



REGULATORY SERVICES COMMITTEE

10 March 2016

REPORT

Subject Heading:

P1006.15 – Matthews Close, Harold Wood

Construction of a 3 storey side extension and creation of 3 x 1 bedroom units.
(Received 07/07/15 and 15/10/15)

Ward:

Harold Wood

Report Author and contact details:

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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 the erection of a 3-storey extension to an existing block of flats to provide 3 no. additional 1-bed apartments.

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, loss of trees, 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 172m² and amounts to £3,440.

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 £18,000 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. 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.

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 for replacement planting, 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. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

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: In accordance with para 186-187 of the National Planning Policy Framework

2012, improvements required to make the proposal acceptable were negotiated with the agent by phone on 19/08/15. The revisions involved a reduction in the width of the proposal. The amendments were subsequently submitted on 15/10/15.

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,440.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. 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.
6. Please note that by virtue of Condition 10, you are required to notify the relevant Building Control body of these conditions as part of any application.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site is a corner location, located on the corner of Gubbins Lane and Oak Road. It currently consists of three no. 3-storey blocks of flats which contains 12 no. studio flats in the main block and 4 small dwelling/duplex flats in the remaining two blocks.

- 1.2 The character of the surrounding area is a mixture of residential and commercial properties and comprises predominantly of two storey and three storey buildings.
- 1.3 There are various TPO's situated around the boundary of the site and one (T1) which is situated towards the centre of the site.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of a three storey extension to the existing block of flats to provide 3 no. one bed apartments.
- 2.2 The proposed extension would measure 8.2m in width and 5.6m in depth with an additional 4.55m x 3.5m enclosed entrance/stairwell projection. The extension would continue the roof line of the existing block of flats with the projection incorporating a set down gable ended ridged roof matching that of the original block of flats
- 2.3 The proposal would also extend and delineate the existing car park in order to provide 24 off street parking spaces and proposes additional landscaping across the site.

3. History

- 3.1 No relevant history

4. Consultation/Representations

- 4.1 Notification letters have been sent to 119 neighbouring addresses. A petition with 10 names and 16 letters of objections were received raising the following concerns:
 - overlooking
 - loss of light
 - not enough on site parking spaces
 - existing draining system cannot cope
 - loss of communal amenity space
 - loss of outlook
 - noise and disruption
 - proposed building will have an overbearing effect on adjacent dwellings
 - loss of TPO tree
 - overdevelopment of the site
- 4.2 The Highway Authority has raised no objection to the proposal however has requested vehicle cleansing and construction method conditions.
- 4.3 Environmental Health has raised no objection to the proposal however has requested noise insulation and gas protection measures conditions.

- 4.4 The Tree Officer has not raised an objection to the loss of the TPO tree as there are signs of decay at its base. The tree is also considered to be of poor form because it is twin stemmed and has occlude bark defects at the base.

5. Relevant Policies

- 5.1 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.
- 5.2 Other relevant documents include the Residential Design SPD, and Planning Obligation SPD (Technical Appendices)
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 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.
- 5.4 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.

6. Staff comments

- 6.1 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, impact on trees, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.
- 6.2 *Principle of Development*
- 6.2.1 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.
- 6.2.2 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.
- 6.2.3 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.

6.3 *Density/ Layout*

- 6.3.1 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.
- 6.3.2 The proposal would provide 3 no. additional residential dwellings at a density equivalent to approximately 115 dwellings per hectare. This is slightly higher than the range anticipated by Policy DC2 which states that a dwelling density of between 50-110 dwellings per hectare would be appropriate in this location. Although the number of units per hectare is higher than the recommended range, consideration should be given to the proposal being located within a residential area with a relatively high density consisting of two and three storey buildings in very close proximity to Harold Wood Station.
- 6.3.3 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.
- 6.3.4 The proposal would provide residential units with a floor area of 39m² which would meet the minimum standard as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.3.5 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.
- 6.3.6 Staff do acknowledge that there will be a reduction in the existing amount of amenity space on site as a result of the new development, however Staff are of the opinion that the remaining amenity space would be sufficient to serve the needs of both existing and future occupants.

6.4 *Design/Impact on Streetscene*

- 6.4.1 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.
- 6.4.2 The proposed addition would be situated in the northwestern corner of the site and would be an extension of an existing flatted block. The proposal would be situated approximately 8.4m away from the detached block of flats on the corner of Matthews Close and Oak Road (Nos 1-4 Matthews Close).
- 6.4.3 The proposal will be predominantly visible from Oak Road. Staff do not consider the addition to result in an unacceptable impact on the

streetscene as the proposal would match that of an existing block in scale, design and materials and is set back approximately 7.4m from Oak Road.

6.4.4 Although the proposed addition would be higher than the 2 storey block of flats on the corner of Matthews Close and Oak Road, Staff do not consider this to result in visual harm to the streetscene as the addition would visually relate to the existing 3-storey block rather than the 2-storey block. A separation distance of approximately 8.4m would remain between the 3-storey and 2-storey blocks which would further mitigate the potential impact on the streetscene.

6.5 *Impact on Amenity*

6.5.1 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.

6.5.2 The proposed addition is not considered to result in an unacceptable impact on loss of light or outlook on the flatted block Nos 1-4 Matthews Close, given that there is a separation distance of 8.4m between this block and the proposed development. Any potential impact would be further mitigated by the offset relationship to this block of flats and the dual pitched roof of the proposed addition. The outlook and access to light of these units would further be improved by the removal of an existing decaying TPO tree which is situated between the new addition and the flatted block, Nos 1-4 Matthews Close.

6.5.3 Staff recognise that there will be a loss of light and outlook to eastern elevation windows of the existing units 10-14, however the potential impact is considered acceptable given the studio (open plan) nature of these units with primary windows situated in the western elevation.

6.5.4 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.

6.6 *Highways / Parking Issues*

6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1 to 1.5 spaces per unit. The proposal provides a minimum of one car parking space per dwelling which is in line with policy guidelines. The site is in close proximity to Harold Wood Station and therefore has a high public transport accessibility level (PTAL).

6.6.2 A condition will be added to provide details of cycle provision and storage.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 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 172m² and amounts to £3,440.

6.8. *Planning Obligations*

6.8.1 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.

6.8.2 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.

6.8.3 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.

6.8.4 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.

6.8.5 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.

6.8.6 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.

6.8.7 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.

6.8.8 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 £18000 for educational purposes would be appropriate.

6.9 *Trees*

6.9.1 An arboricultural impact assessment was submitted in order to assess the existing trees on site and introduce tree protection measures for all remaining trees. The tree officer agreed with the report's conclusion for the removal of curtains tree on site and in particular the two stemmed sycamore which is located between the proposed extension and Nos 1-4 Matthews Close. A site inspection was undertaken by the tree officer and it was concluded that the sycamore had decay at its base and has poor form because of its twin stems. The tree officer suggested that replacement trees be planted on the edge of the site to help bolster boundary planting.

6.10 *Other issues*

6.10.1 With regards to refuse collection, this will be similar to the current arrangement for the existing flatted block. A condition would be added to require details of the refuse storage arrangements prior to the commencement of the development.

7. Conclusion

7.1 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 07/07/15 and 15/10/15.