



REGULATORY SERVICES COMMITTEE

18 February 2016

REPORT

Subject Heading:	P1554.15 – 144 Corbets Tey Road, Upminster Alterations including part demolition of the existing detached bungalow to create a house and construction of new detached dwelling. (Received 21/10/15)
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 []
- 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 conversion and part demolition of the existing dwelling to allow room for the construction of a 3-bedroom detached dwelling. The application has been called before the Regulatory Services Committee by Councillor Linda van den Hende.

The proposal raises considerations in relation to the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 289.8m² (426.8m² minus 137m² of floor space to be lost) and amounts to £5,796.

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

- A financial contribution of £6,000 to be paid prior to commencement of development and to be used towards 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.
- To 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.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Parking Provision

Before any of the houses hereby permitted are first occupied, 4 no. car parking spaces shall be laid out to the full satisfaction of the Local Planning Authority. Thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Landscaping

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Refuse and Recycling

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.

7. Cycle Storage

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

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

8. Hours of Construction

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

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

9. 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.

10. Wheel washing

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

The submission will provide;

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

11. Boundary treatment

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent

undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Accessibility

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.

13. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place 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

14. Obscure with fanlight opening only

The proposed windows at first floor in the northern and north-western elevation of the 5-bedroom dwelling, serving a bathroom and en-suite bathroom, shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

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

15. Standard flank window condition

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

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

16. Balcony condition

The flat roof area created to the rear of the 5-bedroom dwelling shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
4. Please note that by virtue of Condition 12, you are required to notify the relevant Building Control body of these conditions as part of any application.

REPORT DETAIL

1. Call In

- 1.1 The application has been called in by Councillor Linda Van den Hende as it would have a serious impact on the street scene and cause an unbalanced environment. In addition both the neighbour in Little Gaynes Lane and that of 142 Corbets Tey Road would be significantly inconvenienced with the overlooking from the new build and loss of amenity.

2. Site Description

- 2.1 The application site is a corner plot, located on the corner of Corbets Tey Road and Little Gaynes Lane. It currently consists of a hipped roofed bungalow with a large single storey extension. The dwelling and extension covers approximately 50% of this 0.084 hectare site. The site measures 27m wide by 43m long at its longest and widest points.
- 2.2 The surrounding area is residential in character and comprises of predominantly two storey semi-detached and detached dwellings.

3. Description of Proposal

- 3.1 The application seeks permission for the demolition of part of the existing bungalow and it's conversion to a two storey 5-bedroom dwelling.
- 3.2 The 5-bedroom dwelling would predominantly follow the footprint of the existing bungalow with a two storey side addition fronting Little Gaynes Lane measuring 11.15m in width, 11.9m in depth and finished with a hipped roof 8.9m in height to the ridge. This dwelling would be situated approximately 1.5m from the northern flank boundary. Private amenity space of 157m² would be provided to the rear of the property.
- 3.3 The proposal would also include a new two-storey detached 3-bedroom dwelling. The new dwelling will be constructed approximately 1m off the western flank boundary. The new detached dwelling would measure 9.1m wide, 10.5m deep and 7.75m in height to the ridge. The new dwelling will be finished with a hipped roof with a cat-slide design to the rear. Private amenity space of 89m² would be provided to the rear of the property.
- 3.4 The proposals would maintain the existing building line along Little Gaynes Lane and will be set back from the prevailing front building line along Corbets Tey Street.
- 3.5 Five parking spaces would be provided with a least 2 spaces for each dwelling.

4. History

- 4.1 On 19 August 2015, planning permission Ref. P0900.15 was refused for alterations including part demolition and conversion of existing detached bungalow into 2 semi-detached bungalows and construction of new 1x3 bed detached dwelling. The Refusal Reasons were:
- The proposed 1.8m high boundary wall on the eastern boundary, by reason of its height would appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- The layout of the development would, by reason of the siting of the dwellings, proportions and proximity to the boundaries of the plot, combined with the angled boundary, give rise to a cramped appearance and overdevelopment of the site contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

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

5. Consultation/Representations

5.1 Notification letters have been sent to 23 neighbouring addresses and 3 objections were received raising the following concerns:

- loss of light
- over-development of the site
- development will be forward of the neighbouring house
- add traffic to a busy lane
- out of character with the surrounding area
- out of proportion
- block field of view of vehicles

5.3 The Highway Authority has raised no objection to the proposal however has requested vehicle cleansing and construction method conditions.

5.4 The London Fire Brigade has not raised an objection to the proposal.

6. Relevant Policies

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.2 Other relevant documents include the Residential Design SPD, and Planning Obligation SPD (Technical Appendices)

6.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing

soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.

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

7. Staff comments

- 7.1 This proposal is put before the Committee owing to the application being called in. The main considerations in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

7.2 Principle of Development

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

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

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

7.3 Density/ Layout

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

- 7.3.2 The proposal would provide 2 no. residential dwellings at a density equivalent to approximately 24 dwellings per hectare. This is slightly below range anticipated by Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location. Although the number of units per hectare is below the recommended range consideration should be given to the proposal being located within a residential area with a relatively low density consisting of two storey detached and semi-detached dwellings with large gardens.

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

- 7.3.4 The proposal would provide residential units with varying floor space sizes both of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 7.3.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.3.6 The current proposal differs from the previous refusal in that the application has reduced the amount of residential units on the site from three to two. This has enabled an increase in amenity space provision to the current proposal. The proposed amenity space is also better orientated and provides a suitable degree of privacy.
- 7.3.7 Staff are of the view that the proposed rear and side garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 7.3.8 The current proposal shows a reduction in the amount of units on site from three to two which has resulted in a slightly larger rear garden amenity area to the detached dwelling and a significant increase in amenity area to the existing dwelling. Although there could still be an argument made that the increase in bulk and size of the current proposal could still have the appearance of an overdevelopment of the site, Staff do not consider this to be the case. The increase in amenity space provision as well the distance between the two dwellings proposed on site would result in a more spacious visual appearance as is evident when comparing the current proposed streetscene drawing with that which was previously refused. In particular Little Gaynes Lane would benefit from a greater separation of dwellings. Staff acknowledge that there would be a greater visual impact when comparing the proposed Corbets Tey Road streetscene to the previous refused scheme, however it should be noted that the visual impact would be mitigated given that a large part of the dwelling would be set back from the main building line fronting onto Corbets Tey Road.
- 7.3.9 Staff consider the previous concerns relating to density and overdevelopment of the site to have sufficiently been addressed, however Members may wish to attach different weight to this aspect.

7.4 *Design/Impact on Streetscene*

- 7.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 7.4.2 The proposed 5-bedroom dwelling fronting Corbets Tey Road, although slightly higher (0.5m) than the neighbouring property at No 142, is not

considered to result in a harmful impact on the streetscene. The projecting width fronting onto Corbets Tey Road is similar to that of the immediate neighbouring occupier, with the remainder set back approximately 3.2m from the front building line. This dwelling will therefore relate satisfactorily to the existing properties along Corbets Tey Road.

- 7.4.3 The new detached dwelling fronting Little Gaynes Lane would relate satisfactorily with the existing properties along this road. The proposed dwelling would maintain the existing Little Gaynes Lane building line and is not considered to result in an unacceptable impact on the streetscene. Both properties are well set back from the pavement and will retain sufficient spacing between them and neighbouring dwellings.
- 7.4.4 Previous concern relating to the impact of boundary treatment on the streetscene has sufficiently been addressed within this revised proposal. By moving the private amenity area from the front of the dwelling to the rear there is no longer a need to provide a high boundary fence abutting Corbets Tey Road.
- 7.4.5 In terms of design and visual appearance, Staff are of the opinion that the development would have an acceptable appearance with no harmful impact to the character of the surrounding area. In light of sufficient separation distances between the proposed and neighbouring dwellings, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework and the Residential Design SPD.

7.5 *Impact on Amenity*

- 7.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 7.5.2 The proposed new dwelling fronting Little Gaynes Lane will not have a detrimental impact on No. 2 Little Gaynes Lane as it will not extend beyond the existing front and rear building lines. Also no flank windows are proposed. This dwelling would not result in a harmful impact in terms of loss of light given the separation distance of 5.3m between the proposed dwelling and the neighbour at No. 2. No unacceptable impact would result to the rear garden of No. 142 Corbets Tey Road as the new dwelling is set 7.5m from the shared boundary with this neighbour and only has high level windows in the rear elevation.
- 7.5.3 The conversion of the existing bungalow to a two storey 5-bedroom dwelling would not result in an unacceptable impact on the amenity of No. 142 Corbets Tey Road as it is set in 1.5m from the rear boundary and finished with a hipped roof which slopes away from this boundary. Although this property would project at two storey level 3.2m beyond the

rear building line of No. 142 Corbets Tey Road, it is not considered to result in a harmful impact given the separation distance of 2.4m between the dwellings. Two flank windows serving bathrooms (one at a 45 degree angle) are situated at first floor and a condition will be added in the event of an approval to have these permanently glazed with obscure glass and fixed shut with the exception of top hung fanlight(s). The first floor windows and loft rooflight proposed to the rear elevation are not considered to result in an unacceptable impact in terms of overlooking given the layout of this dwelling in relation to the proposed detached dwelling fronting Little Gaynes Lane. Potential buyers would also be aware of the orientation of the dwellings and where the windows would be situated.

7.5.4 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

7.6 *Highways / Parking Issues*

7.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1.5 to 2 spaces per unit. The proposal provides a minimum of two car parking spaces per dwelling which is in line with policy guidelines.

7.6.2 A condition would be added to provide storage for 2 x no. cycle spaces in order to comply with the Council's standards.

7.7 *The Mayor's Community Infrastructure Levy*

7.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 289.8m² (426.8m² minus 137m² of floor space to be lost) and amounts to £5,796.

7.8. *Planning Obligations*

7.8.1 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.

7.8.2 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.

- 7.8.3 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.
- 7.8.4 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.
- 7.8.5 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.
- 7.8.6 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.
- 7.8.7 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.
- 7.8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

7.9 *Other Issues*

7.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. A condition would be added to require details of the refuse storage arrangements prior to the commencement of the development.

8. **Conclusion**

8.1 Staff considers the current proposal to have sufficiently addressed the previous reasons for refusal. Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

8.2 Staff do not consider that the proposed development raises concerns in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. Application forms and plans received 21/10/15.