



# REGULATORY SERVICES COMMITTEE

28 January 2016

# REPORT

**Subject Heading:**

**P1255.15: 1-15 Corbets Tey Road,  
Upminster**

**Creation of a third floor roof extension incorporating 4 no. flats, together with the associated extension/alteration of the existing communal stairwells and renovation of the building exterior. (Application received 18 September 2015)**

**Ward:**

**Upminster**

**Report Author and contact details:**

**Simon Thelwell  
Projects and Regulation Manager  
Simon.thelwell@havering.gov.uk 01708  
432685**

**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 creation of a third floor roof extension incorporating 4no. two bedroom flats, together with the associated extension/alteration of the existing communal stairwells.

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 parking and access.

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 292 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £5840.00 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 £24,000 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.
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme

- 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. 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.

#### 5. 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.

## 6. Refuse and Recycling

Prior to occupation of any of the proposed flats the refuse and recycling facilities as detailed in drawing no. BM/14/05 shall be provided to the full satisfaction of the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: To 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

Prior to occupation of any of the proposed flats the cycle storage facilities as detailed in drawing no. BM/14/05 shall be provided to the full satisfaction of the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

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

## 8. Commencement of Development at Adjacent Site

Either:

- 1) The commencement of this development shall be within one month of the commencement of planning application P1257.15 at 17-31 Corbets Tey Road, Upminster.

Or:

- 2) Within one month of the commencement of the development granted by this permission, the development granted under planning application P1257.15 at 17-31 Corbets Tey Road, Upminster shall commence.

Written notice of the commencement of development shall be provided within 7 days of works starting.

Reason: In the interests of visual amenity and to ensure that the appearance of the proposed development will harmonise with the adjacent building and the wider streetscene. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## 9. Completion of Development at Adjacent Site

Either:

- 1) The completion of this development shall be within one month of the completion of planning application P1257.15 at 17-31 Corbets Tey Road, Upminster.

Or:

- 2) Within one month of the completion of the development granted by this permission, the development granted under planning application P1257.15 at 17-31 Corbets Tey Road, Upminster shall be completed.

Reason: In the interests of visual amenity and to ensure that the appearance of the proposed development will harmonise with the adjacent building and the wider streetscene. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## 10. Cleaning and Restoration of Existing Building Elevations

Prior to the occupation of any of the residential units hereby permitted the front, side and rear elevations of the existing building shall be cleaned and restored in accordance with details to be submitted to the Local Planning Authority. The cleaning and restoration shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the appearance of the proposed development will harmonise with the existing building. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## **INFORMATIVES**

1. 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.
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 £5840.00 (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. 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 and the accompanying application P1257.15 have been called-in to committee by Councillor Linda Van den Hende on the grounds that they represent a significant overdevelopment in the town centre. The appearance of the building will be significantly changed, thus upsetting the street scene with the additional bulk and mass. In addition there is no amenity provided in the design and no parking provision for the 8 new dwellings. There would be a loss of privacy to surrounding properties. There is a school which could be overlooked with potential safeguarding concerns. The blocks are currently occupied by a mixture of owner occupier and rented accommodation. The plans propose, in addition to the additional floor, extensive refurbishment which would make living in the current dwellings very difficult, given there is limited access into and out of the flats.

### **2. Site Description**

- 2.1 The application relates to the property at 1-15 Corbets Tey Road, Upminster. This is a three storey Art-Deco style building in mixed use with 8no. commercial units at ground floor level and 12no. residential flats in the two upper floors.
- 2.2 The building fronts onto Corbets Tey Road with a narrow service road to the sides and rear. The property is located some 50 metres south from the junction of Corbets Tey Road and St. Mary's Lane and is situated opposite to the grounds of the Grade I listed St. Laurence's Church.
- 2.3 The land is designated in the LDF as being within the Upminster Major District Centre and as such is surrounded by a mixture of uses including commercial and residential.

### **3. Description of Proposal**

- 3.1 The application is seeking planning permission for the creation of a third floor roof extension incorporating 4no. two bedroom flats, together with the associated extension/alteration of the existing communal stairwells.
- 3.2 The additional floor would involve raising the overall height of the building by approximately 2.7 metres. The extension would project along the full length of the building. To the rear the extension would be constructed off the main elevation and at the front it would incorporate a set back on the frontage with Corbets Tey Road allowing for the inclusion of front roof terraces.
- 3.3 The existing side stairwell sections would be raised by 2.6 metres and the central stairwell section by 1.9 metres to enable internal access to the new flats.
- 3.4 The extension would include a flat roof design and would incorporate original features such as the existing chimneys, with the side and rear elevations and front terrace wall built in matching brickwork.
- 3.5 There is limited on street car parking around the side streets surrounding the application site as well as pay and display bays along the frontage with Corbets Tey Road. The proposal demonstrates no provision for off street car parking.
- 3.6 Storage space for refuse and domestic waste materials as well as secure bicycle storage would be provided in disused rooms located off the ground floor areas of the side stairwells. In the northern storeroom the existing internal doorway would be opened up and a new external doorway formed providing access to the service street.
- 3.7 The proposal would retain the commercial uses at ground floor level.
- 3.8 Members are invited to consider this application alongside an identical proposal under application P1257.15 to erect a similar roof extension on the adjacent building at 17-31 Corbets Tey Road. Both buildings were originally erected as a matching pair and share the same 1930's Art-Deco characteristics, form and appearance. It is intended that these measures will help to address issues concerning the potential unbalancing of this pair of buildings within this setting.

### **4. Relevant History**

- 4.1 P0616.14 - Creation of a third floor roof extension incorporating 4 no. two bedroom flats, together with the associated extension/alteration of the existing communal stairwells. – Refused 26 June 2014

### **5. Consultations/Representations**



5.1 Notification letters were sent to 59 properties and 24 representations have been received. The comments can be summarised as follows:

- Loss of light and overshadowing of the houses to the rear.
- Loss of privacy and overshadowing to neighbouring houses and gardens.
- Lack of available parking to accommodate the new flats.
- Existing parking arrangements are congested and the access road is frequently blocked.
- Disruption and disturbance to neighbouring shops and businesses during construction, which will deter shoppers.
- Undue visual impact of the development.
- The proposal is inappropriate and would harm the appearance of an iconic period building.
- Insufficient refuse facilities to cope with household waste from the current residents
- The refuse facilities cannot cope with the additional flats and new residents.

5.2 The following consultation responses have been received:

- Thames Water - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Environmental Health - no objection.
- 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), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), 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, 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), 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), 7.15 (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 principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of occupants of nearby houses and highways considerations.
- 7.2 It should be noted that this current application follows the refusal of planning application P0616.14 in June 2014 for a roof extension proposal. The previous refusal grounds cited that the proposal would appear as overly dominant and intrusive, creating an incongruous feature within the streetscene setting as well as resulting in a loss of loss of privacy/overlooking to the neighbouring residents to the rear. In comparison to the previously refused scheme the current application has sought to reduce the overall scale and bulk of the proposed extensions.

### ***Principle of Development***

- 7.3 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.
- 7.4 The upper floors of the building are currently in residential use and the proposed development is effectively seeking to extend this use with the creation of an additional floor of flatted accommodation. Therefore in landuse terms the creation of an additional floor for use as domestic residential purposes is considered to be 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 one-bedroom flats with bed spaces for two persons the standard is set at 50 square metres. The proposed one-bedroom flats would provide in excess of this standard with approximately 53 square metres of internal floor space. The main bedrooms in these flats 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 one-bedroom flats would be of an acceptable size for day to day living.
- 7.8 For two-bedroom flats with bed spaces for four persons the standard is set at 70 square metres. The proposed two-bedroom flats would provide just below this standard with approximately 68 square metres of internal floor space. Nevertheless, the flats would also include a generous terrace area to the front providing an additional 20 square metres of floorspace accessed directly from floor to ceiling doors serving both the bedroom and living areas. The main bedrooms in these flats would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. On balance it is considered that the proposed two-bedroom flats would be of an acceptable size for day to day living.
- 7.9 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.
- 7.10 As mentioned the proposed two-bedroom flats would be served by generous terraced areas of approximately 20 square metres each with a westerly aspect. The proposed one-bedroom flats would also each have terraced areas comprising 34 square metres. It is considered that the amount of private amenity space proposed in the development would be suitable for the requirements of the proposed residential units.

### ***Design/Impact on Streetscene***

- 7.11 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.
- 7.12 The application site and adjacent building are known locally as Byron Mansions and form a matching pair of 1930s Art Deco brick and render flatted blocks. The buildings which feature numerous details of the architectural style including curved sun-catcher windows, horizontally proportioned panes, curved walls and balconies, strong linear features in the central projection, stairways and windows with a flat roof and rendered panels. These features lend the buildings a high aesthetic value, and the largely identical pair make a strong, positive contribution to the street scene

on Corbets Tey Road. The two properties also link well with other building on the street, which are of the same scale and era.

- 7.13 It is considered that although there is no statutory or local designation applied to these buildings, they are still historically and architecturally valuable. Following the advice received from the Heritage Officer on the previous application P0616.14, it was advised that both of the buildings should be considered undesignated historic assets.
- 7.14 The proposed additional floor will raise the height of the building by approximately 2.7 metres along its full length.
- 7.15 It is acknowledged that in comparison to the previously refused scheme the overall height and width of the proposed roof extension has been reduced to lessen the visual impact on the streetscene. This has included sloping the flanking roof sections and lowering the overall height of the additional floor to limit prominence. As a result it is considered that the proposed extension would form a much more light weight and sympathetic addition to the building compared to the previously refused scheme. The design and style of the proposed stairwell extensions are considered to be sympathetic and adhere to the architectural character of the building; including features such as the horizontally proportioned window panes in the side and central stairwells, the additional brickwork, the curved side walls and characteristic stainless steel terrace railings.
- 7.16 It is considered that the lighter modern touch of the central sections of the roof extension element, including the glazed frontage would provide a modern, open planned living space whilst preserving the integrity of the 1930's building by not attempting to replicate and create pastiche extensions which cannot follow the special Art Deco style identically. In this instance it is considered important that the proposed roof extension is read clearly as a separate, later and subservient addition to the original building in order to preserve the quality of the original architecture and its high aesthetic value.
- 7.17 As a result it is considered that the combination of traditional and modern styles provides a positive addition to the building, and would suitably preserve the fundamental character and appearance of the Art Deco building.
- 7.18 The rear elevation of the existing building features less architectural detailing than the front façade and is finished almost entirely in facing brickwork with metal framed crittall style windows. The previous scheme put forward proposals for a rear elevation that was designed to replicate the existing upper floors with regard to materials, fenestration pattern and style. It was considered that this resulted in a confusion of architectural styles, with the front striving to be contemporary and the rear elevation appearing as a pastiche of the original building. It is considered that the rendered upper floor section and narrow high level windows would complement the existing building.

- 7.19 The symmetrical nature of the pair of buildings fronting the road is a large part of the Byron Mansion's aesthetic appeal. To address this an accompanying application for an identical proposal to the adjacent building has been submitted. Whilst the extensions would raise the overall height of the buildings in comparison to the other buildings along this section of Corbets Tey Road; the Byron Mansion's pair would retain their symmetrical appearance without appearing overly dominant or causing detriment to the character and appearance of the streetscene in this locality.
- 7.20 Whilst undertaking construction work in connection with the proposed roof extension, it would be the applicant's intention to undertake enhancement work to the building. This work would include the redecoration of the internal communal areas and stairwells. The exterior of the building would benefit through the overall cleaning of the exterior stonework. In addition the existing ground floor projecting canopy would be painted and the glazed panels replaced as required. Whilst these works may not require planning permission they would enhance the appearance of the building to the benefit of existing occupiers and the shopping public more generally.
- 7.21 On balance it is considered that the proposed development would contribute positively to the streetscene along this section of Corbets Tey Road and would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

### ***Impact on Amenity***

- 7.22 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.
- 7.23 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the houses to the east of the development site at 25 to 32 Byron Mansions. The application building is located approximately 12.5 metres from the rear of these properties.
- 7.24 Given the existing relationships between the adjacent buildings, outlook from the rear of the houses and gardens at No.25-32 is already dominated to some extent by 1-15 Byron Mansions. Consequently the occupants of these dwellings already experience a degree of overlooking and loss of privacy due to the positioning of the rear windows and balcony in the upper floors. It is therefore acknowledged that under the current circumstances the occupants of No.25-32 can expect to experience an element of privacy loss and overlooking.

- 7.25 The proposed extension would raise the height of the building by approximately 2.7 metres. However, given the nature of the extension and the low profile roofline this is not considered to create an undue amount of additional, height, bulk or massing.
- 7.26 The previous application was refused on the grounds overlooking and loss of privacy to the rear garden environments of neighbouring properties due to the positioning of the rear windows. In order to address this issue the majority of the windows in the rear elevation of the revised scheme would be high level serving both bathrooms and bedrooms. Given the high level nature in comparison to the floor level, a direct outlook down towards the neighbouring properties from these windows would be limited for any future occupants. Four lower level windows would be installed in the central section of the extension serving the kitchens of the two-bedroom flats. However, given the relatively small size and layout of the kitchens it is not considered that these windows would present a vantage point for looking down towards the neighbouring properties at 25 to 32 Byron Mansions.
- 7.27 On balance it is not considered that the proposed development would present any undue 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.

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***

- 7.28 The proposal would not involve any ground breaking operations and as such does not raise concerns in relation to any contaminated land issues.
- 7.29 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.30 The proposal is not considered to give rise to any significant noise issues.

### ***Parking and Highway Issues***

- 7.31 Policy DC33 seeks to ensure all new developments make adequate provision for car parking, where necessary.
- 7.32 There is limited on street car parking around the side streets surrounding the application site and pay and display bays along the frontage with Corbets Tey Road. The proposal demonstrates no provision for off street car parking.

- 7.33 The application site is located within the an area with a Public Transport Accessibility Level (PTAL) rating of 4, which is regarded as good, and within the core zone of Upminster. The Local Highway Authority has advised that a low (less than 1 space per unit) parking standard applies and therefore a car free development is appropriate in this instance. Members should note that the previous planning application was not refused on the grounds of inadequate parking given the accessibility levels of the site. Staff recommend however that there is a restriction on future occupants obtaining parking permits, which should be secured through S106 Agreement.
- 7.34 The storage and collection of refuse and waste materials would be as per the existing arrangements on the service streets to the side and rear of the building with a new bin stores provided for the existing residents.
- 7.35 Storage space for refuse and domestic waste materials would be provided in disused rooms located off the ground floor areas of the side stairwells. In the northern storeroom the existing internal doorway will be in-filled and a new external doorway formed providing access to the service street.
- 7.36 Disused store rooms would also be utilised for secure bicycle storage with the inclusion of a 'gravity rack' cycle stacking system.

### ***Mayoral Community Infrastructure Levy***

- 7.37 The proposed development will create 4.no new residential unit with 292 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £5840.00 subject to indexation based on the calculation of £20.00 per square metre.

### ***Infrastructure Impact of Development***

- 7.38 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.
- 7.39 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.

- 7.40 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.
- 7.41 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.
- 7.42 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.
- 7.43 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.
- 7.44 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.
- 7.45 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 £24,000 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:**

Legal resources will be required for the completion of a 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 September 2015.