



REGULATORY SERVICES COMMITTEE

10 March 2016

REPORT

Subject Heading:

P1790.15: 151 Balgores Lane, Romford

Demolition of existing dwelling and construction of new block containing 9no. flats. (Application received 3 December 2015)

Ward:

Squirrels Heath

Report Author and contact details:

**Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800**

Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [X]

SUMMARY

The proposal is for the demolition of an existing house and the erection of a new block comprising 9no. flats.

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 485 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £9,700 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 £48,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

4. 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 the building the refuse and recycling facilities as detailed on drawing '1412/05' and '1412/01 Rev A' shall be provided to the full satisfaction the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

7. Cycle Storage

Prior to occupation of the building the secure cycle storage facilities as detailed on drawing '1412/05' and '1412/01 Rev. A' shall be provided to the full satisfaction 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, in the interests of sustainability.

8. 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.

9. Parking Provision

Before any part of the dwellings hereby permitted are first occupied the car parking provision as indicated in drawing '1412/01 Rev. A' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

10. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC6.

11. Alterations to Public Highway

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

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

12. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access gates, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

13. Vehicle Cleansing

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.

14. Noise Insulation

The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

15. Lighting

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. 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

residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. Preserved Trees

No works shall take place in relation to any of the development hereby approved until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

Reason: Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

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 £9,700 (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. **Changes to the public highway (including permanent or temporary access)**
Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

4. **Highway legislation**

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

5. **Temporary use of the public highway**

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

7. 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. **Site Description**

1.1 The application relates to the property at 151 Balgores Lane, Romford. The site comprises a detached house set within a rectangular plot located adjacent to The Drill roundabout on the junction of Balgores Lane and Brentwood Road.

- 1.2 The northern boundary of the site abuts the side boundary of 149c & 149d Balgores Lane. To the south, east and west the plot is bounded by Balgores Lane and Brentwood Road. The site is located within a mixed residential and commercial area, characterised by predominantly two storey buildings comprising detached and semi-detached houses, flatted blocks and commercial premises.
- 1.3 The site frontage is currently lined by 5no. mature trees (these include two Horse Chestnut, two Sycamore and one Lime tree) which are subject to a Tree Preservation Order (TPO) and a conifer hedge.
- 1.4 The building is not listed and is not located within a conservation area. The land is located adjacent to the Drill Corner Minor Local Centre but is not subject to any other land use designation within the LDF.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing house and erection of a new residential block containing 9no. flats, comprising 8no. two-bedroom units and 1no. one-bedroom units.
- 2.2 The new block would measure approximately 13 metres in depth and 25 metres in width and would be positioned 6.4 metres from the site frontage with Balgores Lane. The building would also wrap around to provide a frontage with the roundabout and Brentwood Road.
- 2.3 The building would include a series of staggered gables with steep dual pitches either side providing a ridge height of 8.8 metres. This feature would be repeated along the front, side and rear elevations giving sections of the building a 'saw tooth' appearance. The building would comprise two main storeys with an additional level of accommodation in the roof space.
- 2.4 The proposal would provide a total of 9no. off street car parking spaces with 2no. spaces accessed directly from Balgores Lane and an additional 7no. spaces set out in a new off street car park to the north of the site accessed via a new dropped crossing from Brentwood Road. The parking area would also provide a secure cycle store. A refuse storage area would be installed adjacent to Balgores Lane.
- 2.5 The existing conifer hedgerow which forms the front boundary with Balgores Lane and Brentwood Road would be removed and replaced with a wall and metal railings. The mature TPO trees which line the site frontage with Balgores Lane and Brentwood Road would be retained in the proposed development.

3. Relevant History

- 3.1 P0137.08 - Demolition of existing dwelling and erection of nine flats with parking and access ways - Refused 19 March 2008
- 3.2 P2010.04 - Two storey side extension - Approved 30 December 2004

4. Consultations/Representations

- 4.1 Notification letters were sent to 35 properties and representations from 6 neighbouring occupiers have been received. The comments can be summarised as follows:

- The proposed development would be out of character and grossly inconsistent with other properties in the area.
- Loss of privacy, overlooking and intrusion due to the positioning of windows and balconies.
- Significant scale, height and massing of the proposed building.
- The building will obstruct sunlight and cause overshadowing to neighbouring properties.
- Increase in noise and pollution during construction.
- Increase in traffic around busy roads and junction resulting in danger to road users.
- The bin storage would attract pests and smell unpleasant.
- Overdevelopment of the site.
- Lack of outside space for future residents.
- The existing property was constructed in the 1930's art deco period and should be preserved.

- 4.2 In response to the above: The existing detached house is not listed or registered on the Council's local list of historic assets. Issues in relation to design, scale, bulk and massing are discussed further in the Density/Layout and Streetscene sections of the report respectively. Issues concerning privacy, overlooking and daylight are considered in the residential amenity section. Car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/ Parking' section which are set out below.

- 4.3 The following consultation responses have been received:

- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Secured by Design Officer - no objection.
- Environmental Health - no objection, recommended condition relating to noise insulation.

- Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing.

5. Relevant Policies

- 5.1 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), 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, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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), 7.15 (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) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 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 the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.
- 6.2 This proposal follows the refusal of planning application P0137.08 in March 2008 for a scheme involving the demolition of the existing dwelling and the construction of a block containing 9no. flats.
- 6.3 Whilst both the current application and the scheme refused in 2008 propose a residential redevelopment comprising 9no. flats, the current scheme is considered to be substantially different to the 2008 proposal, particularly in terms of design, height, bulk and massing.

Principle of Development

- 6.3 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.4 Under the provisions of the NPPF there is no priority given to residential plots and gardens as re-developable brownfield land. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.
- 6.5 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 6.6 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.
- 6.7 The proposal would provide 9no. residential units at a density equivalent to approximately 95 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 50 to 110 dwellings per hectare would be appropriate in this location.
- 6.8 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.
- 6.9 The proposed flatted block would provide 8no. two-bedroom flats and 1no. one-bedroom flat with varying floor space sizes, all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The 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 development would be in accordance with technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 6.10 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.

- 6.11 The proposed ground floor flats would each be provided with generous terrace areas ranging from 13 square metres to 18 square metres, which would be enclosed with railings. The upper floor flats would each include enclosed balconies and roof terrace areas of 5 square metres.
- 6.12 It is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space and in this instance would be adequate for the requirements of the one and two-bedroom apartments.

Design/Impact on Streetscene

- 6.13 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.
- 6.14 The proposed block would form a more prominent feature in comparison to the detached house and single storey garage that currently occupies the site. However, the appearance and style of the proposed building is considered to be of an interesting and high quality design which broadly adheres to the architectural character of the surrounding area. The height, bulk and massing of the building is also considered to be similar to that of the other two and a half storey flatted developments within the vicinity of the roundabout junction, such as the residential block located opposite at Bowlesbrook Court.
- 6.15 It is acknowledged that to the north the proposed building would be juxtaposed to some extent with its setting adjacent to the traditional two-storey dwellings of Balgores Lane. It is considered that the adjacent dwellings offer little in terms of architectural quality to this section of the streetscene and the features of these buildings should not necessarily be replicated in the proposed development.
- 6.16 The application site forms a very conspicuous location in terms of its position adjacent to the roundabout and the junction of Balgores Lane and Brentwood Road. Given this prominence the site can be regarded with a degree of separation from the residential dwellings on the adjoining roads. It is recognised that the building would be larger than the house and detached garage it replaces, but the additional scale and bulk of the development would be broken up by the staggered building line and the inclusion of the saw tooth roof design. As such it is considered that the proposed new block would serve to frame the prominent corner location and create an interesting architectural feature. In addition, Staff are of the view that the proposed residential block would sit comfortably within this setting, retaining the TPO trees along the frontage and would serve to enhance the character and appearance of the streetscene.
- 6.17 On balance it is considered that the proposed development would contribute positively to the streetscene at the junction of Balgores Lane and Brentwood

Road would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 6.18 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.
- 6.19 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the occupants of the dwellings at 149c & 149d Balgores Lane located to the north of the application site.
- 6.20 The side elevation of the proposed block would be positioned approximately 1.4 metres from the side boundary and approximately 2.6 metres from the main flank elevation of 149c & 149d Balgores Lane. The flank elevation at the Balgores Lane property contains one small ground floor window and two first floor windows, however these do not serve habitable rooms.
- 6.21 In terms of privacy and overlooking the existing detached house is positioned at an off-set angle to 149c & 149d Balgores Lane and as such the rear windows afford unobstructed views towards the rear garden area of the neighbouring properties. In comparison the northern 9 metre section of the proposed residential block would be positioned to follow the established front and rear building lines of 149c & 149d Balgores Lane. Members may wish to consider that views from the block would be focused east and west and the proposed rear windows and enclosed balconies would not be directed towards the neighbouring gardens as is the present case.
- 6.22 In terms of the impact on daylight and outlook; likewise, given the positioning of the building the majority of the bulk and massing would also be set further to the west of the site reducing the potential for overshadowing and loss of sunlight to the rear gardens of 149c & 149d Balgores Lane.
- 6.23 Whilst it is recognised that there would be an intensification of residential use at the site in close proximity to the neighbouring dwellings, Staff are of the view that due to the building's positioning and design the proposal would not result in a more harmful impact on the residential amenity of the dwellings at 149c & 149d Balgores Lane.
- 6.24 The two-storey dwellings to the west of the site at Balgores Lane would be located some 27 metres from the proposed development. Given this distance and that the properties lie on the other side of a public highway it is

not considered that the proposed development would present any undue impact on the residential amenity of these neighbouring houses.

- 6.25 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.
- 6.26 It is noted that issues of disruption, noise and pollution 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

- 6.27 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site.
- 6.28 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.29 The proposal is not considered to give rise to any significant noise issues that would not normally be associated with residential occupation.

Trees

- 6.30 The site frontage is lined by 5no. mature trees which are subject to a Tree Preservation Order (TPO). These include two Horse Chestnut, two Sycamore and one Lime tree. As part of the proposed development all of these trees would be retained. Given the current extent of the crowns and the proximity of the trees to new building it is likely that some pruning of the branches would need to take place and the trees would need to be reduced and maintained at a size smaller than their current form. Any future tree works would be undertaken following the TPO application procedures. A condition for protecting the trees during development will be included.

Parking and Highway Issues

- 6.31 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 3, meaning that the site offers an average degree of access to surrounding public transport. As such this invokes a standard of 1.5-1 parking spaces per dwelling.

- 6.32 The scheme can demonstrate off street car parking provision for 9no. vehicles, which equates to one space per dwelling. This level of provision is considered acceptable. Concerns have been raised by local residents in relation to increased traffic and highway safety. The Local Highway Authority has raised no objection to the proposal, but have requested that additional information in relation to pedestrian visibility splays is requested via condition, to ensure the safe ingress and egress of vehicles from the site.
- 6.33 An area adjacent to Balgores Lane would be utilised as an enclosed timber refuse store. In terms of servicing the refuse store would be set at a distance within 25 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.
- 6.34 A secure cycle store with space for 9no. bicycles would be located in the rear car park area to the north of the site.

Mayoral Community Infrastructure Levy

- 6.35 The proposed development will create 9no. residential units with 485 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £9,700.00 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.36 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.
- 6.37 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.
- 6.38 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.

- 6.39 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.
- 6.40 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.
- 6.41 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.
- 6.42 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.
- 6.43 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 £48,000 for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

- 7.2 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.
- 7.3 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 3 December 2015.