



**REGULATORY
SERVICES
COMMITTEE₃**

December 2015

REPORT

Subject Heading:

P1429.15: Ongar Way and Rainham Road, South Hornchurch

Demolition of garages and redevelopment of site to provide 9 dwellings (revised scheme to previous permission P1644.11) (Application received 6 October 2015)

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	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

The application site comprises land in the ownership of the Council. The application is for the redevelopment of this site to create 9 units, comprising a mix of houses and bungalows. Planning permission has previously been granted for a 12 unit development, broadly similar to that now proposed. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The site will be developed by the Council and all units are proposed to be offered as affordable housing. It is recommended that planning permission is granted.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £13,500. This is based on the creation of 675m² of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement to secure the following:

- A financial contribution of £54,000 (such contribution having already been paid to the Local Authority under the previous scheme) to be used towards educational infrastructure costs
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- 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 subject to the conditions set out below:

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials – The development shall be carried out in accordance with the external materials stated in the letter dated 19 October 2015 from Dovetail Architects.

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 shall be carried out in accordance with the landscaping details previously approved under application reference Q0107.15, unless otherwise submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that

the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to the details previously submitted to and agreed in writing by the Local Planning Authority under application reference Q0107.15 and shall be retained thereafter in accordance with the approved details.

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 agreed in writing by the Local Planning Authority under application reference Q0107.15 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Boundary treatment –Prior to the first occupation of the development hereby approved, all proposed walls, fences and boundary treatment shall be erected at the site in accordance with the details previously submitted to, and approved in writing by, the Local Planning Authority under application reference Q0107.15. The boundary development shall then be retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the first occupation of the development hereby permitted, the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be carried out in accordance with the details previously submitted to and approved in writing by the Local Planning Authority under application reference Q0107.15.

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.

10. External lighting - Prior to the first occupation of the development the lighting of external areas of the development including shall be carried out in accordance with the details in the submitted Outdoor Lighting Report dated 4 November 2015 and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

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 LDF Development Control Policies Development Plan Document Policy DC61.

12. Wheel washing – The development hereby approved shall be carried out in accordance with the details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction that have been previously submitted to and approved by the Local Planning Authority under application reference Q0107.15. 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.

13. Construction methodology – The development hereby approved shall be constructed in accordance with the Construction Method Statement details previously submitted to and approved in writing by the local planning authority under application reference Q0065.15 to control the adverse impact of the development on the amenity of the public and nearby occupiers.

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

14. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I and II Report having already been

submitted to and approved by the Local Planning Authority under application Q0107.15):

- a) A Phase III (Risk Management Strategy) Report (as the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation). The report will comprise two parts:

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

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

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

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

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

15. No additional flank windows - 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 approved plans), shall be formed in the flank walls of the dwellings 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.

16. Removal of Permitted Development Rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (or any order revoking and re-enacting that order with or without modification), no development shall take place under Classes A, B, C or E (other than outbuildings with a volume no greater than 10 cubic metres) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

17. Alterations to Public Highway: The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will ensure good design and public safety and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

18. Licence to alter Public Highway: 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: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

19. Levels: The development shall be carried out in accordance with the details of proposed levels submitted to and approved in writing by the Local Planning Authority under application reference Q0107.15.

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

20. Accessible and Adaptable Dwellings: 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.

Informatives:

1. 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.
2. 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.
3. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. 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.
4. 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.
5. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought

from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

6. 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.
7. 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 £13,500. 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. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Background

- 1.1 The application site comprises land that is owned and being developed by the Council. Planning permission was granted for residential development of 12 units on the site in May 2014 (planning permission reference P1644.11) and construction of the development has commenced. Following commencement it is now apparent that the development cannot be built as approved owing to the location of a BT duct to the western end of the site. As a result, the development has been reduced to 9 units, as applied for under this new application.

2. Site Description

- 2.1 The application site is located to the south side of Ongar Way. The site also has boundaries on to Rainham Road, to the west and to the south of the site. Newtons Corner roundabout lies to the immediate west of the application site.
- 2.2 The site originally comprised a number of garage blocks, some in use and some in a relatively dilapidated condition. There are three separate access points to the site, all of which lead from Ongar Way. The site is generally level and is backed onto on its north and south side by the rear garden of dwellings in Ongar Way and Rainham Road respectively. There are also

two existing flatted blocks, which share a boundary on to the application site. The western end of the site abuts, but does not include, an area of open space, which is a designated village green. To the east the site shares a boundary with a parade of shops with residential over, which front on to Writtle Walk.

- 2.3 The surrounding area is predominantly residential in character, drawn from a mix of two storey housing and low-rise flats. Work has already commenced on the re-development of the site.

3. Description of Proposal

- 3.1 The application is for the demolition of the existing garage blocks and redevelopment of the site to provide 9 no. residential dwellings. The three existing points of vehicular access into the site will be retained (these are referred to within the application as the west, central and east access roads). The development of this site will effectively form three cul-de-sacs, each served by one of the vehicular accesses.
- 3.2 At the western end of the site, the access road will be altered to provide on street parking spaces, leading into a cul-de-sac of 4 units (there were previously 7 units proposed in this part of the site), comprising 2 no. 3 bed semi-detached houses, 1 no. 2 bed bungalow and 1 no. 1 bed bungalow. There will be a 1.8m high brick boundary wall to the western site boundary onto the green.
- 3.3 The existing access to the central part of the site will also be modified to provide additional on street parking. Three bungalows will be built in this part of the site.
- 3.4 At the eastern end of the site, the existing access will be modified to enable the creation of on-street parking, although 6 existing garages will be retained. There will be no direct vehicular access from this part of the site to any of the proposed new dwellings. A pair of semi-detached houses will be constructed at the eastern end of the site, facing onto and accessed directly from Rainham Road. The proposals no longer provide an additional parking area on Rainham Road that was initially proposed for use of Writtle Walk residents.
- 3.5 Overall the proposal provides a total of 18 new parking spaces for the proposed dwellings, which is a ratio of two spaces per unit. In addition 42 surface car parking spaces will be created, as well as the retention of an existing block of 6 garages at the eastern end of the site.
- 3.6 The application proposes a range of detached and semi-detached dwellings, comprising bungalows and two storey units. All of the proposed dwellings are of a simple, traditional design. External materials have previously been agreed under the previous permission and are

predominantly brick with grey roof tiles, with some elements of render and external cladding.

4. History

- 4.1 P0510.08 The redevelopment of site occupied by 52 single storey garages to provide 13 houses and 15 apartments – withdrawn.
- 4.2 P1644.11 Demolition of existing garages and construction of 12 no. dwellings - approved

5. Consultation/Representations

- 5.1 Neighbour notification letters have been sent to 123 addresses. One letter of representation has been received querying the reason for the new application. No objections to the proposal have been received.
- 5.2 Highways have been consulted and raise no objection to the proposal but note that there appears to be further stopping up of the highway required.
- 5.3 Environmental Health raise no objections but request a contaminated land condition.
- 5.4 The Fire Brigade (water) raise no objections.

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6. Relevant Policies

- 6.1 The National Planning Policy Framework, specifically Sections 1, 4, 6 and 7, is a material consideration.
- 6.2 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), 5.21 (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.
- 6.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC52, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

In addition, the Technical Appendices to the Planning Obligations Supplementary Planning Document (SPD), Residential Design SPD and Designing Safer Places SPD are material considerations.

7. Staff Comments

7.1 The issues arising from this application are the principle of development, the density and layout of the new development and the impact of its design, scale and massing on the character and amenity of the locality, the quality of the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues and the impact on community infrastructure. The previous planning permission is a material consideration in the assessment of these proposals.

7.2 Principle of Development

7.2.1 The application site was previously used primarily for parking and garaging and constitutes previously developed land. Therefore its redevelopment for residential purposes is considered to be acceptable in principle, and has been accepted by virtue of the previous planning permission, and accords with Policy CP1 of the Local Development Framework (LDF), the provisions of the London Plan and the National Planning Policy Framework (NPPF).

7.3 Density and Site Layout

7.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the borough' where a density range of 30-50 units per hectare applies. The application site has an area of 0.4 hectares and proposes 9 new dwellings. This equates to a development density of 22.5 units per hectare and is below the range specified in Policy DC2. The low density of the development is created largely by the provision of a significant amount of surface parking within the development to compensate for that lost through demolition of the existing garages. The density is comparable with that previously approved and acceptable in principle.

7.3.2 The development proposes a development of one, two and three bedroom family housing. This complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. The proposals have been assessed against the Technical housing standards – nationally described space standards and found to comply. As with the previous application, the proposals should be designed to current standards of accessibility and adaptability. This can be secured through a planning condition requiring compliance with the relevant Building Regulation standard.

7.3.3 The layout of the site is virtually identical to that previously approved, although three of the units have now been removed from the western end of the development. In respect of site layout, the development will utilise the existing site entrances from Ongar Way. There is no objection to this in principle, although some stopping up of the public highway will be required. Consent to undertake this work will need to be secured outside of the planning process. It is understood that a stopping up order was made with regard to the previous planning permission P1644.11 but that further

stopping up may be required. The layout of the site is constrained by the irregular shape of the site, its relationship to surrounding residential properties and the high proportion of surface car parking provided, which is to compensate for the loss of existing garage spaces. The proposals respond to these constraints by effectively forming a series of three cul-de-sacs, enabling each dwelling to have access to its own dedicated parking spaces, provision of private amenity space and a secure and defensible living environment. The existing site has numerous garages, many of which were unused and vandalised. This proposal represents an opportunity to remove the garages, which were a source of anti-social behaviour and replace them with a safer, better laid out site that provides much needed housing and improved parking facilities for local residents. Although these factors affect how the site can be laid out, it is considered that the low density development of the site enables a reasonably spacious arrangement of the dwellings, all of which have access to private amenity space, which in terms of size, layout and usability meet the guidance in the Residential Design SPD. It is however recommended that permitted development rights are removed by condition in view of plot sizes and the relationship between dwellings. Care will also need to be taken with the detailed design of boundary treatment to ensure that the right balance is struck between the need for privacy/security and the visual character and amenity of the development as a whole. Details of boundary treatment have been provided and are judged to be acceptable.

- 7.3.4 Staff have given consideration to the quality of the resultant living environment, particularly the bungalows, as these are generally on smaller plots than other units within the development. It is acknowledged that, for the most part these are positioned tight to the southern boundary of the site but they are designed so that there are no habitable windows facing direct to the boundary and units are considered to have an acceptable outlook. There is scope to provide defensible space in front of windows through appropriate landscaping and to provide privacy and security through appropriate boundary treatments. On balance the living arrangements are considered acceptable and have already been accepted in principle by virtue of the previous permission.
- 7.3.5 A number of the units within the development are situated behind the houses fronting Rainham Road and Ongar Way, thus limiting their presence in the streetscene. Only two houses are now proposed at the western end of the site, where they will be visible from the wider streetscene, as they back on to the existing village green. This arrangement has previously been judged acceptable and there are no material changes in this respect. Also, the dwellings are not hard up against the boundary of the site with the village green, so physically will appear less overbearing. Whilst a new brick boundary wall is proposed, given that there are currently brick built garages backing on to the green, it is not considered this would be detrimental to the overall character or degree of openness the green presently displays. The development also includes a pair of houses to the Rainham Road frontage, at the eastern end

of the site. These follow the building line of neighbouring development and are acceptable in principle.

- 7.3.6 An application for Secured by Design accreditation has already been made in respect of the previously approved scheme and Staff are satisfied that this proposal has taken reasonable measures to make the development as safe as possible.

7.4 Design and Visual Impact

- 7.4.1 Architecturally, the proposed dwellings have a traditional appearance, constructed predominantly of brick with a tiled pitched roof. There is no predominant character to development in the locality, although built form, materials etc. tend to be of traditional appearance, such that the proposed development is considered to be appropriate to the locality. Details of external materials have already been approved for the earlier consent and can be brought forward to this scheme.

- 7.4.2 In terms of scale and massing, the dwellings within the central part of the site are designed as bungalows, with no accommodation in the roof. This form of development is necessitated by the close relationship to the rear gardens of neighbouring dwellings and is considered to be appropriate to the site. There will only be limited views of the bungalows in the wider streetscene, from Ongar Way, and the impact of this element of the development on local character is considered to be acceptable.

- 7.4.3 At the western end of the site, the previous permission accepted five dwellings. Given the removal of three units the visual impact in this part of the site is lessened compared to the previous approval and is judged acceptable.

- 7.4.4 The development also proposes a pair of semi-detached houses, at the eastern end of the site, which will front on to Rainham Road. These are the same as previously approved and their impact is therefore judged acceptable.

- 7.4.5 On balance therefore, having regard to the site constraints and the character of the locality, as well as the previous planning permission, it is considered that the character, design and appearance of the proposed development is acceptable.

7.5 Impact on Amenity

- 7.5.1 The impact on residential amenity was assessed under planning application P1644.11 and found to be acceptable. This application proposes no material change to the previous scheme, other than to remove three units. Therefore, the proposal gives rise to no materially different amenity impacts compared to the previous permission and is judged to be acceptable.

7.6 Environmental Impacts

- 7.6.1 The application site is located in Flood Zone 1, which is the lowest risk flood zone. The site is less than 1 hectare in area so a surface water risk assessment is not required either. The site is previously developed land and not considered to be at significant risk of flooding and the proposal is judged acceptable in this respect.
- 7.6.2 A land contamination desk top and site investigation study have been carried out. Land contamination conditions have been partly discharged already in respect of the previous permission and the development that has already taken place on site. This can be carried forward to any new consent.

7.7 Parking and Highway Issues

- 7.7.1 The application proposes two parking spaces per dwelling, which accords with the LDF requirement for 2-1.5 spaces per unit. The proposal is therefore compliant in principle with the LDF. Additionally, the scheme provides 42 surface parking spaces for use by local residents and retains an existing block of 6 garages. This is considered to adequately compensate for the loss of existing garaging facilities from the site. The parking arrangements are similar to those found acceptable under the previous application, although there are six fewer spaces to the Rainham Road frontage. Staff consider the parking spaces to be acceptably laid out within the site and to be adequate to serve the proposed development.
- 7.7.2 Each dwelling will be required to make provision for cycle storage to accord with the standards set out in Annex 6 of the LDF. Details have already been provided in connection with the previous development and found acceptable and these can be secured by condition.
- 7.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals but note that part of the site is shown as Highway and will have to go through the 'stopping up' procedure under Section 247 (Town and Country Planning Act). As this will also involve work to make good the remaining highway at the entrance to the site, Highways will require the developer to enter into an agreement with The Highway Authority.
- 7.7.4 Streetcare were consulted in respect of the previous application and raised no objection to refuse collection arrangements. The Fire Brigade raised no concern with regard to access on the originally submitted plans.

7.8 Affordable Housing

- 7.8.1 As the development is for less than ten units, there is no planning policy requirement to provide affordable housing. Members may wish to note that this scheme is being developed by LB Havering and the intention is for low cost home ownership with the units being sold to purchasers who are not

able to afford to purchase their own property outright on the open market. This will not however be secured through the planning application as the number of units is below the minimum policy threshold for affordable housing.

7.9 Infrastructure

7.9.1 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.

7.9.2 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.

7.9.3 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.

7.9.4 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.

7.9.5 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.

7.9.6 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.

7.9.7 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.

7.9.8 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 £54,000 for educational purposes would be appropriate. It should be noted that an infrastructure contribution of £72,000 was required by the previous planning permission, secured through a planning condition. The contribution has already been paid under the previous scheme therefore in order to link the payment to this scheme, it is necessary for the applicant to enter into a legal agreement with the council to secure the contribution for the current scheme.

8. The Mayor's Community Infrastructure Levy

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The site does include garages which are to be demolished. Under the provisions of the CIL regulations (as amended) the area of these buildings could be deducted from the CIL liability if they have been used for six months out of the three years prior to the grant of planning permission. However, the majority of the garages on the site appear unused and there is no evidence to support their deduction from floorspace. The applicable fee has been calculated based on the internal gross floor area of the proposed development of 675m², which equates to a Mayoral CIL payment of £13,500 subject to indexation.

8.2 It is open to the developer to make an application for CIL liability relief in respect of those units which are provided as affordable housing.

9. Conclusion

9.1 The proposed residential development on the site is acceptable in principle and has been accepted by the previous permission. There is no significant difference between the previous approval and this application, only a loss of three of the previously approved units. There is considered to be no material change in circumstances or policy that would lead to a different

conclusion to the previous application and it is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

The application site comprises land in the ownership of the Council. This application is however considered solely on the planning merits of the proposals. Legal resources will be required for future work relating to the stopping up of the highway.

Human Resource Implications:

None arising from this application.

Equalities and Social Inclusion Implications:

Planning applications are determined with full regard to equalities issues. The application responds to these issues by providing a range of housing types, with regard to the need for housing for people with disabilities and life time homes criteria, thus meeting a range of community needs.

BACKGROUND PAPERS

1. Planning application P1429.15 received 6 October 2015.