



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
12 May 2016**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace (Vice-Chair)
Ray Best
Philippa Crowder
Steven Kelly

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
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Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 22)

5 P1809.15 - HARLOW GARDENS (LAND REAR OF), ROMFORD (Pages 23 - 36)

- 6 **P1628.15 - 58-62 NEW ZEALAND WAY (LAND BETWEEN), SOUTH HORNCHURCH** (Pages 37 - 54)
- 7 **P1630.15 - 79-81 CHRISTCHURCH ROAD, SOUTH HORNCHURCH** (Pages 55 - 72)
- 8 **P1210.15 - 1 KILMARTIN WAY, ELM PARK, HORNCHURCH** (Pages 73 - 98)
- 9 **P1652.15 - 2 BROOKLANDS ROAD, ROMFORD** (Pages 99 - 118)
- 10 **P1714.15 - 62 GREAT GARDENS ROAD, HORNCHURCH** (Pages 119 - 134)
- 11 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

**Andrew Beesley
Committee Administration
Manager**

Regulatory Services Committee

12 May 2016

Application No.	Ward	Address
P1791.15	Hacton	70 Central Drive (land adj), Hornchurch
P1801.15	Romford Town	16 Hearn Road, Romford
P0293.16	Upminster	5 Ockendon Road, North Ockendon, Upminster

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th May 2016

APPLICATION NO. P1791.15
WARD: Hacton **Date Received:** 8th December 2015
Expiry Date: 2nd February 2016
ADDRESS: 70 Central Drive (land adj)
Hornchurch
PROPOSAL: Construction of 1 x 3 bedroom dwelling with private amenity space and off street car parking.
DRAWING NO(S):
RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site comprises a piece of land on the corner of Central Drive and Kempton Avenue.

The site measures approximately 6.8m wide and 36.5m long. It is currently grassed and enclosed by railings. The surrounding area is residential in character and comprises of predominantly two storey semi-detached dwellings.

DESCRIPTION OF PROPOSAL

The application seeks permission for a new 2-storey detached dwelling.

The dwelling would measure 5.4m wide by 10.6m deep. The proposal would be finished with a hipped roof measuring 5.2m to eaves and 7.8m to the ridge. The dwelling would have a gross internal floor area of approximately 90m².

Two parking spaces would be provided to the front of the site, with access from Central Drive. Private amenity space of 140m² would be provided to the rear of the dwelling.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

Notifications were sent out to 14 neighbouring and no letters of objection were received

Highways raised no objection to the proposal, however requested visibility splay, vehicle access and vehicle cleansing conditions.

RELEVANT POLICIES

LDF
CP1 - Housing Supply

- CP17 - Design
- CP2 - Sustainable Communities
- DC11 - Non-Designated Sites
- DC2 - Housing Mix and Density
- DC3 - Housing Design and Layout
- DC33 - Car Parking
- DC61 - Urban Design
- DC63 - Delivering Safer Places
- DC72 - Planning Obligations
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.4 - Optimising housing potential
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 3.8 - Housing choice
- LONDON PLAN - 6.13 - Parking
-
- LONDON PLAN - 7.13 - Safety, security and resilience to emergency
-
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 90m² and amounts to £1,800.

STAFF COMMENTS

The main considerations in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

The application is brought before Committee as the land is owned by the Council and also owing to the degree of judgement arising from the proposals.

PRINCIPLE OF DEVELOPMENT

Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. As the site does not fall within any designated areas, and the surrounding use is residential, then in principle residential uses are acceptable in this location in land use terms. The acceptability or otherwise of the proposals will therefore be dependent on the specific details of the application.

DENSITY / SITE LAYOUT

The site is located within a low ranked Public Transport Accessibility Level Zone (PTAL 2). Within this zone, housing density of between 30-50 dwellings per hectare is anticipated. The site comprises 0.023ha, so the proposal would produce a density of 43 dwellings per hectare, which is appropriate for this location.

Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

The proposal would provide a residential unit which would meet or exceed the respective minimum internal floor space standards as per the proposed number of rooms and number of occupants it is intended to serve.

The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. In this instance the proposed dwelling would have a private garden area of approximately 140m². Staff are of the view that the proposed rear garden is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

The proposed location of the dwelling, on a very prominent corner location, raises concerns about the impact of the dwelling on the streetscene, which will be addressed further below.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

While this is a new dwelling, it does involve construction on a corner property in very close proximity to the flank boundary. Staff therefore consider that the policies contained within the Residential Extensions and Alterations SPD are relevant. This SPD contains policies specifically addressing side extensions to dwellings on corner plots, which state that the flank wall of side extensions should be set at least 1m back from the footway and should not project forward of the building line of properties along the adjoining street.

In this case the proposed new dwelling would be set 0.5m from the footway at its closest point and will fully project well forward of the front building line of the properties along Kempton Avenue. Staff consider that the impact of the forward projection would be that the proposed new dwelling would appear cramped and dominant within the streetscene, to the detriment of local character.

Staff have also given consideration to the character formed around this part of the junction of

Central Drive and Kempton Avenue. Staff consider that there is currently an open, spacious character to this junction, with each of the four existing corner properties being set in from the side boundaries with Kempton Avenue. It is considered that to infill the application site with a detached dwelling would unacceptably close down the characteristic, open character.

However, Staff have also had regard to a similar form of development, which has taken place further along Central Drive, at the junction with Plumpton Avenue. This development, no.47a, has similar characteristics to that currently proposed. It is also noted that a house on the north side of this junction, no.56, has a two storey side extension, which extends close to the side boundary of the site. Members may take the view that this form of development has, to some extent, closed down the original characteristic spaciousness seen around the junction of side roads with Central Drive and may consider this represents grounds for approval.

On balance however, Staff take the view that the junction where the application site lies still retains an open character that would be unacceptably harmed by this development and that the introduction of a detached dwelling would still be relatively uncharacteristic in Central Drive, where semi-detached housing predominates. Staff are not convinced that the design of the dwelling in itself is sympathetic to the predominant character of the surrounding area and are of the opinion that it will contribute to the visual dominance when viewed from the streetscenes of Central Drive and Kempton Avenue.

It is acknowledged however that there is an element of judgement for members.

IMPACT ON AMENITY

Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

Due to its corner location, the only dwelling to be affected would be No. 70 Central Drive. The new dwelling is not considered to have an unacceptable impact on this neighbouring occupier in terms of loss of light as there are no ground floor windows situated in the southern elevation of this neighbouring property. Any potential impact to the first floor windows are deemed acceptable given the separation distance of approximately 3m between the new dwelling and this neighbouring dwelling.

The proposal would not result in a loss of outlook to this neighbouring occupier given the 3m separation distance and the stepped nature of the two storey rear projection.

The proposal would not result in an impact in terms of overlooking as no windows are proposed to the eastern flank of the new dwelling.

HIGHWAY / PARKING

Policy DC2 of the LDF indicates that in this part of the Borough parking two car parking spaces for the proposed dwelling. The parking provision is in line with policy guidelines and considered acceptable.

SECTION 106

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

As the scheme is recommended for refusal, the lack of ability to secure this contribution is given as a separate refusal reason.

KEY ISSUES / CONCLUSIONS

Staff consider that the principle of residential development in this location is suitable, however the site is not considered to be appropriate for a new dwelling. As a result of the layout of the surrounding dwellings, any new dwelling on this site would project forward of the building line of properties on the adjoining street, which would result in a cramped and dominant effect, detrimental to the streetscene. Staff also consider that the proposal would be detrimental to the characteristic openness around this junction and introduce a form of development that is not in keeping with prevailing local character. Staff therefore consider that the proposal fails to comply with the aims and objectives of the LDF Development Control Policies Development Plan Document and the Residential Design SPD and refusal is recommended accordingly.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Streetscene

The proposed development would, by reason of its detached design and projection beyond the building line of the properties in Central Drive, and closing down of the characteristic spaciousness around the junction of Central Drive and Kempton Avenue, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent via phone conversation on various stages throughout the process.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1800. Further details with regard to CIL are available

from the Council's website.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th May 2016

APPLICATION NO. P1801.15
WARD: Romford Town **Date Received:** 3rd December 2015
Expiry Date: 28th January 2016

ADDRESS: 16 Hearn Road
Romford

PROPOSAL: Erection of detached residential block containing 6no. one-bedroom flats

DRAWING NO(S): 1570.1A
1570.4 A
1570.5 A
1570.10 A
1570.7 A
1570.8 A
1570.9 A
1570.6 A

RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

CALL-IN

The application has been called-in by Councillor Frederick Thompson on the grounds that he considers the proposed development has merit and should be looked on favourably.

BACKGROUND

The application was deferred at the Committee meeting on 10 March 2016 in order to allow Staff to negotiate a revised scheme which provides 6no. (1 for 1) on site parking spaces.

A revised car parking layout plan has been submitted by the applicant which would provide 6no. off street car parking spaces requested by Members. A grid of four parking spaces would be set out to the north of the proposed block, with two of the spaces accessed directly via a new dropped crossing from Alexandra Road. Individual parking bays would be set out adjacent to the southern entrance as well as in the northern corner of the site adjacent to the boundary with Monarch Court.

The Local Highway Authority have raised no objections to the revised car parking layout and, if Members are minded to approve the application, have advised that a condition is imposed requiring the applicant to obtain the necessary agreement to install the new dropped crossing vehicle access from Alexander Road.

The revised car parking arrangements would also result in the relocation of the proposed bicycle store to a position adjacent to the boundary with Monarchs Court and the relocation of the proposed refuse store to a position adjacent to the eastern flank elevation of the new residential block.

The report previously considered by the Committee is set out below, unmodified apart from an update to the parking and highway section of the report, to reflect the revised parking

arrangements. The application is still recommended for refusal, as previously, on grounds relating primarily to design and streetscene impact, as well as consequent infrastructure impact.

SITE DESCRIPTION

The application relates to the property at 16 Hearn Road, Romford. This is a two storey detached house situated on the junction of Hearn Road and Alexandra Road. The house is located within a predominantly residential area, with the commercial uses of Victoria Road located to the north. The site is dissected to the east by a vehicular right of way which forms a rear access to the servicing yard of No.40 Victoria Road. Beyond the access is a single storey detached garage.

The existing dwelling is not listed and is not located within a conservation area. The land is not subject to any other land use designation within the LDF.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a detached three-storey residential block containing 6no. one-bedroom flats.

This proposal follows the refusal of planning application P1040.15 in September 2015 for a similar scheme involving the demolition of the existing dwelling and the construction of a flatted residential block comprising 6no. dwellings.

As with the previous scheme the proposal would involve the demolition of the existing two storey house and detached garage. The replacement apartment block would be of a contemporary design featuring a hipped crown roof with a height of approximately 9.8 metres. The block would include an angled corner feature with Juliet balconies facing out over the junction of Hearn Road and Alexandra Road. Another set of Juliet balconies would be included on the western elevation. The sections of the roof above the third floor windows would feature a steep pitched roof forming a series of gables.

The scheme would provide 3no. off street car parking spaces including one accessible space accessed from Alexandra Road. To the east of the site the development would retain the positioning of the existing 3 metre wide vehicular right of way which leads to the rear of No.40 Victoria Road.

A refuse store and a separate secure cycle store would be provided in the north eastern corner of the site.

RELEVANT HISTORY

P1040.15 - Erection of detached residential block containing 6no. flats (comprising 3no. one-bedroom and 3no. two-bedroom units)
Refuse 07-09-2015

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 62 properties and 5 representations have been received. The

comments can be summarised as follows:

- The scale, height, massing and design of the proposed building is out of character with the area.
- The building would form an unacceptably prominent and visually intrusive feature in the streetscene.
- Overbearing, dominating three-storey building resulting in a cramped overdevelopment of the site.
- Future occupiers of the flats should be limited to only three car parking permits.
- Lack of appropriate car parking; the development and addition of new dwellings will further exacerbate existing car parking issues within the area.
- Increase in late night noise and disturbance.
- The number of multi-occupancy buildings in this area is now significantly eroding the sense of neighbourhood.
- Loss of privacy and overlooking.

London Fire Brigade Water Team - no objection.

London Fire and Emergency Planning Authority - no objection.

Streetcare - no objection, but the bin store may need to be wider.

Environmental Health - no objection, recommended conditions relating to noise insulation.

Local Highway Authority - no objection, but would insist on a S106 to restrict future occupiers from obtaining car parking permits.

RELEVANT POLICIES

LDF

- CP1 - Housing Supply
- CP17 - Design
- DC2 - Housing Mix and Density
- DC3 - Housing Design and Layout
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC61 - Urban Design
- DC72 - Planning Obligations
- SPD11 - Planning Obligation SPD
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 7.4 - Local character

MAYORAL CIL IMPLICATIONS

The proposed development will create 6 no. new residential units with 258.2 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £5164.00 based on the calculation of £20.00 per square metre.

STAFF COMMENTS

The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

It should be noted that this scheme follows the refusal of planning application P1040.15 in September 2015 for a similar scheme involving the demolition of the existing dwelling and the construction of a flatted residential block comprising 6no. dwellings. The application was refused on the grounds that the scale, height, bulk and mass of the building would appear as unacceptably dominant, overbearing and visually intrusive feature in the streetscene, as well as the absence of a legal agreement to secure contributions towards the demand for school places arising from the development.

PRINCIPLE OF DEVELOPMENT

The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

Under the provisions of the NPPF there is no priority given to garden land as a redevelopable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

DENSITY / SITE LAYOUT

Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The proposal would provide 6no. residential units at a density equivalent to approximately 128 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 165 to 275 dwellings per hectare would be appropriate in this urban location. The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.

The proposed three-storey flatted block would provide 6 no. one-bedroom flats with varying floor

space sizes. There are no defined standards for one-bedroom flats in three storey buildings, however all of the dwellings would meet the equivalent internal floor space standard for two-person one-bedroom flats in single storey dwellings. The bedrooms in these flats would comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.

The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The proposal would only offer small strips of shared amenity space in the areas around the building frontage. However, given the proximity of the site to Romford town centre it is considered on balance that the amount of private amenity space proposed in the development is adequate for the day to day requirements of the occupants of the one-bedroom flats in a location close to the town centre.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

As with the previously refused scheme the proposed apartment block would form a prominent feature in terms of its visual impact, particularly owing to its corner location on the junction of Hearn Road and Alexandra Road. The crown roof building would have a height of 9.8 metres and in terms of its massing the block would be of considerable scale and bulk, when viewed from various vantage points within the streetscene.

As mentioned the previous application P1040.15 was refused on the grounds that the scale, height, bulk and mass of the building would appear as unacceptably dominant, overbearing and visually intrusive feature in the streetscene.

In comparison the current proposal has removed the projecting roof sections and balcony structures. A strip of white render would also be applied to the second floor elevation in an attempt to visually break up the scale and height of the building. In addition the building footprint has been shifted southwards to match up with the front and rear building line of the adjacent building at Monarch's Court.

However, other key aspects relating the previously refused scheme have not been addressed. Crucially, the proposed building would still be 9.8 metres height, as well as retaining the same scale and general form of the previously refused scheme. As such issues in relation to scale, height and massing have not been satisfactorily overcome in this submission. Staff do not consider the proposals to have materially reduced the scale and mass of the building such as to overcome the previous grounds for refusal.

As a matter of judgement, it could be considered that the current proposals have a greater adverse impact compared to the refused scheme. The refused development was designed in such a manner that second floor accommodation was set beneath an overhanging roof detail, giving the impression of a lower building. In the current proposals, this detail is lost, giving a stronger three storey appearance and increasing the perceived bulk and massing. It is not judged that a three

storey building is characteristic of the Hearn Road streetscene.

As with the previous application it is acknowledged that the adjacent building at Monarch's Court is of a similar overall height to the proposal, however the buildings are not comparable in their setting and location. Monarch's Court does not feature a crown roof design and is more sympathetic to the adjacent properties in terms of its bulk, massing and crucially its positioning in Hearn Road. Additionally, the character of Hearn Road is drawn from two storey development. The principal frontage of the site is to Hearn Road and it is judged that a three storey building and the lack of a defined entrance to the Hearn Road frontage results in a development that is at odds with the scale and character of development nearby.

Consequently, it is still considered that due to the height and massing of the building as well as the proximity to the road frontage boundaries with both Hearn Road and Alexandra Road the proposed residential block would still appear overly dominant and intrusive, creating an incongruous feature within the prominent corner setting, contrary to the character of the surrounding area. In this regard it is not considered that the proposed block would be compatible with the character of the local streetscene of both Hearn Road and Alexandra Road.

It is therefore considered that the proposed development would be harmful to visual amenity and would therefore fail to maintain or enhance the character and appearance of the local area contrary to the provisions of Policy DC61.

IMPACT ON AMENITY

The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The main consideration in terms of residential amenity relates to the impact on privacy and outlook for the flats at Monarch Court to the east, No.s 4 to 9 Alexandra Road to the west and the occupants of 1 to 6 Padfield Court to the north of the application site respectively.

The proposed eastern flank elevation would be located approximately 9 metres from secondary and non habitable room windows at Monarch Courts. The windows in the proposed side elevation would also serve secondary or non-habitable rooms and it is proposed that each opening would be obscure glazed. As such, given the spacing between the proposed building and Monarch's Court it is not considered that the proposed development would unduly impact on the adjacent building.

The Juliet balconies and windows in the front elevations would be located approximately 18 metres from the dwellings at No.s 4 to 9 Alexandra Road and 13 Hearn Road. Taking into consideration that a road and public right of way would run between the adjacent buildings the existing residents with an outlook onto Hearn Road and Alexandra Road would expect to experience a degree of overlooking when compared to say rear windows that overlook an area of private amenity space. On balance, the separation distances across a public road are considered to be sufficient so as not to result in a detrimental loss of privacy or overlooking to the existing or proposed dwellings.

The north elevation of the building would be located approximately 15 metres from the front windows at Padfield Court at an oblique angle. As with the relationship to the other surrounding residential accommodation, taking into account the positioning of the buildings and the separation distances it is not considered that the development would result in a loss of amenity to the neighbouring occupants.

On balance it is not considered that the proposed development would present any issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

HIGHWAY / PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within a Public Transport Accessibility Level (PTAL) zone 6a, meaning that the site offers an excellent degree of access to surrounding public transport limiting the requirement for off street car parking provision and as such requires a low standard of less than 1no. space per dwelling.

The scheme as originally presented to the Committee provided off street car parking provision for 3no. vehicles, which provides a ratio of one space per two flats. It should be noted that the previous application was not refused on the grounds of parking issues. At Members request the number of parking spaces has been increased to six, although this represents a relatively tight arrangement within the site.

The Local Highway Authority have raised no objection to the proposal. For the initial proposals, with three parking spaces, Highways requested a S106 to restrict future occupiers from obtaining car parking permits. However, now that the proposals now propose parking at a ratio of one space per unit, in excess of policy requirements, it is not considered that there are reasonable grounds to secure such a restriction. As the application is recommended for refusal, this has not been
A refuse store and a separate secure cycle store would be provided within the site.

SECTION 106

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which

sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £30,000 for educational purposes would be appropriate.

As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

KEY ISSUES / CONCLUSIONS

The proposed development would be located within the existing urban area in a sustainable location. However, the overall scale, bulk and massing of the proposed block would result in an overly dominant and visually intrusive feature within this setting which would fail to maintain or enhance the character and appearance of the streetscene. These issues have not been satisfactorily addressed from the previously refused scheme. In the absence of a Section 106 Agreement to secure an appropriate level of obligation the application also fails to mitigate the impact of the proposed development on local infrastructure.

The development is considered to be contrary to the provisions of Policies DC61 and the

Residential Development SPD. Therefore it is recommended that planning permission be refused.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Streetscene

The proposed development would, by reason of its scale, height, bulk and mass, appear as an unacceptably dominant, overbearing and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it was given to Jackie Pepper, by email on 22/1/2016.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5164.00. Further details with regard to CIL are available from the Council's website.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th May 2016

APPLICATION NO. P0293.16
WARD: Upminster Date Received: 29th February 2016
Expiry Date: 13th May 2016
ADDRESS: 5 Ockendon Road
North Ockendon
Upminster
PROPOSAL: Single/two storey rear extension
DRAWING NO(S): 1398/16/1
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site is a two storey semi-detached dwelling situated on the western side of Ockendon Road. The site is located in Metropolitan Green Belt.

Ground level on site is relatively flat.

The application premises itself, comprises of an existing two storey side extension which was the subject of a planning application in 1974. Subsequently, an application was made to subdivide the premises to create two cottages in 1991.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for erection of a part single, part two storey rear extension to number 5 Ockendon Road.

The proposed extension would measure 4.0m in depth at ground and first floors. The single storey element would benefit from a flat roof with an overall height of 2.85m. The two storey rear projection will feature a pitched roof with a gable end and an overall ridge height comparable to the existing gabled projection to the rear and that of the main roofline.

RELEVANT HISTORY

L/HAV/1107/71 - Bathroom and Kitchen Extension - APPROVED

L/HAV/316/75 - Garage - APPROVED

L/HAV/1444/82 - Side and Rear Extension - APPROVED

L/HAV/386/84 - Garage Extension - APPROVED

P2599.88 - Formation of two bedroomed bungalows - REFUSED

P0002.91 - Proposed cottage conversion and s/s rear extension - APPROVED

CONSULTATIONS / REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development

Control Policies Development Plan Document. 7 neighbouring occupiers were consulted and no letters of representation were received.

Highway Authority - No objection.

Environmental Health - No objection

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.16 Green Belt

-

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL.

STAFF COMMENTS

The main issues in this case are the impact on the character and openness of the Metropolitan Green Belt, the street-scene, the impact on residential amenity and any highway and parking issues.

In the absence of historical detail/calculations regarding the volume of the property, staff have used their own to determine this application.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle.

Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

GREEN BELT IMPLICATIONS

Policy DC45 does not discourage extensions and alterations within the Metropolitan Green Belt, however it stipulates that "extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling".

5 Ockendon Road originally formed part of one larger dwelling which was the subject of an application which sought consent for the subdivision of this single planning unit into two individual cottages in 1991. The building envelope of 5 Ockendon Road comprises of a two storey side extension to the original single dwelling. At the time, this side extension almost doubled the footprint of the original, single property.

It appears that the bulk of subsequent development has been contained to 6 Ockendon Road and the extension which forms the application premises has been left relatively untouched since 1974, with the exception of outbuildings within the curtilage.

In the absence of sufficient historic detail which relates to the application property, staff must make a judgement based on what limited records are available as to the cubic capacity of the dwelling. It is clear that the host building has changed significantly, such that staff can conclude without any doubt that any additional development, such as that proposed in conjunction with existing additions in situ (including the original two storey side extension which now accommodates 5 Ockendon Road), would be far in excess of the 50% threshold outlined by Policy DC45.

It is the view of staff however, that whilst substantial when seen within the context of the original building as a whole, the proposed part single/part two storey rear extension to 5 Ockendon Road, when seen as a standalone property, would not appear disproportionate. Staff calculate the increase in volume to equate to an increase of 31% of the cubic capacity of 5 Ockendon Road when viewed as a standalone unit. The proposed addition would represent an additional 154.3m³. Staff calculate the cubic capacity of the host dwelling to be 492.5m³. It is the opinion of staff that the development proposed would not result in any prejudicial harm to the Green Belt in terms of character or openness.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed part single storey, part two storey rear extension would be located to the rear of the dwelling and therefore, would not be visible from the street scene. Staff observed a varied rear building line within the locality, with extensions of varying depths over ground and first floors.

With regards to the rear garden environment, it is considered that the proposed development would not have an adverse impact .

The single storey element of the rear extension accords with the depth permitted by the Residential Extensions and Alterations SPD and is of modest proportions in terms of overall height, relating well the existing premises.

The two storey rear extension benefits from a separation of in excess of the 2m required by the Residential Extensions and Alterations SPD. Whilst it is deeper than the 3m suggested by the SPD, the extension does not impede a notional line when drawn from 3m point on the boundary with the adjoining property.

IMPACT ON AMENITY

Staff are of the opinion that the proposal would not result in a loss of amenity to neighbouring properties so as to justify a recommendation for refusal.

The attached neighbour benefits from a single storey rear extension, therefore the impact of the proposed development is limited to first floor rear facing windows.

To this end, whilst exceeding the 3m permitted by the Residential Extensions and Alterations SPD for two storey rear extensions, the proposed development was not found to impede a notional line taken at a depth of 3m, set in 2m from the attached neighbour. Therefore it is not considered to be an unneighbourly or overbearing development.

In addition, the application premises is situated due north of the adjoining property, therefore any loss of light/potential overshadowing would be negligible.

It is considered that the proposal would not add to the overlooking that presently exists. A condition has been placed to ensure that the roof area of the proposed extension shall not be used as a balcony, roof garden or similar amenity area to further safeguard neighbouring amenity.

HIGHWAY / PARKING

It is considered that the proposal would not create any parking or highway issues.

KEY ISSUES / CONCLUSIONS

Having carefully considered the merits of this planning application, the proposed part single storey, part two storey rear extension is considered to be acceptable, such that it would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within Chapter 9 of the NPPF.

It is considered that the proposal would not result in a loss of amenity to adjacent occupiers and would not create any highway or parking issues. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the

development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building to the satisfaction of the Local Planning Authority.

Reason:-

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

4. SC48 (Balcony condition)

The flat roofed area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REGULATORY SERVICES COMMITTEE

12 May 2016

REPORT

Subject Heading:

P1809.15 - Harlow Gardens (Land rear of), Romford

Variation of condition 2 of P1053.13 in order to increase the size of the rear dormers to the row of terraces. (Received 18/12/15 and amended plans received on 21/04/16)

Ward:

Havering Park

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- Havering will be clean and its environment will be cared for []
People will be safe, in their homes and in the community [X]
Residents will be proud to live in Havering [X]

SUMMARY

This application was originally approved by the Regulatory Services Committee meeting of 17 July 2014 for the erection of 5 No. two-bed chalet style bungalows. The current proposal relates to the variation of condition 2 of P1053.13 in order to allow an increase to the size of the rear dormers of the row of terraces.

The application is recommended for approval subject to conditions and the applicant entering into Deed of Variation.

RECOMMENDATIONS

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 448.2m² which equates to a Mayoral CIL payment of £8,964.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 13 October 2014 in respect of planning permission P1053.13 by varying the definition of Planning Permission which shall mean either planning permission P1053.13 as originally granted or planning permission P1809.15.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 13 October 2014, all recitals, terms, covenants and obligations in the said Section 106 agreement dated 13 October 2014 will remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed is completed.

That the Head of Regulatory Services be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice 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.

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 10 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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.

4. External Materials

The development hereby permitted shall be constructed with external materials as previously approved under application Q0029.15.

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

5. Landscaping

The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0029.15. 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: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC61 and the SPD on Landscaping.

6. Standard flank wall

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

7. Obscure glazing

Notwithstanding the details shown on the approved plans, the proposed front and rear facing loft windows (roof lights and dormer windows) serving en-suite bathrooms, store rooms and cupboards as well as the ground floor flank windows to plot 3 and plot 5 serving a lounge and kitchen shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

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

8. Cycle Storage

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

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

9. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

10. Construction Methodology

The development hereby permitted shall be implemented in accordance with the construction method statement as previously approved under application Q0029.15.

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

11. Highway Agreements

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12. Secure by Design

Secured by Design/Crime Prevention: 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 (DOCOs), 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.

13. Refuse and Recycling

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

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

14. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in

accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

15. Screen fencing

The development hereby permitted shall be implemented in accordance with the screen fencing details as previously approved under application Q0029.15.

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

16. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

17. Wheel Washing

The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under application Q0029.15. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

18. Ground levels

The development hereby permitted shall be implemented in accordance with details of the ground levels as previously approved under application Q0029.15.

Reason: In the interests of neighbouring amenity and to accord with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

19. Tree protection

The development hereby permitted shall be implemented in accordance with the tree protection details as previously approved under application Q0029.15.

Reason: To protect the trees on the site and to accord with Policy DC60 of the Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
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.

6. 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.
7. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
8. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
9. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8,964 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site is a piece of land which is located to rear of the properties along Harlow Gardens, Romford. The site is surrounded by residential dwellings. The ground has a severe slope down from northeast to southwest. The site has an overall area of approximately 2496m²

1.2 Development in the vicinity is characterised by 2-storey and 3-storey residential dwellings with various different external finishing.

1.3 The site is currently in an advanced stage of development.

2. Description of Proposal

2.1 The Section 73 application is for a minor material amendment to consent P1053.13 dated 23rd October 2014 to allow an increase to the size of the rear dormers to the row of terraces.

2.2 The dormers would increase in width from 2.4m to 4.4m. The height would be reduced from 2.2m to 1.65m and the depth would be reduced from 2.9m to 2.3m.

2.3 The proposal also includes the addition of new rooflights above the rear dormers which would be situated above 1.7m from floor level.

2.4 The additional space proposed would be used for a store room and bathroom. A condition will be imposed to ensure the new windows to the rear would be obscure glazed and fixed shut

3. Relevant History

3.1 P1053.13 - The erection of 5 No 2 bed chalet style bungalows - Approved with agreement

4. Consultations/Representations

4.1 Neighbour notification letters were initially sent to 66 properties and 3 letters of comments and 13 letters of objection were received. The objections raised can be summarised as follows:

- Loss of privacy
- Size of dormers are intrusive

4.2 Revised plans were received and neighbours were re-notified on 22 April 2016 and 1 letter of objection was received to date objection to the loss of privacy and unacceptable views from neighbouring gardens. Given that the neighbour notification period will only expire on 6 May, any additional concerns raised will be brought to the attention of Members verbally on the evening of the Regulatory Services Committee meeting.

4.3 Issues raised relating to overlooking have been addressed by the applicant by replacing a bedroom at first floor with a storage room and providing obscure glazed and fixed shut windows to the dormer windows.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD and the Planning Obligation SPD (Technical Appendices)
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.3 (sustainable design and construction), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

- 6.1 The only change to the previously approved scheme under P1053.13 would be an increase in width of the rear dormers and the addition of rooflights. Staff do not consider the proposal to result in an unacceptable impact on the surrounding area in terms of size and bulk as the proposed dormers would be well contained within the roofspace and would not dissimilar to numerous other examples recently approved in the Borough.
- 6.2 The proposal will not result in an unacceptable impact on neighbouring occupiers to the rear as the proposed windows will be conditioned to be obscure glazed and fixed shut.
- 6.3 All other aspects have has been previously determined as acceptable and would not be impacted by the proposed revisions.
- 6.4 *Mayoral Community Infrastructure Levy*
- 6.4.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 448.2m² which equates to a Mayoral CIL payment of £8,964.

6.5 *Infrastructure Impact of Development*

- 6.5.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 6.5.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.5.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.5.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.5.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.5.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of

additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

6.5.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

6.5.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

7. Conclusion

7.1 In conclusion, the proposed changes to condition 2, as stated earlier in this report, in order to increase the size of the dormers approved under P1053.13 is considered to be acceptable. It is recommended that planning permission be granted, subject to the completion of the Deed of Variation.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 18/12/15 and amended plans received on 21/04/16.

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REGULATORY SERVICES COMMITTEE

12 May 2016

REPORT

Subject Heading:

P1628.15 – 58-62 New Zealand Way (land between), Rainham – Outline planning application for two no. two bedroom bungalows with all matters reserved (received 25/11/15 and revised plans received 25/04/16)

Ward

South Hornchurch

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal seeks outline consent for two, two bedroom bungalows with all matters reserved. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution towards education provision. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

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

- A financial contribution of £12,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan 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 planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

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

1. Reserved matters - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Time limit - Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

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

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

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

4. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Materials – No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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.

6. Contamination - 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.

7. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

8. Refuse/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 Development Control Policies Development Plan Document Policy DC61.

9. Parking provision - 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.

10. 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.

11. 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

12. Wheel washing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

14. Boundary treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. External lighting – No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and turning head 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: Insufficient information has been supplied with the application in relation to the surfacing materials. Submission of details prior to commencement will ensure that the surfacing materials are suitable, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

17. Cycle storage - No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

18. Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

19. Building Regulations - All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

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

Reason: To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with David De Souza via email 8th April 2016. The revisions involved replacing the turning head with a car parking space and adding a communal refuse point. The amendments were subsequently submitted on 25th April 2016.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

4. Waste comments

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to this planning application.

Water comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is - Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex, CM3 8BD. Tel: 03457 820999.

5. 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 in between, and to the rear of, 58-62 New Zealand Way, Rainham. The site contains 15 garages associated with adjoining properties. The rear gardens of two storey dwellings (some of which consist of maisonettes) back onto the site to the north and west. There is a timber paling fence with gates that provide access to a neighbouring garage adjacent to the west of the site. There is a building utilised by Rainham Plastics located adjacent to the south eastern boundary of the site. There is an access road leading to La Salette Primary School and a single storey building to the south west of the application site, which comprises of classrooms and a group/resources/music room. The site is accessed from New Zealand Way.

2. **Description of development:**

- 2.1 The application is for outline permission for 2 no. two bedroom, three person, single storey dwellings including the associated amenity space and car parking with all matters reserved. Appearance, siting, landscaping, scale and layout are the reserved matters.
- 2.2 The proposal features a pair of single storey bungalows with pitched roofs. According to the indicative plans, each dwelling comprises of one single and one double bedroom, a bathroom and an open plan kitchen/lounge/dining room. There is a turning head and an area of hardstanding with landscaping in the corners of the site to the front of the dwellings.
- 2.2 The indicative plans suggest that the dwellings would have a combined width of approximately 15.7 metres and a depth of between 8.8 and 11.4 metres as the front façade of the dwellings would be staggered. The dwellings would be set in approximately 1 metre and a maximum of 1.5 metres from the north eastern and south western boundaries of the site respectively. The site would utilise an existing access road. The dwelling adjacent to the north eastern boundary would have one car parking space and the dwelling adjacent to the south western boundary would have two car parking spaces.

3. **Relevant History:**

- 3.1 No relevant planning history.

4. **Consultations/Representations:**

- 4.1 The occupiers of 21 neighbouring properties were notified of this proposal. Four letters of objection (two were from the same address and one did not have any address details) were received with detailed comments that have been summarised as follows:

- Strongly object to building on the green, there will be nowhere for children to play, no trees, will spoil the whole area, generate traffic and devalue neighbouring property.
- Residents have paid the fees to rent the garages.
- Lack of car parking for neighbouring properties.
- Traffic.
- Noise, dust and disruption from demolishing the garages and building the dwellings.
- Queried boundary fencing to prevent overlooking and loss of privacy.
- Suggested that if any of the garages are vacant, then the cost of renting them should be reduced so more people would use them.
- Queried if compensation would be given to residents due to the noise and inconvenience of no longer using the garages and finding new parking arrangements.
- Noise and disturbance from vehicles using the access road for the two dwellings.
- No information has been provided regarding the connection to sewer and water pipes.
- The proximity of the site to the school.

- 4.2 In response to the above, comments regarding building on a green are not material planning considerations, as the application site comprises of garages and the proposal does not involve building on a green. Staff consider that there would be considerably less noise and disturbance from pedestrian and vehicular movements for two dwellings with three car parking spaces compared with the potential movements associated with 15 occupied garages. Details of boundary fencing can be secured by condition if minded to grant planning permission. Comments regarding compensation are not material planning considerations. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. In the event that planning permission is granted, the applicant would need to obtain the appropriate building regulations for the works, which would address concerns about sewer and water connection. The remaining issues are addressed in the following sections of this report.
- 4.3 The Council's Highways Authority object to the proposal on the grounds of the lack of pedestrian visibility splays at the access road and the access road is too narrow for refuse collection. There is no objection to the car parking provision.
- 4.4 Environmental Health - According to our records the site is not likely to be contaminated. Nevertheless, taking into consideration the nature of the proposed development as well the fact that the site is on the edge of a 250m radius area of a former unlicensed landfill (East of Dovers Corner), and in order to prevent unacceptable risks from potential land contamination, it is recommended that a condition is placed regarding contamination.
- 4.5 StreetCare Department – Has no objection to the refuse arrangements, providing that residents present their waste at the entrance of the access road on the day of collection.

4.6 Fire Brigade – No additional fire hydrants are required. The fire Brigade is not satisfied with the proposals, for the following reasons. Access does not comply with Section 11 of Approved Document B, Volume 1 of the Building Regulations. However, the Brigade would be satisfied with the proposal if domestic sprinklers are provided throughout both dwellings. The sprinklers would be designed, installed and maintained in accordance with BS 9251:2014.

5. **Relevant policies:**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), 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), 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 and the Planning Obligations Supplementary Planning Document (technical appendices)

5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.15 (water use and supplies), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.

5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

6.1 The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity, highway and parking issues and infrastructure.

7. **Principle of development**

7.1 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.

8. **Density and site layout**

8.1 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. The proposal achieves a density of some 33 units per hectare on this 0.06 hectare site, which is within the range indicated by Policy DC2 and by national planning policy.

- 8.2 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 61² for a 2-bed 3-person dwelling. The proposed dwellings have individual internal floor space of 67m² which is in line with the recommended guidance and considered acceptable. The layout of both dwellings adheres to the Technical Housing Standards.
- 8.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, each dwelling would have private amenity space of some 58 square metres. Staff are of the view that the proposed rear 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. It is noted that the rear gardens would look out onto the flank wall of Rainham Plastics and this will impact upon the quality of the outlook enjoyed by future occupiers, although this would be a buyer/occupier beware issue.

9. **Design/impact on street/Garden scene**

- 9.1 Landscaping is a reserved matter. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.
- 9.2 Scale and appearance are reserved matters. The floor plans show that the two dwellings would be single storey with pitched roofs. It is deemed possible to construct dwellings that would be appropriate. Staff consider that the plot can accommodate two single storey dwellings.

10. **Impact on amenity**

- 10.1 It is considered that the proposal would not result in a significant loss of amenity to neighbouring properties, as the dwellings would replace two blocks of garages and are single storey. The dwellings would be set in approximately 1 metre and a maximum of 1.5 metres from the north eastern and south western boundaries of the site and would be located at an oblique angle from neighbouring properties, which would help to mitigate their impact.
- 10.2 The rear gardens of the maisonettes at No.'s 54-68 have a minimum and maximum depth of approximately 15 to 28 metres, which would help to mitigate the impact of the proposal. Given the above distances, Staff consider that this relationship is acceptable. In respect of No.'s 54-60 New Zealand Way, the dwellings are located to the east of the site and there is an additional separation distance created by the width of the access road and the area of hardstanding adjacent to the western boundary of the site.

- 10.3 Staff consider that the building adjacent to the eastern boundary of the site and occupied by Rainham Plastics would not be adversely affected by the proposal given its commercial use. In addition, there would be a separation distance of approximately 6.6 metres between the rear façade of the dwellings and the eastern boundary of the site. Future buyers/occupiers would be aware of the proximity of the Rainham Plastics building to the dwellings and its commercial use.
- 10.4 It is considered that the single storey building to the south west of the application site, which comprises of classrooms and a group/resources/music room to La Salette Primary School would not be adversely affected by the proposed dwellings, particularly as they are single storey. Also, the southern most proposed dwelling would be set of a maximum of 1.5 metres from the south western boundary of the site, which would help to mitigate its impact. Furthermore, there is favourable orientation as the application site is located to the north of this school building. Future buyers/occupiers would be aware of the proximity of the La Salette Primary School building to the dwellings.
- 10.5 There would be a separation distance of approximately 39 metres between the rear facades of the maisonettes at No.'s 26-32 Dunedin Road and the south western corner of the application site, which would help to mitigate the impact of the proposal. Given the above distance, Staff consider that this relationship is acceptable.
- 10.6 Landscaping is a reserved matter and details of boundary treatment can be secured by condition if minded to grant planning permission. Given the intervening distances and the layout of the plots, Staff do not consider that the proposed development would appear unduly overbearing or dominant from the rear garden environment in New Zealand Way.
- 10.7 Staff consider that there would be considerably less noise and disturbance from pedestrian and vehicular movements for two dwellings with three car parking spaces compared with the potential movements from 15 occupied garages. It is not considered that this arrangement would be materially harmful to amenity owing to the limited numbers of parking spaces and subject to adequate boundary treatment.
- 10.8 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 amenities of neighbouring occupiers.
11. **Highway/parking issues**
- 11.1 Nine of the fifteen garages are currently being rented. The Council has written to the tenants advising of a tenancy termination date of Thursday 7 July 2016

and that there are a number of alternative garages available for them to rent. Staff consider that the proposal may result in some parking overspill, although this is not judged to be materially harmful given that the tenants can rent other garages in the local area.

- 11.2 There is a parking standard of 1-1.5 car parking spaces per dwelling. There is a total of three car parking spaces for both dwellings, which complies with Council policy. The Council's Highways Authority has no objection to the car parking provision, but objects to the proposal on the grounds of the lack of pedestrian visibility splays at the access road and the access road is too narrow for refuse collection.
- 11.3 In response to this, the plans have been revised to include two raised tables (with a change of materials on the shared service) located at both ends of the access road to slow down vehicles and minimise risk. Staff consider the amount and configuration of the parking proposals to be acceptable. The neighbouring properties located either side of the application site are privately owned, so it is not possible to provide pedestrian visibility splays at the access road. Staff consider that the provision of two raised tables at both ends of the access road represent some improvement in highway safety terms, although this is a matter of judgement for Members.
- 11.4 Staff consider the amount and configuration of the parking proposals to be acceptable. Access to the neighbouring garage at No. 60 New Zealand Way would be maintained within the site.
- 11.5 The plans have been amended to include a communal refuse storage space, which is acceptable. The StreetCare Department has no objection to the refuse arrangements, providing that residents present their waste at the entrance of the access road by 7am on the day of collection. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

12. **Infrastructure**

- 12.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (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.
- 12.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 12.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 12.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 12.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 12.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 12.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 12.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £12,000 for educational purposes would be appropriate.

12. **Mayoral CIL**

- 12.1 The dwellings are liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

13. Conclusion

- 13.1 Staff consider the site to be acceptable in principle for residential development. It is deemed possible to construct dwellings that would be appropriate. 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. Staff consider the amount and configuration of the parking proposals to be acceptable. The Council's Highways Authority has no objection to the car parking provision, but objects to the proposal on the grounds of the lack of pedestrian visibility splays at either end of the access road. The plans have been revised to include two raised tables (with a change of materials on the shared service) located at both ends of the access road to slow down vehicles and minimise risk. Staff consider that the provision of two raised tables represent some improvement in highway safety terms, although this is a matter of judgement for Members. There would be a financial contribution of £12,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

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 25/11/2015 and revised plans received on 25/04/16.

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REGULATORY SERVICES COMMITTEE

12 May 2016

REPORT

Subject Heading:

P1630.15 – 79-81 Christchurch Avenue, Rainham – Outline planning application for two no. two bedroom bungalows with all matters reserved (received 25/11/15 and revised plans received on 25/04/16).

Ward

South Hornchurch

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal seeks outline consent for two, two bedroom bungalows with all matters reserved. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

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

- A financial contribution of £12,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan 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 planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

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

1. Reserved matters - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Time limit – Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

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

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

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

4. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Materials – No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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.

6. Land 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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

7. Land 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.

8. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

9. Refuse/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 Development Control Policies Development Plan Document Policy DC61.

10. Parking provision - 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.

11. 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.

12. 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

13. Wheel washing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

14. Removal of permitted development rights – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

15. Boundary treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. 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 commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

17. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and turning head 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: Insufficient information has been supplied with the application in relation to the surfacing materials. Submission of details prior to commencement will ensure that the surfacing materials are suitable, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

18. Cycle storage - No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

19. Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

20. Building Regulations – All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

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

Reason: To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with David De Souza via email 8th April 2016. The revisions involved adding raised tables either end of the access road and adding a communal refuse point. The amendments were subsequently submitted on 25th April 2016.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
4. Waste comments
Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to this planning application.

Water comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is - Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex, CM3 8BD. Tel: 03457 820999.

5. 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 in between, and to the rear of, 79-81 Christchurch Avenue, Rainham. The rear gardens of two storey dwellings in Dominion Way and Christchurch Avenue back onto the site to the east, south and west. The rear gardens of neighbouring properties in Collingwood Road and commercial properties including Travis Perkins builder's merchant are located adjacent to the northern boundary of the site.

2. **Description of development:**

- 2.1 The application is for outline permission for 2 no. two bedroom, three person, single storey dwellings including the associated amenity space and car parking with all matters reserved. Appearance, siting, landscaping, scale and layout are the reserved matters.
- 2.2 The proposal features a pair of single storey bungalows with pitched roofs. According to the indicative plans, each dwelling comprises of one single and

one double bedroom, a bathroom and an open plan kitchen/lounge/dining room. There are three car parking spaces and an area of hardstanding with some landscaping on the perimeter of the site to the front of the dwellings.

- 2.2 The indicative plans suggest that the dwellings would have a combined width of approximately 18.7 metres and a depth of between 7.6 and 11.3 metres as the front façade of the dwellings would be staggered. The dwellings would be set in approximately 1 metre and between 0.8 and 5.2 metres from the northern and south western boundaries of the site respectively. The site would utilise the existing access road.

3. Relevant History:

- 3.1 No relevant planning history.

4. Consultations/Representations:

- 4.1 The occupiers of 23 neighbouring properties were notified of this proposal. Two letters of objection were received with detailed comments that have been summarised as follows:
- A neighbouring property has had access to, maintained and used the site ever since.
 - Two neighbouring properties have garages which are accessed from within the application site, not from the access road as shown on the plans.
 - There were problems with fly tipping on the site between 1998 and 2000. During this time, neighbouring garages were broken into and gates, lights and security cameras were installed.
 - An occupier of a neighbouring property works from home on the application site and parks work vans and a trailer on the site. This occupier has also placed a container on site for tools and plant for their work. The container has been there since 2000 and is used daily to carry out their business. The vans are unloaded and loaded at all times during the day, the drive is in constant use and materials are also stored on site. The site and access road has been cleared of rubbish and regularly mown and machinery has been purchased by this neighbouring occupier to carry out the works.
 - The plans do not have measurements on them.
 - Queried the distance between the houses and a neighbouring property and if the property would affect their light and privacy.
- 4.2 In response to the above, the neighbouring occupier who uses the application site does not have any rights over the land as they do not own it. The plans are to scale. The remaining issues are addressed in the following sections of this report.
- 4.3 The Council's Highways Authority object to the proposal on the grounds of the lack of pedestrian visibility splays at the access road and the access road is too narrow for refuse collection. The access road and turning head are sub-standard in terms of width and layout, which may be a fire brigade issue too.
- 4.4 Environmental Health – Recommend three conditions regarding contamination and sound insulation if minded to grant planning permission.

- 4.5 StreetCare Department – Has no objection to the refuse arrangements, providing that residents present their waste at the entrance of the access road on the day of collection.
- 4.6 Fire Brigade – No additional fire hydrants are required.
- 4.7 Thames Water – Recommend informatives regarding waste, surface water drainage and water.

5. **Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), 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), 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 and the Planning Obligations Supplementary Planning Document (technical appendices)
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.15 (water use and supplies), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

- 6.1 The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity, highway and parking issues and infrastructure.

7. **Principle of development**

- 7.1 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.

8. Density and site layout

- 8.1 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. The proposal achieves a density of some 25 units per hectare on this 0.08 hectare site. 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.
- 8.2 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 61² for a 2-bed 3-person dwelling. The proposed dwellings have individual internal floor space of 65 m² and 78m² which is in line with the recommended guidance and considered acceptable. The layout of both dwellings adheres to the Technical Housing Standards.
- 8.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the dwellings would have a minimum and maximum private amenity space of 92 and 142 square metres respectively. Staff are of the view that the proposed rear 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.

9. Design/impact on street/Garden scene

- 9.1 Landscaping is a reserved matter. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.
- 9.2 Scale and appearance are reserved matters. The floor plans show that the two dwellings would be single storey with pitched roofs. It is deemed possible to construct dwellings that would be appropriate. Staff consider that the plot can accommodate two single storey dwellings.

10. Impact on amenity

- 10.1 It is considered that the proposal would not result in a significant loss of amenity to neighbouring properties, as the dwellings are single storey. The dwellings would be set in approximately 1 metre and between 0.8 and 5.2 metres from the northern and south western boundaries of the site respectively and would be located at an oblique angle from neighbouring properties, which would help to mitigate their impact.
- 10.2 The rear gardens of the dwellings at No.'s 23-27 Dominion Way have a depth of approximately 18 metres, which would help to mitigate the impact of the proposal. In addition, there would be a separation distance of approximately

7.9 metres between the rear façade of the dwellings and the eastern boundary of the site. Given the above distances, Staff consider that this relationship is acceptable.

- 10.3 In respect of No.'s 81-85 Christchurch Avenue, there is favourable orientation, as the proposed dwellings are located to the north of these neighbouring properties. The rear gardens of No.'s 81-85 Christchurch Avenue have a depth of between approximately 13 and 25 metres, which would help to mitigate the impact of the proposal. Given the above distances, Staff consider that this relationship is acceptable.
- 10.4 The rear gardens of the dwellings at No.'s 77-79 Christchurch Avenue have a depth of approximately 25 metres, which would help to mitigate the impact of the proposal. Also, there is an additional separation distance created by the width of the access road and the area of hardstanding adjacent to the north western boundary of the site.
- 10.5 Staff consider that the building adjacent to the northern boundary of the site would not be adversely affected by the proposal given its commercial use as a builders merchants. In addition, the nearest dwelling would be set in approximately 1 metre from the northern boundary of the site. There is a row of conifers adjacent to the northern boundary of the site, which would provide some screening.
- 10.6 There would be a separation distance of approximately 21 metres between the rear facades of the dwellings at No.'s 26-28 Collingwood Road and the north/north western corner of the application site, which would help to mitigate the impact of the proposal. Given the above distance, Staff consider that this relationship is acceptable.
- 10.7 Landscaping is a reserved matter and details of boundary treatment can be secured by condition if minded to grant planning permission. Given the intervening distances and the layout of the plots, Staff do not consider that the proposed development would appear unduly overbearing or dominant from the rear garden environment in Collingwood Road, Christchurch Avenue and Dominion Way.
- 10.8 Staff consider that the two dwellings with three car parking spaces would not generate significant levels of noise and disturbance from pedestrian and vehicular movements. It is not considered that this arrangement would be materially harmful to amenity owing to the limited numbers of parking spaces and subject to adequate boundary treatment.
- 10.9 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 amenities of neighbouring occupiers.

11. Highway/parking issues

- 11.1 There is a parking standard of 1-1.5 car parking spaces per dwelling. There is a total of three car parking spaces for both dwellings, which complies with Council policy. The Council's Highways Authority object to the proposal on the grounds of the lack of pedestrian visibility splays at the access road and the access road is too narrow for refuse collection. The access road and turning head are sub-standard in terms of width and layout, which may be a fire brigade issue too.
- 11.2 In response to this, the plans have been revised to include two raised tables (with a change of materials on the shared service) located at both ends of the access road to slow down vehicles and minimise risk. The neighbouring properties located either side of the application site are privately owned, so it is not possible to provide pedestrian visibility splays at the access road. Staff consider that the provision of two raised tables at both ends of the access road represent some improvement in highway safety terms, although this is a matter of judgement for Members.
- 11.3 Staff consider the amount and configuration of the parking proposals to be acceptable. Any ongoing access to the neighbouring garages at No. 79 and 81 Christchurch Avenue is to be determined between the householders concerned and the Council is its capacity as applicant.
- 11.4 The plans have been amended to include a communal refuse storage space, which is acceptable. The StreetCare Department has no objection to the refuse arrangements, providing that residents present their waste at the entrance of the access road by 7am on the day of collection. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

12. Infrastructure

- 12.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 12.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 12.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 12.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 12.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 12.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 12.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 12.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £12,000 for educational purposes would be appropriate.
13. **Mayoral CIL**
- 13.1 The dwellings are liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

14. Conclusion

- 14.1 Staff consider the site to be acceptable in principle for residential development. It is deemed possible to construct dwellings that would be appropriate. 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. Staff consider the amount and configuration of the parking proposals to be acceptable. The Highway Authority objects to the proposal due to a lack of pedestrian visibility splays at either end of the access road. The plans have been revised to include two raised tables (with a change of materials on the shared service) located at both ends of the access road to slow down vehicles and minimise risk. Staff consider that the provision of two raised tables represent some improvement in highway safety terms, although this is a matter of judgement for Members. There would be a financial contribution of £12,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

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 25/11/2015 and revised plans received on 25/04/16.

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REGULATORY SERVICES COMMITTEE

12 May 2016

REPORT

Subject Heading:

P1210.15: 1 Kilmartin Way, Hornchurch

Erection of 18no. dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses. (Application received 24 September 2015)

Ward:

Elm Park

Report Author and contact details:

**Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800**

Policy context:

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

Financial summary:

None

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

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [X]

SUMMARY

The proposal is for the erection of 18no. dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a legal agreement.

The application was deferred from the 31st March meeting for staff to clarify a number of points in relation to car parking, access and visibility, road adoption and maintenance. This information is presented below.

The application site is Council owned land.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 1,793.6 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of a £35,872 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £108,000 to be used for educational purposes.
- 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- The provision on site of a minimum of 50% of the units as affordable housing.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services 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 to which this permission relates must be commenced not later than three years from the date of this permission.

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice 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.

3. Parking Provision

Before any of the houses hereby permitted are first occupied, the car parking provision as indicated on drawing no. '100 Rev G' shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 71no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. Landscaping

No works shall take place in relation to any of the development hereby approved 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: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

8. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

9. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Vehicle Cleansing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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.

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

11. Boundary Screening/Fencing

The development hereby permitted shall be constructed in accordance with the approved measures for boundary screening and screen walling, as detailed in the submitted Landscape Plan (Drawing No. 14139_PL05 Revision B) unless otherwise agreed 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.

12. Secure By Design

The development hereby permitted shall not be commenced until details of the measures to be incorporated into the external areas of the development demonstrating how the principles and practices of the Secured by Design scheme within the development site have been included 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, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

13. 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential

amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. Hard Surfacing

Before any of the houses hereby permitted are first occupied the access drive, car park and vehicle turning areas shall be surfaced in accordance surfacing materials that have been previously agreed in writing by the Local Planning Authority. Once constructed, the access road and vehicle turning areas shall be kept permanently free of any obstruction (with the exception of the car parking areas shown on the plans) to prevent their use for anything but turning and access.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

15. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the 10no. two bedroom houses unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

16. Accessible and Adaptable Dwellings

At least two of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

17. Archaeological Investigation

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

18. Renewable Energy

A renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. Flank Windows

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

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which

exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

20. Contaminated Land

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

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.

21. Contaminated Land (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.

22. Noise Impact Assessment

Before any development is commenced, an assessment shall be undertaken of the impact of noise upon the site and a scheme for protecting the proposed dwellings from noise shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied. Particular reference shall be given to noise arising from the Elm Park Primary Substation.

Reason: Insufficient information has been supplied with the application to judge the impact of noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £35,872 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. **Changes to the public highway (including permanent or temporary access)**
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. If new or amended access as

required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

4. Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

5. Temporary use of the public highway

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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

6. The applicant is advised that an additional fire hydrant will be required within the site to service the development. Further information in this respect should be obtained from the London Fire Brigade on 020 8555 1200.
7. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
8. 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. Background

1.1 The application was deferred at the Committee meeting on 31st March 2016 in order for staff to clarify the points listed below.

- *Whether both roadways can be adopted (and brought up to necessary adoptable standard) and if not, why not:*
 - Kilmartin Way is an access road owned by the London Borough of Havering, the road is paid for by the residents that use it to cross to access their property. The cost to the residents on Kilmartin Way is a nominal fee of £5.00 per year. This fee does not cover any form of maintenance.
 - The cost of upgrading Kilmartin Way to adoptable standards would be over £150,000. In addition there is a Thames Water pipe that would need relocating, at a further cost of £500,000 - £600,000. If these works were to be included in the scheme it would no longer be a financially viable option and the scheme will not progress. As part of the adoption policy this road would also need to become a one way street and the residents in houses 1-11 Kilmartin Way would need to have parking relocated from the front of their houses as their cars are currently overhanging the footpath.
 - The new roads within the site would be constructed to adoptable standards and would be wide enough for two cars to pass.
- *Access road width dimensions including footways and adequacy against standards:*
 - A minimum road width of 4.1 metres is recommended by the Manual for Streets. This width allows two cars to safely pass each other. The pinch point at the junction of Southend Road and the existing access road (serving the garage court) is currently only 4 metres. Under this application the access road would be widened to 5.3 metres to meet the minimum 4.1 metre standard.
- *"Net" parking impact taking account of surrounding houses (how many and where) which have right to use existing car park areas on the site:*
 - Within the areas immediately around the proposed site there are approximately 55no. unallocated car parking spaces. A traffic survey has

highlighted that only a maximum of 25% of the parking spaces were being used whilst the survey was undertaken at 5:00am, 10:30am and 6.30pm.

- *How will UKPN's need to have unimpeded access to substation affect construction traffic:*
 - The areas of hardstanding that would later be used for the proposed car parking areas would be constructed under the first phase of the development. During the construction of the proposed new road and the connection of services, the existing access road from Southend Road to the substation would be temporarily diverted. To ensure that 24 hour access to the substation is maintained a ground protection mat would be placed between the two areas of hardstanding creating a temporary access road leading into the site from Kilmartin Way.

- *Whether new houses fronting Kilmartin Way will be responsible for contributing to upkeep of non-adopted roadway:*
 - Kilmartin Way is an access road owned by the London Borough of Havering. The private residents on Kilmartin Way are charged a nominal annual fee of £5.00 for permission to pass over private land (i.e. the Council's land) to their own property. This fee does not cover any form of maintenance.
 - The new houses on Kilmartin Way would be subject to the same legal agreement as the existing properties and as such would also be required to pay the £5.00 annual access licence fee.
 - Any new residents that use Kilmartin Way to access their property will be required to have an access licence. Future access could be denied if any residents do not pay the access licence fee.

- *Adequacy of visibility spaces for vehicle egress into South End Road:*
 - The supporting Transport Statement provided by DHA transport consultants indicates that the proposed access arrangements into South End Road present no issues in terms of visibility. The visibility from this access would exceed the 2.4 metre by 43 metre standards for 30mph roads advised by the Manual for Streets.

The report set out below is the same as that previously presented to Committee on 31st March.

2. Call-in

A call-in request has been received from Councillor Barry Mugglestone on the grounds that some of the planned development appears to egress and ingress into a private road onto Kilmartin Way that the Council have not adopted. Councillor Mugglestone is concerned that with this planning application the developer would remove parking places that are currently in place for the residents in the area.

3. Site Description

- 3.1 The application relates to land at 1 Kilmartin Way, Hornchurch. This is an irregular shaped parcel of land situated to the north of Kilmartin Way, to the east of Ambleside Avenue and the west of Southend Road.
- 3.2 The majority of the site comprises an area of open grassland, with a small garage court located to the north of the site and an area of hardstanding to the southwest used for car parking. An access road for the garage court and an adjacent electricity substation runs along the north of the site linking up with Southend Road. In several locations the site abuts the rear garden boundaries of two-storey residential accommodation at Kilmartin Way, Ambleside Avenue and Southend Road.
- 3.3 The site is relatively flat and covers an area of approximately 7,000 square metres (0.7 hectares). The land has no formal designation in terms of open space and is classified within the LDF as non-designated land.

4. Description of Proposal

- 4.1 The proposal is for the demolition of the garage court and the erection of 18no. new dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses.
- 4.2 The development would comprise an 'L-shaped' arrangement with three terrace rows of houses set within the site, the most northerly of which would be perpendicular to the southern row. The dwellings would be accessed from a new road leading off the existing service road from Southend Road. An additional row of four houses would infill the area adjacent to the existing terrace row of houses on Kilmartin Way and the rear gardens on Ambleside Avenue.
- 4.3 The dwellings would incorporate a contemporary elevation design with a traditional pitched roof arrangement at a height of approximately 9.6 metres. Each of the terrace rows would also feature a taller central pair of houses with the roof ridge heights rising to 10 metres and featuring a rear dormer in order to incorporate additional living accommodation in the attic space.

- 4.4 Each new dwelling would have a private rear garden which would vary in size depending on the positioning of the dwelling within the site, but range between 30 and 50 square metres. The layout of the terraced houses would retain a central area of the open grassland which would form public and communal amenity space.
- 4.5 In terms of car parking; a total of 71no. parking spaces would be provided as part of the development. Of this 38no. parking spaces would be for the 18no. houses set out to the front of the dwellings and in dedicated parking areas within the development. The remaining 33no spaces would be for public parking and would be set out in in a new car parking area in the south eastern corner of the site accessed from Kilmartin Way.
- 4.6 It is proposed that the scheme will provide 100% affordable residential accommodation with 13no. units for affordable rent and 5no. units for a shared ownership scheme. All of the dwellings would have a dual aspect and have been designed to the Technical housing standards minimum internal spacing standards and Lifetime Homes Standard.
- 4.7 Refuse stores would be provided to the front of each of dwelling.
- 4.8 At this stage no details of secure cycle storage have been provided.

5. Relevant History

- 5.1 P0778.12 - Demolition of residential garage and redevelopment of 5No. houses off South End Road - Withdrawn
- 5.2 P2181.04 - Development of 2 no. four-bedroom houses - Withdrawn
- 5.3 P1691.04 - Development of 12 no. 3 bed 5 person houses, 2 no. 3 bed 5 person houses and 4 no. 4 bed 7 person houses - Withdrawn

6. Consultations/Representations

- 6.1 Neighbour notification letters were sent to 89 properties and 10 representations have been received. The comments can be summarised as follows:
- The surrounding roads are too narrow to handle the additional traffic.
 - The existing road surface is poor causing drainage problems.
 - The proposal will increase car parking problems in the area - existing car parking situation on the surrounding roads is already problematic and congested.
 - Noise pollution and disruption during construction.
 - Loss of an area of pleasant green space.
 - Excessive overdevelopment of the site.
 - The design of the houses would be out of character with the area.

- The vehicle access arrangements would create a danger to traffic and pedestrians.
- The recycling bins would attract vermin and fly tipping creating a hazard to health.
- The pedestrian pathway on the access road to Southend Road is not wide enough and the site access is inadequate.
- Significant scale, height and massing of the proposed buildings would be harmful.
- Loss of privacy and overlooking of rear gardens.
- The proposal would create a poor quality cramped development.

6.2 In response to the above: Issues in relation to design, scale, bulk and massing are discussed further in the Density/Layout and Streetscene sections of the report respectively. Issues concerning privacy, overlooking and daylight are considered in the residential amenity section. Car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/Parking' section which is set out below.

6.3 The following consultation responses have been received:

- UK Power Network - awaiting response, comments to be presented verbally at the committee meeting.
- Thames Water - no objection.
- London Fire Brigade Water Team - no objection, the applicant will be required to install 1no. private fire hydrant.
- Greater London Archaeological Advisory Service (GLAAS) - no objection, recommended a condition in relation to the undertaking of a stage 1 written scheme of investigation.
- Regeneration & Partnerships - no comments.
- Designing Out Crime Officer - no objection.
- Lead Flood Authority - no objection, the micro drainage calculations are acceptable for the soak away design.
- Environmental Health - no objection, recommended conditions in relation to a noise impact assessment concerning the Elm Park Primary electricity substation as well as a standard contaminated land investigation condition.
- Local Highway Authority - no objection, recommended a condition in relation to vehicle cleansing.

7. Relevant Policies

- 7.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC18 (Protection of Public Space, Recreation, Sports and Leisure Facilities), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 7.2 Other relevant documents include the Residential Design SPD, Landscaping SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 7.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 7.4 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals.

8. Staff Comments

- 8.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

Principle of Development

- 8.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

- 8.3 In terms of the Local Plan the site is classified as non-designated land and lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres. In addition the open grassland area is not designated as public open space and is within a predominantly residential area.
- 8.4 As such the proposal is considered to be policy compliant in land use terms and its use for residential is therefore regarded as being acceptable in principle.

Density/ Layout

- 8.5 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 8.6 The proposal would provide 18no. residential units at a density equivalent to approximately 26 dwellings per hectare. Policy DC2 states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. However, in this instance the density has been reduced considerably to allow for the retention of large parts of the open grassland areas resulting in a lower density scheme.
- 8.7 The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 8.8 The proposed development would provide 10no. two-bedroom houses and 8no. three-bedroom houses, all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The bedrooms in these dwellings would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with technical housing standards and the houses would provide an acceptable amount of space for day to day living.
- 8.9 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.

- 8.10 The proposed houses would each be provided with private rear garden areas ranging in size from between 30 and 50 square metres, depending on the location of the plot within the site. Future occupiers would also have access to the remaining public grassland areas that would also be re-landscaped as part of the scheme. Responsibility for maintaining this land would continue to remain with the Council.
- 8.11 It is considered that the proposed amenity space would be of a suitable form and size and when taken together with the retained adjacent public space, would therefore result in acceptable living conditions for future occupants of the houses. All of the proposed dwellings would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.

Design/Impact on Streetscene

- 8.12 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 8.13 The proposed new dwellings would incorporate a contemporary elevation design with a traditional pitched roof arrangement at a height of approximately 9.6 metres. Each of the terrace rows would also feature a taller central pair of houses with the roof ridge heights rising to 10 metres and featuring a rear dormer in order to incorporate additional living accommodation in the attic space.
- 8.14 The houses would be positioned around the northern and western sections of the main site in a linear arrangement. It is considered that the scale, bulk, height and massing of the proposed dwellings would match that of the existing two storey houses located adjacent to the site on Ambleside Avenue, Kilmartin Way and Southend Road.
- 8.15 Due to the existing open nature of the site the new dwellings would have a prominent appearance, particularly when viewed from the rear of the surrounding houses. However, given that the houses would be located around the peripheral sections of the site, the majority of the existing grassed area would be retained and the sense of openness across the site would as a matter of judgement be maintained.
- 8.16 In a broader sense additional re-landscaping measures and the removal of the rundown garage court would serve to revitalise the general character and appearance of the area and add a greater degree of quality to the built environment within this section of Kilmartin Way.
- 8.17 On balance it is considered that the proposed development would contribute positively to the local streetscene and respect the open setting of the site whilst serving to regenerate a run down and neglected piece of land, thereby enhancing the character and appearance of the surrounding area.

The scale and bulk of the proposed buildings would also sit comfortably within this setting given the height and scale of the existing houses located adjacent to the site.

- 8.18 As such it is considered that the proposed development would be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

Impact on Amenity

- 8.19 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 8.20 The main consideration in terms of residential amenity relates to the impact on the occupants of the various houses overlooking the site at Nos 1 to 17 Coronation Drive (located to the north of the site), Nos 71 to 93 Ambleside Avenue (located to the west of the main terrace blocks), Nos 1-11 Kilmartin Way (located to the south and east of the development) and Nos 393-419 Southend Road (located to the east of the site).
- 8.21 The proposed northern terraced row of houses would be located some 47 metres from the rear of the properties to the north at Nos 1 to 17 Coronation Drive. Given the separation distances and the lengthy rear gardens at the existing houses, it is not considered that the proposed development would unduly harm the amenity of these dwellings.
- 8.22 The rear elevations of the houses in proposed terraced blocks to the west of the site would be located approximately 32 metres from the rear of the houses at Ambleside Avenue, and some 12 metres from the rear garden boundaries.
- 8.23 It is recognised that the terraced rows would feature a central pair of houses rising to 2.5 storeys including a rear dormer window. However, on balance Staff are of the view that the distances are acceptable in order to maintain outlook and privacy between the new residential dwellings and the neighbouring residents. The terraced rows would also feature staggered rear building lines, which would offset the overall bulk and massing of the buildings. As such it is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Ambleside Avenue.
- 8.24 The side elevation of the northern terrace row would be located approximately 20 metres at the closest point from the rear of houses at Nos 405 to 419 Southend Road. The proposed end dwelling in this row would

feature a blank gable with no window openings. It is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Southend Road.

- 8.25 As part of the proposal a new residents car park would be laid out on the land to the side and rear of houses at Nos 393 to 403 Southend Road, providing 33 spaces. It is acknowledged that the positioning of the new car park presents some potential issues in relation to noise and disturbance in terms of cars manoeuvring and doors being closed. However, the main row of parking spaces would be positioned over 13 metres from the rear of the houses. A wider accessible space would be provided in the south eastern corner of the car park located 11 metres from the rear of No.393, but this is still regarded as an acceptable distance. Around 7 of the spaces would be positioned adjacent to the flank of No.393 on Kilmartin Way, however, these spaces would occupy a section of the verge adjacent to the existing road.
- 8.26 A terrace row of four dwellings would infill the area adjacent to the existing terrace row of houses at Nos 1 to 11 Kilmartin Way and the rear gardens at Nos 83 to 91 Ambleside Avenue. The front elevation of the proposed terrace would follow the building line of the adjacent houses at Kilmartin Way. The new dwellings would project around 3.5 metres beyond the rear building line of the Kilmartin Way house, but would be positioned beyond a 5 metre wide pedestrian pathway and as such would not harm the amenity of the adjacent houses. The side elevation of the terrace row would also be located approximately 26 metres at the closest point from the rear of houses at 83 to 91 Ambleside Avenue. The proposed end dwelling in this row would feature a blank gable with no window openings. It is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Ambleside Avenue.
- 8.27 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.
- 8.28 It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

Environmental Issues

- 8.29 Environmental Health have raised no objection in relation to any historical contaminated land issues associated with the site, but have recommended the inclusion of a standard precautionary contaminated land investigation condition.

- 8.30 The proposal is not considered to give rise to any significant noise issues. It is however recognised that elements of the development to the north would lie within close proximity to the Elm Park Primary electricity substation. As such Environmental Health have recommended that a condition requiring a full noise impact assessment is undertaken prior to commencement in order to ensure that suitable noise insulation measures are incorporated into the development.
- 8.31 The accompanying Ecological Survey states that the proposal should have no or only minor adverse impacts on ecology and biodiversity, with some gains. In ecological terms the proposed development is considered to be acceptable.
- 8.32 The site is not located within a Flood Zone and presents no issues in relation to flood risk. The Sustainable Drainage Systems (SuDS) have been assessed by the Council's Lead Flood Authority representative and the micro drainage calculations are considered to be acceptable for the soak away design.

Parking and Highway Issues

- 8.33 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at between 2 and 3 meaning that the site is classified as having an average to poor access to public transport. Therefore residential development in this location is required to provide a high car parking provision of 2-1.5 spaces per unit.
- 8.34 In terms of car parking; a total of 71no. parking spaces would be provided as part of the development. Of this 38no. parking spaces would be for the 18no. houses set out to the front of the dwellings and in dedicated parking areas within the development (at a ratio of over 2 per dwelling). The remaining 33no spaces would be for public parking and would be set out in a new car park in the south eastern corner of the site accessed from Kilmartin Way.
- 8.35 The existing main vehicular access point into the site from Southend Road would be retained.
- 8.36 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Southend Road. It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/servicing issues.
- 8.37 Each of the dwellings would be served by an enclosed bin store adjacent to the front drive. An additional recycling point would be installed in the new car park.

- 8.38 A this stage no details of secure cycle storage have been provided, however full details will be sought by condition.

Affordable Housing

- 8.39 It is proposed that the scheme will provide 100% affordable residential accommodation with 13no. units for affordable rent and 5no. units for a shared ownership scheme.

Mayoral Community Infrastructure Levy

- 8.40 The proposed development will create 18.no new residential units with 1,793.6 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £35,872 subject to indexation based on the calculation of £20.00 per square metre. However, as the proposal is for affordable housing the applicant may qualify for relief if the proposals meet certain exemption criteria. These would be assessed post planning decision prior to the commencement of the development.

Infrastructure Impact of Development

- 8.41 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 8.42 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 8.43 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 8.44 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

- 8.45 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 8.46 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 8.47 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 8.48 The proposed new dwellings would result in an additional local infrastructure demand such that a financial contribution is needed in accordance with policy DC72. There would be a net addition of 18 units and a charge of £108,000 is considered necessary to make the development acceptable in accordance with the policy which would need to be secured by way of condition owing to the applicant owning the land.

9. Conclusion

- 9.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 9.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.

9.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a unilateral undertaking.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the condition.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement. The planning merits of the application are considered separately to the Council's interests as landowner and applicant.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 24 September 2015 and amended drawings received on 11 November 2015.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

12 May 2016

Subject Heading:

P1652.15 - 2 Brooklands Road, Romford

Erection of an apartment building to provide 10no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings (Received 27/11/15)

Ward:

Brooklands

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- Havering will be clean and its environment will be cared for []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

This application was originally presented to the Regulatory Services Committee meeting of 31st March 2016 with a recommendation for approval. It was deferred in order to clarify the enforcement history on the site, whether vehicle access safety arrangements can be improved and whether a contribution can be made for affordable housing. A full response to the request for clarity is covered later in this report under the 'Background' section.

The proposal is for the erection of an apartment building to provide 10 no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 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 is based on an internal gross floor area of 544m² (821m² minus existing floor area of 277m²) and amounts to £10,880.

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 £60,000 to be used for educational purposes
- 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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services 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 to which this permission relates must be commenced not later than three years from the date of this permission.

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice 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.

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 10 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development

accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Landscaping

No works shall take place in relation to any of the development hereby approved 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: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

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

8. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the

removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

9. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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.

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

11. Boundary Screening/Fencing

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

13. 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: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

14. Energy Statement

No development shall take place until details of the energy efficiency and renewable energy measures detailed in the energy statement has been submitted to and approved in writing by the Local Planning Authority. Copies of the Final Performance Certificates (EPC's) are to be provided as evidence.

Reason: Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

15. Accessible and Adaptable Dwellings

At least 3 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

16. Water Efficiency

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations – Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £10,880.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. 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. Background

- 1.1 At the Regulatory Services committee meeting on the 31 March 2016, it was recommended to Members that determination of this application be deferred so that further information could be provided on the lawfulness of the site use and the buildings on-site.. In respect of this, it is confirmed that the site use (a car dealership) does not benefit from an extant planning permission. That being said, it has been suggested by the applicant that the business was established in 1969 and evidence supplied to Officers appears to confirm this. Whilst it is unclear whether the intensity of the use has increased over time, historical photographs suggest that the site has often been occupied/covered by vehicles and furthermore there is no evidence to suggest a prolonged period of abandonment. With regard to the car port/garage, , aerial photographs demonstrate that this existed as early as 1994.
- 1.2 In context of the above the timeframes available to the Council to take action against unlawful development have long since lapsed. It is also noted that previous enforcement cases have been opened and closed without it being considered expedient to pursue action. The report as presented to Members previously is replicated below. The contents of this, noting the above as an update to the 'Relevant History' section, are considered an accurate portrayal of the site and the proposal. To confirm, whilst the use of the site as existing, as a car dealership, is not formally consented by a planning permission it is considered that the use is lawful given the period of time it has existed and on this basis can be taken into account in judging vehicle movements into and out of the site along the access drive..
- 1.3 In reference to clarity sought on whether vehicle access safety arrangements can be improved. The applicant has indicated that they are prepared to provide lighting along the entrance road in order to improve visibility and this is secured via condition (see condition x). Comments from the Highways Department confirm that the suggestion to have a traffic lights system would not be a practical or proportionate solution for this location.
- 1.4 The applicant has declined the request for a contribution towards affordable housing as it would make the development unviable. No further information has been submitted over the above the viability assessment which accompanied the original submission.

2. Site Description

- 2.1 The application relates to previously developed land to the rear of No's. 4-12 Brooklands Road.

- 2.2 The land is currently occupied by R&L Stevens used car dealership and comprises two existing buildings 1-1.5 storeys in height and an expansive area of hardstanding used for the display of vehicles and car parking.
- 2.3 The site is relatively flat and access to the site is currently provided along a driveway to the south of No. 4 Brooklands Road.
- 2.4 The character of the immediate locality consists of predominantly 2-storey terraced dwellings with the exception of flats to the northeast of the site.

3. Description of Proposal

- 3.1 The submission seeks planning approval for the demolition of the existing buildings on the site and the erection a 2.5 storey apartment building to provide 10 no. 2-bedroom flats.
- 3.2 Amenity space provision is in the form of a 109m² communal amenity area to the rear of the proposed building.
- 3.3 On-site parking will be provided for 10 no. vehicles to the front of the proposed building. Access to the property would be gained via an existing access road off Brooklands Road.
- 3.4 Refuse storage would be provided in the south-western part of the site approximately 30m from Brooklands Road. Secure cycle storage providing space for up to 10 no. cycles would be provided in an outbuilding in the rear garden.

4. Relevant History

- 4.1 ENF/430/13/ - Alleged unauthorised car repairs in the street – Determined that it was not expedient to enforce given the amount of time that has elapsed
- 4.2 ENF/502/15 - Alleged unauthorised car sales and repairs – Activity has been determined to be on-going for more than 14 years and considered immune to enforcement.

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 71 properties and 2 letter of comments, 1 letter in favour and 14 letters of objection were received. The objections raised can be summarised as follows:
- Loss of sunlight
 - Loss of privacy
 - Already a shortage of parking in Brookland Road
 - Construction work would cause disruption
 - Out of keeping with the surrounding area
 - Loss of outlook

- Increase in noise pollution
- Light pollution
- Overbearing building in close proximity to rear garden
- Devalue property
- Removal of trees
- Existing drainage problems in area will be made worse
- Access road too narrow for fire engines
- Additional road traffic and roadside parking will cause a hazard
- Proposed use of red brick would not be in keeping with area
- Concerns regarding waste collection

Issues raised in representations relating to impact of construction works, devaluation of property and impact on existing drainage are not material planning considerations. Other issues raised are covered in the relevant sections of the report below, and cover matters relating to design and visual impact, the impact on amenity, trees and highway related matters.

5.2 The following consultation responses have been received:

- Essex and Suffolk Water - no objection.
- London Fire Department - no objection.
- Designing Out Crime Officer - raised no objection to the proposal
- Environmental Health - no objection, recommended conditions in relation to contaminated land and noise insulation.
- Flood and rivers management officer - no objection
- Highways - objects to the application however this can be overcome if the pedestrian visibility splay issues are dealt with

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC27 (Provision of Community Facilities), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD and the Planning Obligation SPD (Technical Appendices)
- 6.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13

(sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.

- 6.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

7.2 Principle of Development

- 7.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

- 7.2.2 The proposal is for the redevelopment of the existing residential site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.

- 7.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its on-going use for residential purposes is therefore regarded as being acceptable in principle.

8.3 Density/Layout

- 8.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 8.3.2 The proposal would provide 10 no. residential apartments at a density equivalent to approximately 91 dwellings per hectare. Policy DC2 states that a dwelling density of between 50 to 110 dwellings per hectare would be appropriate in this location. The number of units per hectare is in keeping the recommended range and considered acceptable.

- 8.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new

residential development conforms to nationally described minimum internal space standards.

- 8.3.4 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 8.3.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 8.3.6 An area of approximately 109m² to the rear of the building would be landscaped and set out as communal shared amenity space. The communal garden is considered to provide the occupants of the proposed flats with a reasonable provision of outdoor amenity space. Balconies are not proposed first floor units as this may result in an increased perception of overlooking.
- 8.3.9 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 8.3.10 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has not raised an objection to the proposal.

8.4 *Design/Impact on Streetscene*

- 8.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 8.4.2 The proposal would not be visible from Brooklands Road and is therefore not considered to have an impact on the streetscene.
- 8.4.3 The proposal has been carefully considered to reduce any perceived mass or impact by siting the development toward the rear of the site and in closer proximity to an existing block of flats to the north east of the subject site. Staff further consider the hipped roof, design and articulation of the elevations to reduce the perceived bulk whilst adding visual interest and depth to the building.
- 8.4.4 The proposed development is considered to be sympathetic to the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with Policy DC61 and the Residential Design SPD.

8.5 *Impact on Amenity*

- 8.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 8.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the residential dwellings situated to the north, south and east of the site. A block of flats is situated to the north east of the site.
- 8.5.3 Staff do not consider the proposal to have an unacceptable impact to the neighbouring amenity of the properties to the north as there are no flank windows proposed at first and second floor levels, the roof is hipped away and there is a separation distance of approximately 24m between the proposed building and these neighbouring properties and 2m to their back gardens. The long back gardens of these properties would mitigate any overbearing impact that may result.
- 8.5.4 Similarly the neighbouring properties situated to the south have a separation distance of 32m. There would be a separation distance of 8m between the development and these neighbour's rear boundaries. Staff consider the separation distances to be sufficient not to result in an overbearing development or have an unacceptable impact on neighbouring amenity in terms of overlooking or loss of light.
- 8.5.5 The residential properties situated to the southwest of the proposed development have a separation distance of approximately 23m from the proposed development with a distance of approximately 8m from the back fence of the rear gardens to the block of flats. Although there will be a degree of overlooking from the first floor and loft windows, Staff do not consider the impact to be unacceptable given the separation distances described. However Staff acknowledge that this is a balanced view and members may wish to give more weight to the potential for overlooking. The proposal is not considered to result in an overbearing development to these properties or result in loss of light given the 8m separation distance from their back fences.
- 8.5.6 It is acknowledged that there would be some impact on outlook and loss of light to the block of flats situated to the northeast; however Staff do not consider the impact to be of such a degree as to warrant a refusal. This is however a balanced view and members may wish to give more weight to the impact on outlook and loss of light.
- 8.5.7 Staff also acknowledge that there will be some impact on neighbouring amenity as a result of vehicle movement in and out of the development however Staff do not consider this to be unacceptable given that the site is

currently used for vehicle sales and repairs which has a similar amount of vehicle movements.

8.5.8 The bulk and mass of the proposed building would be larger than that of the surrounding residential dwellings, however Staff do not consider it to have an unacceptable impact on neighbouring amenity in terms of outlook given the separation distances from neighbouring dwellings and its location in the rear garden environment.

7.5.9 It is considered that the proposed development would not unacceptably harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

7.6 *Environmental Issues*

7.6.1 Environmental Health has raised no objection to the proposal; however requests a condition for sound insulation in the event of an approval.

7.6.2 There are some mature trees situated near the boundaries of the subject site. The applicant has not given any indication as to which trees would be removed, however none of the trees are protected. A landscape condition will be added in the event of an approval to provide details of the trees to remain and those to be removed.

7.7 *Parking and Highway Issues*

7.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 4 meaning that the site is classified as having relatively good access to public transport. Therefore flatted development in this location is required to provide car parking provision of 1.5-1 spaces per unit.

7.7.2 The proposal can provide a total of 10 no. off-street car parking spaces within the site to cater for the proposed 10 no. 2 bed flats. The car parking provision would be arranged to the front of the development. The parking provision would result in a ratio of 1 parking space per unit which meets the requirements for this part of the Borough.

7.7.3 Secure cycle storage providing space for up to 10 no. cycles would be provided in an outbuilding to the rear of the block of flats. A cycle storage condition will be added in the event of an approval. Refuse storage will be provided close to the front entrance of the flatted block and within 30m from the collection point which meets with the approval from Streetcare. A refuse storage condition will be added in the event of an approval.

7.7.4 The Highways Authority has raised an objection to the lack of pedestrian visibility splays.

7.7.5 The proposed development would arguably not create significantly more vehicle movement than the former scenario. The proposal will utilise the existing access arrangements and given that the site was formerly used as a car sales/repair business and the applicant has provided a traffic survey within the transport statement to quantify the existing level of traffic activity, Staff do not consider the lack of visibility splays to constitute a sufficient reason for refusal. Members may however attach more weight to the potential impact on pedestrian safety and the requirement for visibility splays and may wish to refuse the application on these grounds.

7.8 *Affordable Housing*

7.8.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 5 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. The valuation has been independently appraised and that appraisal has concluded that the scheme cannot support any affordable housing provision, when taking into account the financial obligations required by the Mayoral Community Infrastructure Levy and Policy DC72 in connection with education provision.

7.9 *Mayoral Community Infrastructure Levy*

7.9.1 The proposed development will create 10 no. new residential units with 544m² of new gross internal floorspace (821m² minus existing floor area of 277m²). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £10,880.00 subject to indexation based on the calculation of £20.00 per square metre.

7.10 *Infrastructure Impact of Development*

7.10.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

7.10.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the

educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

7.10.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

7.10.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

7.10.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

7.10.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

7.10.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

7.10.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

7.11 *Trees*

7.11.1 There are no current or formerly protected trees present on the subject sites.

8. **Conclusion**

8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. There are margins of judgement in respect of the lack of visibility splays, the impact upon outlook for the flats to the north east and the potential for overlooking of the properties to the southwest of the subject site. For the reasons outlined in the report, on balance, Staff consider the proposals to be acceptable in these respects.

8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the surrounding area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including accessible and adaptable units and wheelchair adaptable units.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 27 November 2015.

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**REGULATORY
SERVICES
COMMITTEE**

12 May 2016

REPORT

Subject Heading:

P1714.15 62 Great Gardens Road,

Demolition of existing dwelling and construction of 2 x 3 bedroom dwellings with private amenity space and off street car parking (Application received 25 November 2015)

Ward

Emerson Park

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

SUMMARY

The application is seeking planning permission for the demolition of an existing bungalow and the construction of a pair of semi-detached dwelling houses. The site is Council owned.

The proposed dwellings would have a combined footprint of approximately 105m² and would incorporate a hipped roof with characteristic two storey projection to the front. The proposed dwellings would consist of two storeys with a sitting room, dining room, kitchen, toilet and hallway at ground floor, with three bedrooms and a bathroom at first floor level.

Two off street parking spaces are shown on submitted plans for each dwelling and the rear garden of the donor property will be subdivided to allow separate private amenity space for both dwellings.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 95 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of a £1,900 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used for educational purposes.
- 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services 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 to which this permission relates must be commenced not later than three years from the date of this permission.

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

2. Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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 approved plans, particulars and specifications (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Landscaping

No works shall take place in relation to any of the development hereby approved 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: To minimise the impact of the development on the surrounding area in the interests of amenity.

5. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

6. Standard Flank Window Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

7. Boundary Treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61

8. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

9. Construction Methodology

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. Wheel Washing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

11. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use

commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

12. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. Parking Provision

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.

14. Access

The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

15. Non Standard Condition

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

Reason: To prevent noise nuisance to adjoining properties.

16. Vehicle Access

The necessary agreement, notice or license to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with the policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17 and DC61.

17. Contaminated Land

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.

INFORMATIVES

Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent by email January 2016. These required the dwellings to be set back deeper into the plot to accommodate vehicle parking to the frontage which would otherwise not have complied with council policy. The amendments were provided on 29-01-2016

Approval and CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1900 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

Planning Obligation

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 relates to a plot of land at 62 Great Gardens Road.
- 1.2 The building form within the locality is varied, and comprises mainly of bungalows and two storey semi-detached residential dwellings. The application property is flanked by pairs of two storey semi-detached dwellings. Staff observed a significant drop in ground level to the rear of the site.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of an existing bungalow and the construction of a pair of semi-detached dwelling houses.
- 2.2 The proposed dwellings would have a combined footprint of approximately 104m² and would incorporate hipped roofs with a characteristic two storey projection to the front. The proposed dwellings would consist of two storeys with a sitting room, dining room, kitchen, toilet and hallway at ground floor, with three bedrooms and a bathroom at first floor level.
- 2.3 Two off street parking spaces are shown on submitted plans for each dwelling and the rear garden of the donor property will be subdivided to allow separate private amenity space for each proposed dwelling.

3. History

- 3.1 None relevant

4. Consultation/Representations

- 4.1 Notification letters were sent to 29 neighbouring properties. One objection was received which expressed concern over the present situation with vehicle parking within Great Gardens Road. The objection is explored below within the highways section of the report
- 4.2 Highway Authority – Highway Authority initially objected to the parking layout, however this objection was withdrawn following the submission of revised plans on 29-01-2016.
- 4.3 Environmental Health – No objections.

5. Relevant Policy

- 5.1 Policies CP1, CP2, CP17, DC2, DC3, DC7, DC33, DC35, DC61, DC63, DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.
- 5.2 Also relevant are Policies 3.1, 3.4, 3.8, 5.12, 6.9, 7.1, 7.3, 7.4, 8.3 of the London Plan and the National Planning Policy Framework (NPPF)
- 5.3 The Technical housing standards – national described space standard is also applicable.

6. Staff Comments

- 6.1 The application is being reported to Committee because the site is Council owned and a letter of objection has been received.
- 6.2 The main considerations relate to the principle of the development and the layout of the scheme, the appearance of the proposed dwelling in the street scene, the implications for the residential amenity of future occupants and nearby houses and the suitability of the proposed parking and access arrangements.

7. Principle of Development

- 7.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 7.2 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle, subject to other policy considerations.

8. Density/Site Layout

- 8.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning

permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 8.2 The proposal would provide 2no. residential units at a density equivalent to approximately 41 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 30 and 65 dwellings per hectare would be appropriate in this location.
- 8.3 Staff will also seek to apply the standards offered by the Technical Housing Standards - Nationally Described Space document. Contained within this document are requirements for gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 8.4 The proposed dwellings exceed the required gross internal floor area and benefit from sufficient headroom over and above the required 75% of the GIA. It is also the view of staff that the proposed dwellings would comply with all other standards which must be applied in terms of bedroom sizing. Staff can therefore conclude that the internal layout would make provision for an acceptable standard of living accommodation for future occupiers
- 8.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. An acceptable amount of amenity space is provided for each dwelling, 196m² and 159m² respectively as a result of the subdivision. The surrounding dwellings within this suburban location are characterised by private spacious rear gardens and it is considered that the arrangement demonstrated on submitted plans respects this principle.

9. **Design/Impact on Street/Garden Scene**

- 9.1 The building form within Great Gardens Road is varied comprising primarily of a mix of semi-detached dwellings of one and two storeys.
- 9.2 The introduction of a pair of semi-detached dwellings would not appear uncharacteristic as the host premises is currently flanked by two storey dwellings on either side.
- 9.3 The overall height and eaves height of the proposed dwellings would be consistent with other properties within the locality and those which flank the site. The projection to the rear, both at ground and first floors accords with the aims of the Residential Extensions and Alterations SPD.
- 9.4 In addition the design has sought to replicate the form of other semi-detached dwellings within the locality, including a characteristic two storey projection to the front elevation to allow for bay windows at ground and first floors. This further aids with the integration of the proposed dwellings into the Great Gardens street-scene.

9.5 No objections are raised in respect of the visual impact of the development proposed.

10. Impact on Amenity

10.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

10.2 The relationship between the proposed semi-detached pair and unattached neighbouring premises to the sides would be comparable to that of other two storey dwellings within the locality. Flank windows exist at first floor on both neighbouring premises, however historic detail and observations made by staff confirm that they serve landings/hallways and not primary habitable rooms.

10.3 In addition to the above, staff are of the opinion that there is an acceptable separation distance between premises on either flank, such that when the principles of the Residential Extensions and Alterations SPD are applied, the proposed development complies. In addition the roof of the proposed building is hipped away from the boundaries of the site.

10.4 The projection at ground and first floors to the rear of the proposed dwellings also accords with the guidance offered by the Residential Extensions and Alterations SPD.

10.5 Outlook to the rear on this side of Great Gardens Road is directly south. Impact to the unattached neighbour to the west is negated by existing development at ground floor level and this favourable orientation. Given that there would be an adequate separation distance in excess of 2.20m and the same orientation the development proposed would have no undue impact on light loss sufficient enough to justify grounds for refusal in relation to the other unattached neighbour located to the east.

10.6 Staff observed during site inspection that the ground level to the rear properties on the southern side of Great Gardens Road has a substantial gradient with the ground level falling away to the south, such that the host premises has a raised patio and steps down into the garden. This is not uncommon within the locality with many premises benefiting from similar access to the rear garden. The applicant proposes no changes in ground level and it is intended that the patio remain as it is currently in terms of height and depth, with the addition of a second set of steps in order that both proposed dwellings are able to access the rear garden environment. In terms of privacy and potential for overlooking staff are of the opinion that the relationship between neighbouring premises would not be worsened as

a result. Detail of proposed boundary treatment will be secured by condition.

10.7 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties in accordance Policy DC61.

11. Highway/Parking

11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site and the donor property are located within an area which has poor level of access to public transport and consequently a high standard of 1.5-2 parking spaces is required for the proposed dwellings. The applicant proposes two spaces per dwelling.

11.2 The parking arrangement shown on the revised plans which set the pair of properties back deeper into the plot meets the minimum depth/width of spaces required. The adequate provision of off street parking spaces addresses the objection raised about parking difficulties within Great Gardens Road.

11.3 The Council Highways Department have raised no objections to the proposed development. The proposed development is considered acceptable in parking standards terms and in accordance with Policy DC33.

12 Mayoral CIL

12.1 The proposed development will create 1 no. new residential unit with 95m² of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £1900 based on the calculation of £20.00 per square metre.

12. Section 106

12.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010(CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

12.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development

proposals should address strategic as well as local priorities in planning obligations.

- 12.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 12.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 12.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 12.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 12.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 12.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

12. Conclusion

12.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form and character of locality, nor give rise to any unacceptable impact to the amenity of adjacent neighbouring occupiers, nor result in highway issues.

12.2 The application therefore complies with aims and objectives of all relevant planning policy and approval, subject to a legal agreement and the safeguarding conditions listed at the beginning of this report, is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions will be sought through the legal agreement, should the application be approved.

Legal Implications and risks:

Legal Resources will be required to prepare and complete the legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form and drawings received 25-11-2015

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