



REGULATORY SERVICES COMMITTEE

17 December 2015

REPORT

Subject Heading:

P0421.15: 7 Highview Gardens (Land Adj), Upminster

**Erection of 1no. detached house.
(Application received 16 April 2015)**

Ward:

Upminster

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 1no. two-storey detached house to the side of the existing bungalow No. 7 Highview Gardens.

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 Section 106 Agreement.

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 132 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £2640.00 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement 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 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 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. 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.

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: 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.

5. Parking Provision

Before any part of the dwelling hereby permitted is first occupied the car parking provision as indicated in drawing '2014/05/06 E' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and 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.

6. Alterations to 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 development.

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

7. 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.

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. 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 area 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.

10. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening (other than those shown on the submitted and approved plans), shall be formed in the flank wall of the building 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.

11. Obscure Glazing

The proposed first floor window in the east facing side elevation, namely the shower room window, shall be permanently glazed with obscure glass.

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

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. 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.

14. Boundary Fencing

The proposed new dwelling shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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. Garage

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the attached garage hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason: To restrict the use to one compatible with a residential area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

16. Unforeseen 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.

17. Accessible and Adaptable Dwellings

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.

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 the agent Brian Bye. The revisions involved alterations to the roof design and positioning of the garage.
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 £2640.00 (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. 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..

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. 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.

REPORT DETAIL

1. Call-in

- 1.1 The application has been called-in to committee by Councillor Linda Van den Hende on the grounds of overdevelopment, impact on the amenity of neighbours and proximity of the Grade II listed Upminster Windmill.

2. Site Description

- 2.1 The application relates to land adjacent to the property 7 Highview Gardens, Upminster. This is a rectangular strip of garden land located to the side and rear of the existing semi-detached bungalow. The site is relatively flat but is positioned towards the brow of the rising gradient along Highview Gardens which increases from west to east.
- 2.2 The garden land is enclosed by a wall and mature hedgerow along the road frontage and boundary with No.9 Highview Gardens to the west. A small copse of trees including an Oak Tree and Yew Tree which are protected by a Tree Preservation Order is located to the south. Beyond the trees is the Grade II* listed Upminster Windmill.
- 2.3 The site is located within a predominantly residential area and Highview Gardens is characterised by semi-detached and detached two storey houses, and bungalows.

3. Description of Proposal

- 3.1 The application is seeking planning permission for the erection of 1no. two-storey detached house to the side of the existing bungalow No. 7 Highview Gardens.
- 3.2 This application follows the refusal of planning application P1128.14 in March 2015. The previous application sought the demolition of 7 Highview Gardens and the erection of 2no. semi-detached houses and 1no. detached house but was refused by the Regulatory Services Committee in March 2015. The refusal grounds cited that the proposal would result in the unbalancing of a former pair of bungalows, giving rise to an incongruous appearance in the streetscene and that the height, scale and setting of the development would be overly obtrusive in the prevailing streetscene.
- 3.3 In comparison to the previously refused scheme the current application is essentially seeking to retain the existing bungalow and erect a new detached two-storey dwelling on the side garden land.
- 3.4 The existing plot would be subdivided creating a rectangular shaped site with the proposed dwelling following the building line of No.s 7 & 9 Highview Gardens. The house would be positioned within the northern section of the site approximately 1.2 metres from the western boundary with No.9 at the closest point and 1.2 metres from the eastern boundary with the donor property at No.7.
- 3.5 The proposed house would incorporate a hipped pitched roof design with a ridge height of 8.6 metres - a reduction of approximately 0.5 metres from the previous scheme. The house would be 6.3 metres in width and 10.3 metres in depth including a single storey section to the rear and an attached single storey garage to the side adjacent to the boundary with No.7.
- 3.6 Internally the house would include a living room/ dining room, kitchen, hall and WC at ground floor level and three bedrooms, a study bathroom and en-suite at first floor level over approximately 107 square metres of internal floorspace.
- 3.7 Off street car parking provision for 2no. vehicles would be provided with the creation of a new driveway and attached garage. The existing attached garage and driveway for the donor bungalow would be retained for the existing property.

4. Relevant History

- 4.1 P1128.14 - Demolition of 7 Highview Gardens and erection of 2No semi-detached houses and 1No detached house - Refused 23 March 2015

5. Consultations/Representations

5.1 Notification letters were sent to 23 properties and 2 representations have been received. The comments can be summarised as follows:

- The proposed house would be very close to the existing properties and would affect the symmetry of the nearby houses and the openness of the vista.
- The proposal will result in an increase in on street car parking due to limited parking provision and the congestion already experienced due to the proximity to the town centre and station.
- The dwelling will be harmful to the setting of the Upminster Windmill and the adjacent bungalows

5.2 In response to the matters raised above; issues in relation to the impact on the character and appearance of the streetscene, the setting of the Upminster Windmill and the impact on parking are discussed in the following sections of the report.

5.3 The following consultation responses have been received:

- Essex & Suffolk Water - no objection.
- Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Historic England – no objection, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- Environmental Health - no objection, recommended conditions relating to a restriction on the hours of construction and contaminated land precautions.
- Local Highway Authority - no objection.

6. Relevant Policies

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC70 (Archaeology and Ancient Monuments) 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, Landscaping SPD, Heritage SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 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), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the impact on the character and appearance of the streetscene as well as the impact on the adjacent Grade II* listed Upminster Windmill, the implications for the residential amenity of occupants of nearby houses and the suitability of the proposed parking and access arrangements.

Principle of Development

- 7.2 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.
- 7.3 Under the provisions of the NPPF there is no priority given to garden land as a re-developable 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.
- 7.4 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/ Layout

- 7.5 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.

- 7.6 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.
- 7.7 For two storey three-bedroom houses with bed spaces for five persons the standard is set at 93 square metres. The proposed dwelling would provide in excess of this standard with approximately 107 square metres of internal floor space. Given this factor it is considered that the proposed dwelling would be of an acceptable size for day to day living.
- 7.8 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.
- 7.9 An area of approximately 144 square metres of private garden amenity space would be set out to the side and rear of the new house. It is considered that the amount of private amenity space proposed in the development is adequate for the requirements of a three-bedroom house. The southern garden boundary wall for the existing bungalow would be removed and the rear garden extended south to formally include a section of the wooded copse area under the applicant's ownership. A new 2 metre high boundary fence line would be erected. As such the donor bungalow would retain a generous rear garden area of some 390 square metres.

Design/Impact on Streetscene

- 7.10 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.
- 7.11 A key characteristic of this section of Highview Gardens is the steep gradient which rises from west to east. The site lies close to the brow of the hill where the gradient plateaus and as such it is acknowledged that the new dwelling would form a relatively prominent feature in this context. However the new dwelling would be set back from the front building line at No.7 and would be contained alongside the front building line of No.9, reducing the overall prominence of the development.
- 7.12 The surrounding properties are drawn from a variety of single and two storey detached and semi-detached dwellings of differing styles with both hipped and gabled roofs. As such there is no prevailing design type in this

locality. Nevertheless, the design and style of the proposed house is considered to adhere to the architectural character of the adjacent properties. Although the donor property is a bungalow, the height, bulk and massing of the new dwelling would match that of the neighbouring two storey house at No.9 Highview Gardens to the west, albeit with a more contemporary appearance.

- 7.13 The previously refused application sought the demolition of 7 Highview Gardens and the erection of 2no. semi-detached houses and 1no. detached house. Members were concerned that the proposal would result in the unbalancing of a former pair of bungalows, giving rise to an incongruous appearance in the streetscene. Members also raised concerns in relation to the height, scale and setting of the development, which was considered to be overly obtrusive in the prevailing streetscene and harmful to the open local character.
- 7.14 In order to address these issues the scheme has been amended considerably. Under the current proposal the original donor bungalow property at No.7 would not be demolished and the pair of bungalows would be retained as existing. It is considered that this measure would preserve the open character and appearance of the streetscene, particularly in relation to the symmetrical form of the existing semi-detached bungalows.
- 7.15 The design of the proposed detached dwelling has also been revised which has involved changing the roof form from a more bulky flank elevation gable design, to a less intrusive hipped pitched design. The roof ridge height has also been reduced by approximately 0.5 metres and the attic level accommodation removed from the scheme.
- 7.16 It is considered that these measures have served to reduce the overall scale, bulk and massing of the development and would allow the new detached house to sit more comfortably within this setting without undue harm to the open character and appearance of the streetscene. Officers are of the view that the revisions to the scheme and the reduced scale of the proposed house have suitably addressed the previous refusal reasons.
- 7.17 On balance it is considered that the proposed development would contribute positively to the streetscene along this section of Highview Gardens and would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

Listed Building Implications

- 7.18 Policy DC67 advises that an application for planning permission will only be allowed where it does not adversely affect a listed building or its setting. The National Planning Policy Framework (NPPF) advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be (paragraph 132).

The Council's Heritage Officer commented on the previous scheme and advised that the proposed development would have little impact on the Grade II* listed Upminster Windmill or its setting, particularly as the wooded area with trees and planting to the rear of the application site would be retained.

- 7.19 Given that the current proposal has been significantly reduced in terms of the overall scale, height, bulk and massing in comparison to the earlier proposal, it is not considered that the revised scheme presents any additional concerns in relation to the setting of the Grade II* listed Upminster Windmill.
- 7.20 Having regard to these factors it is not considered that the proposed development would harm the setting of the adjacent listed building in accordance with Policy DC67 and the NPPF.

Impact on Amenity

- 7.21 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.
- 7.22 The main consideration in terms of residential amenity relates to the impact on privacy, overshadowing and outlook for the donor bungalow at No. 7 and the adjacent two storey house at No.9, located to the east and west of the application site respectively.
- 7.23 The attached garage element of proposed dwelling would project approximately 1.4 metres beyond the rear building line of No.7, some 1.2 metres from the boundary. The footprint of the proposed dwelling would then step-in so that the two storey and single sections of the main house would lie approximately 3.8 metres from the boundary and some 8 metres from the rear windows of No.7 at an oblique angle. Given the distances and spacing between the application site and the donor dwelling it is not considered that the proposed development would present any undue impact on the residential amenity of No.7 Highview Gardens.
- 7.24 The single storey rear section of the proposed dwelling would project approximately 1 metre beyond the rear building line at No.9, some 2.2 metres from the boundary. Given the tapering boundary arrangement and the unusual off-set positioning of both the existing and proposed dwellings, it is not considered that the proposed development would present any undue impact on the amenity of the residents of No. 9 Highview Gardens.

- 7.25 The windows in the proposed dwelling would be orientated to face out onto the public street frontage and over the garden to the rear. However, the eastern flank elevation would include a central first floor window serving an en-suite shower room. As such this window would be obscure glazed to protect the privacy of the occupants and to prevent outlook over the rear garden of No.7. This will also be secured via a condition.
- 7.26 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.

Environmental Issues

- 7.27 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have advised the inclusion of a precautionary condition relating to the discovery of any previously unknown contaminants.
- 7.28 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.29 The proposal is not considered to give rise to any significant noise issues.

Parking and Highway Issues

- 7.30 The proposed development can demonstrate off street car parking provision for 2no. vehicles. The existing vehicle cross over onto Highview Gardens would be widened and the parking spaces laid out in a linear arrangement along the driveway and attached garage parallel to the eastern site boundary with No.7.
- 7.31 Essentially the existing off-street car parking arrangements of 1no. off street space for the donor property would be retained and a new door installed on the attached garage.
- 7.32 The Local Highway Authority has raised no objection to the proposal.
- 7.33 The submitted drawing indicates the anticipated positioning of a wheelie bin store but no further details of this have been provided. There are also no details included in the proposal indicating the location for the secure storage of bicycles, although it is noted that full details of these arrangements can be reasonably obtained through the inclusion of a conditions.

Mayoral Community Infrastructure Levy

- 7.34 The proposed development will create 1.no new residential unit with 132 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £2640.00 subject to indexation based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 7.35 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.
- 7.36 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.
- 7.37 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.
- 7.38 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.
- 7.39 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.

- 7.40 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.
- 7.41 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.
- 7.42 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.

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. On balance the proposal is considered to be acceptable in all material 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 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 legal agreement.
- .

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 16 April 2015.