies Development Plan Document.

22. The development shall not be occupied until bird nesting and bat roosting boxes have been installed on, or integrated into the design of the buildings, and installed on trees within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Reason: In order to preserve and enhance the Borough’s natural environment and to comply with policy CR2 of the Core Strategy, policy BR3 of the Borough Wide Development Policies Development Plan Document and policy 7.19 of the London Plan.

23. Before any works hereby permitted are commenced and until all such works are completed:

a) all trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS.5837;

b) any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species.

Reason: To ensure that retained trees are identified prior to the commencement of development and adequately protected during the construction phase in accordance with Policy CR2 of the Core Strategy and policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

24. No development shall be carried out until a method statement giving details of any works to be carried out within the root protection areas (RPA) of retained trees and the method to avoid damage to the trees, plus details of root protection measures where hard surfaces are introduced within the RPA, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Details are required prior to commencement to ensure that retained trees are adequately protected during and post construction in accordance with Policy CR2 of the Core Strategy and policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

25. No above ground development shall take place until a method statement for the remedial pruning of retained trees within the development site, and for the maintenance of the health of tree T6, has been submitted to and approved by the Local Planning Authority. The approved scheme of remediation and maintenance shall be completed prior to the
occupation of the development.

Reason: In order to cut back tree branches to accommodate the development, and ensure that this is carried out in a manner that protects the visual appearance and health of the trees, and in order to improve the existing ivy covered condition of T6 in accordance with policies BR3, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

26. With the exception of any roof mounted antennae or satellite dish designed for communal use by the occupiers of each flat block, no antennae or satellite dishes shall be placed on any elevation of the flats hereby approved unless previously approved in writing by the Local Planning Authority.

Reason: To safeguard the external appearance of the buildings in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

27. In respect of approved house plot nos. 32 and 43 only, (as shown on drawing no. 1531/P/10-02 Rev. A) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development within Class B; in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To prevent the construction of a hip to gable extension that may appear overbearing in relation to the cemetery or the rear gardens of nos. 56a and 56b Thatchs Grove in accordance with policy BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

28. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(a) a survey of the extent, scale and nature of contamination;
(b) an assessment of the potential risks to:
   i. human health,
   ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
   iii. adjoining land,
   iv. groundwaters and surface waters,
   v. ecological systems,
   vi. archaeological sites and ancient monuments;
(c) an appraisal of remedial options, and proposal of the preferred option(s).
(d) This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

29. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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 and site management procedures. 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.

30. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

31. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

32. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 28, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 29, which is subject to the approval in writing of the Local Planning Authority.

33. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason 28 – 33: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

1. Introduction and Description of Development

1.1 The site is a 0.94 hectare, east-west oriented rectangular shaped parcel of grassland, formerly utilised for pasture, with hedgerows and mature trees growing around its perimeter.

1.2 The east boundary of the site fronts Whalebone Lane North, which also provides the proposed vehicular access into the site, at a location roughly opposite the entrance to the Warren Farm quarry. To the north is Chadwell Heath cemetery, to the south are three storey flats (within the road named Bagleys Spring) that back
onto the site, and to the west is Thatches Grove, a residential road of two storey houses, of which the end three houses only back onto the site. To the north-west boundary of the site is located the entrance to the former Marks Gate allotments which is accessed via the northern end of Thatches Grove.

1.3 The proposal for 26 flats and 29 houses would comprise three blocks of three storey flats; two blocks at the east, on the Whalebone Lane North frontage of the site, and one block at the west end of the site, interlinked by the proposed access road through the site that would be fronted by a mixture of two and three storey terraced and semi-detached houses.

1.4 The proposed tenure mix is 100% private sale with a Section 106 contribution towards off site affordable housing provision.

1.5 The proposed dwelling mix is: 26 x 2 bedroom flats; 4 x 2 bedroom houses; and 25 x 3 bedroom houses.

1.6 The land is not designated for any specific purpose within the Local Plan Proposals Map. Its northern boundary borders the Green Belt, with Chadwell Heath cemetery being within the Green Belt, as is the land to the east (opposite) side of Whalebone Lane North, including Warren Farm.

2. Background

2.1 The site has no planning history. For some time the Council has allowed Wellgate Community Farm to utilise the land for sheep grazing.

2.2 The development agreement the Council has negotiated with the applicant in the Council’s role as land owner includes an obligation on the developer to fund the cost of relocating the grazing land to part of the land within the former Marks Gate allotments. This would involve the erection of new fencing and ancillary works.

3. Consultations

Adjoining occupiers

3.1 Consultation letters were sent to 72 neighbouring occupiers, a press notice was published and site notices displayed. No responses to the consultation were received from neighbouring occupiers.

Arboricultural Officer

3.2 The poplars to the north are in the cemetery grounds and are substantial sized, unreduced trees that form an unbroken line around the south-west of the cemetery and run along its western boundary. These trees have a significant environmental and visual presence in the cemetery and are publically owned. They are obviously being retained

3.2 A tree protection plan and method statement for pruning retained trees and introducing hard surfaces within root protection areas should be conditioned.
3.3 The eastern border of the site is the most important as it follows the highway boundary. Currently the vegetation here is an old unmanaged shrubbery of honeysuckle and firethorn now colonised with native self sown seedlings and small trees. The replacement planting is well positioned to retain a vegetated border. The trees identified as T5 and T6 are both A class London planes and the most significant trees within the grounds to be impacted. It is proposed to remove T5 and retain T6. It will be important to retain one or both of those trees due to their excellent public visible position and potential longevity.

3.4 The tree planting proposed within the completed development along the new access road through the site is adequate.

3.5 Officer note: In response to these comments the applicant has prepared an amended arboricultural report taking account of the arboricultural officer’s advice. As noted above T6 is proposed for retention but T5 is proposed for removal as it conflicts with the location of a proposed parking court serving the adjacent flat block.

Transport Development Management

3.6 Further analysis of the design of the proposed site access junction is requested with a view to providing safety improvements within Whalebone Lane North that may change the existing lane marking (providing a right turn lane into Warren Farm opposite the site) to a different layout.

3.7 However, it is not envisaged that such design improvements would result in a need to alter the position of the proposed access road.

3.8 The siting of the two car park entrances for the flat blocks fronting Whalebone Lane, nearly opposite each other (as opposed to an earlier iteration of the drawings where they were staggered) has a potentially negative affect with regards to traffic movement entering and leaving the site.

3.9 It is recommended that a condition be imposed requiring that all highway details regarding the access arrangement must be submitted by the applicant for approval, with the necessary highway agreement in place, to the local planning authority prior to any development work commencing on site.

3.10 Officer note: Conditions can be imposed to secure the design and implementation of a suitably designed access junction.

3.11 The transport officer’s comment regarding the juxtaposition of the car parking court entrances is noted. However, as the parking areas would serve only 9 cars and 7 cars respectively, the usage of these junctions will be light, thereby limiting the potential for conflicting traffic movements. Secondly, the amendment to the layout that has resulted in this access arrangement is considered to have resulted in a significant improvement to the urban design of the scheme, by enabling the provision of a communal garden for the north-east flat block, setting this building further back from the main road, and making a clearer distinction between areas of public and private realm.

Access Officer
3.12 Sets out some suggested improvements to internal layout which have been passed onto the applicant.

3.13 **Officer note: Details to ensure accessibility will be secured by condition.**

**Metropolitan Police – Designing Out Crime Officer**

3.14 The proposed layout has the potential to achieve Secure by Design accreditation.

3.15 However, the stand-alone bin and cycle stores for the north-east flat block, and the stand-alone cycle store proposed for the south-east flat block are a particular concern. Experience from other developments with this characteristic within the Borough shows that such storage buildings can be utilised as locations for anti-social behaviour or crime; and that the cycle stores are often targeted for by thieves for the cycles within; and the roofs are liable to be vandalised or intruded upon. It is preferred therefore that such facilities should be designed to form an integral part of the flat blocks, with the cycle store accessible only from within the lobby of the building.

3.16 If these storage facilities are to be retained within separate buildings, the alternative is for them to be behind a secure access controlled boundary treatment for the blocks.

3.17 **Officer note: Since the above comments were made an amendment to the layout has resulted in the cycle stores for both of these blocks being retained within a separate storage building, and being behind a secure boundary gate and fence that would be access controlled for residents of the block only. The cycle stores would also be overlooked by the flats. The bin store for the north-east flat block would now be attached to the flat block within a single storey side projection, as is the design for the south-east block. The entrances to the bin stores would be overlooked from the street and adjacent residential units.**

**Parks**

3.18 No objections.

**Environmental Health**

3.19 No objections subject to the imposition of various conditions including land remediation and a construction management plan.

**Thames Water**

3.20 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.

3.21 **Officer note: This matter can be secured by condition.**

**Historic England – Archaeology**
3.22 The planning application lies in an area of archaeological interest. A condition securing an archaeological investigation of the site should be imposed.

Refuse Services

3.23 No objections.

Essex and Suffolk Water

3.24 No comments received.

London Fire and Emergency Planning Authority

3.25 No objections.

Housing Strategy

3.26 No comments received.

Street Lighting

3.27 No objections.

4. Local Finance Considerations

4.1 The proposed development would be liable for the Mayoral Community Infrastructure Levy (CIL) at a rate of £20 per square metre (index linked from 2012) and the Borough CIL at a rate of £10 per square metre (index linked from 2015). This would result in a total Mayoral contribution of £138,067.26 and a total Borough contribution of £60,370.59.

5. Analysis

Principle of the development

5.1 The site is not situated within the Green Belt and it is not designated as Protected Open Space, it is not publicly accessible and there are no rights of way across the land. The residential development of the site would therefore be in accordance with the Local Plan, and this would be the preferred use for a site of this nature, that is not located within a town centre and is not in an area of high public transport accessibility.

5.2 The site provides a pleasant open outlook for its residential neighbours to the south and east which would be compromised as a result of this development. However, protecting views is not a relevant planning consideration.

5.3 The proposed housing mix would result in the provision of 45% family housing (3 bedrooms or more) exceeding the minimum requirement of policy CC1 of the Core Strategy that usually requires at least 40% family sized housing.
5.4 It is proposed that the tenure of the development would be 100% private sale on the site. Policy 3.12 of the London Plan requires that the provision of affordable housing is maximised for each site subject to a financial viability test. It states that usually the affordable housing should be provided on site, unless it is demonstrated that this is not appropriate and that there are planning benefits that would accord with London Plan objectives in providing a contribution towards off site affordable housing.

5.5 In this case it is proposed that a financial contribution to the Council towards the provision of affordable housing off site be made. Marks Gate is an area with an existing high proportion of affordable housing, and it is considered desirable that the tenure mix of the estate should be more balanced, in order to provide a range of housing options, and create a more balanced mix of income levels which can contribute to local regeneration and economic development. This is in accordance with policy 3.9 of the London Plan which states that mixed and balanced communities should be promoted.

5.6 A development appraisal was carried out by the Council in connection with the sale of the land which identified that the development could afford a £1m contribution towards the provision of affordable housing elsewhere. This is therefore considered the appropriate amount that will maximise affordable housing provision in accordance with the London Plan and the applicant has agreed to a contribution at this level which is also secured through the sale agreement with the Council.

5.7 The proposed residential density at 58.5 dwelling per hectare is within the range recommended by the London Plan for suburban areas of this nature with a Public Transport Accessibility Level (PTAL) rating of 2.

Transport

5.8 The site has a low PTAL of 2 out of 6 where 6 is excellent.

5.9 Whilst the vehicular access to the site would be provided from Whalebone Lane North, it is proposed that a pedestrian link be created with Thatches Grove. The northern end of this cul-de-sac borders the south-west boundary of the site. This will significantly enhance the accessibility of the site to local services as it will bring the site to within walking distance of the Rose Lane shopping parade, and community facilities within Marks Gate including the primary school, library, health centre, and community centre. The proposed pedestrian link will also enhance access to bus stops.

5.10 The proposed parking ratio is 1:1 which is in accordance with the London Plan. This level of provision is considered to strike an appropriate balance between meeting potential parking demand, and preventing the creation of a car dominated street scene. The spaces would be provided within small car parking courts in front of the flat blocks, and within front gardens for the houses.

5.11 The transport officer has considered the traffic flow and highway safety implications of the proposed vehicular access and has no objections in principle to the siting of the access as proposed. However, because the existing access to the Warren Farm quarry is roughly opposite the site of the proposed access, and the main road
markings provide a ‘right turn in lane’ for traffic entering the quarry, there is a potential conflict of traffic movements when traffic leaving the proposed development site turns right (south bound) onto Whalebone Lane North.

5.12 In order to safely address this issue it may be necessary to make alterations to the road marking and road layout within Whalebone Lane North. Further work to assess the potential impact is required. It is suggested therefore that a condition is imposed requiring the approval of a scheme of highway works to facilitate the proposed access, that must then be implemented prior to the occupation of the residential development.

5.13 The transport officer has confirmed that on this basis there is no objection to the proposed development.

Design

5.14 Following the submission of some minor amendments to the scheme it is considered that the proposal would result in a good quality layout that would incorporate the following good urban design characteristics:

- A well defined, and legible street scene, with active frontages, and buildings defining the edges of the street
- Private communal gardens for flats and private rear gardens for houses
- Clear definition between areas of public realm and private amenity space
- Space for street trees
- Retention of existing mature trees where feasible
- Small parking courts not dominating the street scene

5.15 With regard to the security and crime prevention considerations, having regard to the comments of the Designing out Crime Officer, and the subsequent amendments to the scheme described above, the proposed design is considered acceptable.

5.16 Turning more specifically to the details, the two flat blocks fronting Whalebone Lane North would be set well back from the road by approximately 17m measured from the middle of their front elevations. These blocks are oriented at a slight angle to the road and the orientation follows that of the existing 3 storey flat block to the south in Bagleys Spring. The set back and the orientation both accord with recommendations that were set out in an informal Planning Guidance Note for the site that was prepared prior to its sale.

5.17 The houses would be predominantly 3 storeys in height, with exceptions being two 2 storey houses (plots 31 and 32) situated adjacent to the existing rear gardens of Nos. 56a and 56b Thatches Grove, and plots 42 and 43. The latter two are the end 2 houses of a terrace of 5 fronting a northern spur of the main access road through the site. The design intention is to reduce the impact on the residential neighbours and users of the cemetery. This matter will be assessed in the section titled ‘Amenity’ below.

5.18 The proposed layout enables the retention and protection of most of the existing trees at the site which are mainly located on the east boundary with Whalebone Lane North. There are also significant trees along the north-west boundary of the site adjoining the cemetery and most of these trees are within the cemetery site.
The new access into the site will necessitate the removal of some of the existing vegetation on the east boundary, but this is unavoidable, and additional tree and shrub planting to bolster that existing can be secured along this frontage. This will also help to partially screen the parking courts that would be located to the front of the two flat blocks in this part of the site.

5.19 Given that the cemetery to the north is within the Green Belt it is desirable, as was set out within the Planning Guidance Note for the site that the north section of the site provides a relatively ‘soft’ border to the Green Belt that would not be overbearing or visually dominant.

5.20 In general the proposed development would be set well back from the boundary with the Green Belt (the cemetery) with the 3 storey houses having rear gardens of approximately 15m depth backing onto the cemetery. However, the north-east flat block would be closer, at 5m from the cemetery boundary, and the west flat block would be 7.5m from the boundary. The two storey end house referred to above within the spur section of the access road would be set back by 3m at the closest point, widening to 4m.

5.21 The two storey house would have an end wall facing towards the cemetery with no windows. This flank wall would be 9m in width. The west flat block is located adjacent to an extremely dense tree screen along the boundary. The north-east flat block whilst more visually prominent from the cemetery site is seen in the context of the main road, the west side of which is continuously built up from this point southward.

5.22 Having regard to the above factors it is considered that the proposed development would have an acceptable relationship with the Green Belt.

5.23 In terms of the design of the buildings the houses would generally have pitched roofs with gable ends, and the flat blocks would have pitched hipped roofs. Window positions would be aligned between storeys providing vertical emphasis. Entrance doors are relatively prominent in design and provide animation. The flat blocks would have partially recessed balconies which provide visual interest to the elevations.

5.24 The proposed materials are for the most part brick for the walls and tiled roofs. Some of the elevations are proposed to incorporate panels where an alternative material such as render can be utilised in order to provide greater articulation to the buildings. The proposal is for the use of render in these locations, but it is considered that an alternative coloured brick may be a better design solution. The details of the materials would be the subject of a condition with details to be subsequently approved.

Amenity

5.25 The development would provide a separation distance between the rear elevation of the existing block of flats in Bagleys Spring to the south, and the rear elevations of the proposed houses on the south side of the site, of 36 metres. This is more than adequate to maintain a good standard of privacy for existing and future occupiers.
5.26 To west of the site the rear gardens of the houses at Nos. 56a and 56b Thatches Grove back onto the site, as does part of the rear garden of No. 56 Thatches Grove. The flank wall of the proposed Plot 32 house would be situated directly to the rear of 56b Thatches Grove and partially to the rear of 56a Thatches Grove. There would be a rear wall to flank wall separation distance of 15.5m, and the flank wall of the proposed house would be set back from the rear garden boundary of the existing houses by 1.7m. The proposed plot 32 house would be two storeys in height with a hipped roof.

5.27 The proposed development as described above, would be prominent in the outlook from the existing pair of semis, Nos. 56a and 56b. The hip end roof proposed would help to somewhat reduce the visual impact. On balance it is considered that the proposed relationship is acceptable and would not harm the residential amenities of the existing neighbouring occupiers.

5.28 Also at this western end of the site close to Thatches Grove is the three storey flat block of plots 48 – 55 of the proposed scheme. This would be sited to the north-east (partially to the side and partially to the rear) of the closest neighbouring house, No. 56b Thatches Grove. Relative to 56b the side wall of the flat block would be set away from the flank wall by 8.3m, and would project beyond the rear elevation of 56b by 8m. It would have a height of 3 storeys. The flat block would not therefore project forward of a notional 45 degree angle measured from the corner of the affected house. This would be in accordance with the test set out within the Council’s ‘Residential Extension and Alterations’ Supplementary Planning Guidance, which would suggest that the impact is acceptable. Although the proposed development does not relate to a residential extension it is considered that the above guidance is of relevance to assessing this relationship.

5.29 The south elevation of this flat block has limited windows, but does have a kitchen window on both the first and second floors that would face towards the rear garden of No. 56b. Given that these windows are relatively small, serve kitchens only, and are set back from the neighbouring garden by over 8m, it is considered that an acceptable standard of privacy will be maintained.

5.30 In relation to the cemetery it is important, as set out within the Planning Guidance Note, that the residential development is not overbearing and does not cause disturbance to mourners and those paying their respects to the dead at the cemetery particularly since there are graves located close to the southern boundary of the cemetery that borders the application site.

5.31 There are other parts of the cemetery that are already close to residential neighbours, for example the north-west boundary of the cemetery backs onto the rear gardens of houses in Kingston Hill Avenue.

5.32 The scheme is designed such that there are no main windows directly overlooking the cemetery close to the boundary, and the north facing house windows that face towards the cemetery site are set well back within the site. In view of this it is considered that the development would not adversely affect the amenities of visitors to the cemetery.

5.33 All houses would have private rear gardens with depths that typically range between 12m and 15m. Each flat unit would have either a balcony or external
terrace achieving the London Plan standard. In addition each of the flat occupiers would benefit from the use of a private communal garden that would serve each flat block. All units are dual or multi aspect and the flats would have floor to ceiling heights of 2.5m in accordance with London Plan housing standards.

5.34 The developer has agreed to the provision of a children’s play space of a minimum area of 70m2 in accordance with the London Plan ‘Play and Informal Recreation’ Supplementary Planning Guidance. The details will be secured by condition, and the open space in front of plots 42 and 43 has been identified as a potentially suitable location.

5.35 Internally all units would exceed the minimum gross internal area, storage space, and bedroom dimensions set by the London Plan and the ‘nationally described space standard’.

5.36 All units have been designed to achieve the ‘Accessible and adaptable dwellings’ standard, and in addition it is a policy requirement that 10% of units achieve the ‘wheelchair user dwellings’ standard as defined by Part M of the Building Regulations. The applicant has incorporated a larger house type that has an internal design that would achieve the ‘wheelchair user dwelling’ standard, though the specific locations of the 10% wheelchair units has not been identified. This matter can be secured by condition.

Environmental Sustainability

5.37 The proposed energy strategy is designed to achieve a 35% reduction in carbon emissions through the use of improved building fabric and photovoltaic panels. This meets the London Plan policy requirement and is therefore acceptable.

5.38 The bio-diversity value of the site can be protected and enhanced through the imposition of conditions as set out within the Recommendation above. Lighting for the site will need to be designed to minimise light spillage as this could adversely affect potential bat habitat. The lighting design will be secured by condition.

5.39 With regard to flood risk due to the soil characteristics the site is not suitable for a sustainable drainage system. It is therefore proposed that the surface water drainage from the site should discharge to the existing surface water sewer in Thatches Grove at a controlled rate. In order to manage this controlled rate, to minimise the risk of flooding and cater for storm events an attenuation tank is proposed beneath a landscaped area within the development. This would be in accordance with the objectives of policy BR4 of the Borough Wide Development Policies Development Plan Document.

Conclusions

5.40 The proposed development would result in a good quality residential development that responds well to the site context, and would not cause harm to the amenities of neighbouring residents. It will also contribute to creating a more varied tenure mix in the Marks Gate area which currently has a high proportion of social rented housing.

Background Papers
• Planning Application File: http://plan.lbbd.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

• Local Plan Policy

Policy CR2 Preserving and Enhancing the Natural Environment
Policy CC1 Family Housing
Policy CC3 Achieving Community Benefits through Developer Contributions
Policy BR3 Greening the Urban Environment
Policy BR9 Parking
Policy BR10 Sustainable Transport
Policy BR11 Walking and Cycling
Policy BC1 Delivering Affordable Housing
Policy BC7 Crime Prevention
Policy BP3 Archaeology
Policy BP5 External Amenity Space
Policy BP8 Protecting Residential Amenity
Policy BP11 Urban Design

• London Plan

Policy 3.5 Quality and Design of Housing Developments
Policy 3.6 Children and Young People’s Play and Informal recreation Facilities
Policy 3.8 Housing Choice
Policy 3.9 Mixed and Balanced Communities
Policy 3.10 Definition of Affordable Housing
Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
Policy 3.13 Affordable Housing Thresholds
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.7 Renewable Energy
Policy 6.13 Parking

• National Policy

National Planning Policy Framework
National Planning Practice Guidance
Technical housing standards - nationally described space standard