



REGULATORY SERVICES COMMITTEE

REPORT

31 March 2016

Subject Heading:

P1734.15 - 30 Upminster Road South,
Rainham.

Demolition of the former social club and
redevelopment of the site to provide 6 no.
one bed flats and 1 no. retail unit with
ancillary car parking. (Received 23/12/15)

Ward:

Rainham and Wennington

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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 demolition of the former social club and redevelopment of the site to provide 6 no. one-bed flats and 1 no. retail unit with ancillary car parking.

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 430m² and amounts to £8,600. The existing floor space to be demolished cannot be deducted as the property has not been in lawful use for the last 3 years.

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 £36,000 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, 6 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 details 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

The development hereby permitted shall not be carried out otherwise than in complete accordance with the refuse and recycling storage details as shown on drawing no. 236/009C.

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 LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle Storage

The development hereby permitted shall not be carried out otherwise than in complete accordance with the cycle storage details as shown on drawing no. 14270_PL003 Revision E.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of 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. 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 north western wall(s) of the building(s) hereby permitted on the southern boundary of the site, 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.

12. 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.

13. Balcony condition

The flat roof areas created shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning 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.

14. 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.

15. Contaminated Land (1)

(1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term

monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

16. Contaminated Land (2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

17. Obscure with fanlight opening only

The proposed windows at first and second floor in the northeastern elevation of the flats abutting Upminster Road South serving shared hallways and the windows at first floor in the northeast elevations of the units to the rear of the property serving bathrooms, 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.

18. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, 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.

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. 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 £8,600.00 (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 14, 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 site is sited on the southern side of Upminster Road South within the Rainham Minor District Centre although it is not located in the retail core or fringe area of the centre. It comprises of a vacant, detached single storey building that is presently boarded up and was previously in use as a social club. The built form has an L shaped footprint with a brick exterior and it has a tiled pitched roof. The building has previously been extended and altered.
- 1.2 To the south of the site there is a garage court and immediately to the west of the site, there are approximately 11 car parking spaces and beyond that is an access road to St Helens Court estate.
- 1.3 Immediately on the eastern boundary of the site is a residential dwelling house and on both sides of the road to the east of the site, there are two storey high residential dwelling houses. To the south of the site, there is a residential flatted development, St Helens Court, which contains flatted blocks some 4 no. storeys in height.

2. Description of Proposal

- 2.1 The application seeks permission for the demolition of the existing single storey social club and the construction of 1 no. new three-storey building to house retail accommodation at ground floor and 1 no. flat at first and second floors respectively. The proposal is also for 4 no. two-storey buildings to house 4 no. 1-bed townhouses.
- 2.2 The three storey building will be situated to the front of the site abutting Upminster Road South and will measure 8.2m in depth, 10.8m in width and 9.6m in height to the top of the flat roof. The two storey buildings are situated to the rear of the site and to the rear of the properties at No. 32-36 Upminster Road South and will measure 8.3m in depth, 4.6m in width and 5.1m in height to the top of the flat roofs.
- 2.3 Amenity space in the form of integral balconies would be provided to the flats abutting Upminster Road South. Garden areas of approximately 36m² will be provided to the townhouse units.
- 2.4 The proposal would provide 2 no. car parking spaces to the front of the retail unit and 5 no. spaces to the rear.

3. History

- 3.1 P1716.14 - External alterations, roof lights, side and rear dormer windows, conversion of Rainham Social Club to (1) Bed & Breakfast Guest House, and (2) Loft conversion with additional bedrooms and facilities for hotel guests - Refused
- 3.2 P0158.14 - External alterations, roof lights, side and rear dormer windows, conversion of Rainham Social Club to 1) Bed & Breakfast 2) Loft Conversion with additional bedrooms - Refused and dismissed on Appeal
- 3.3 P1191.13 - Conversion of Rainham Social Club into 1) part pub/part bed & breakfast & 2) addition of second (loft) floor for additional bedrooms for bed and breakfast - Not determined and dismissed on Appeal
- 3.4 P0394.91 - Single storey rear extension - Approved with conditions

4. Consultation/Representations

- 4.1 Notification letters have been sent to 91 neighbouring addresses and 3 comments were received. The comments ask clarification on security, overlooking, parking loss and the potential impact on demolition works on the neighbouring properties.
- 4.2 Issues relating to security are not material to this application. The impact of demolition works are also not material planning considerations, as there are other controls over this work, although a construction method condition has also been suggested. Issues relating to overlooking and loss of privacy and parking matters are dealt with in the report below. It should be noted that the existing sheds and parking areas to the southern boundary of the site are outside of the development site and would not therefore be affected as part of the proposals.
- 4.3 The Highway Authority has raised no objection to the proposal however has requested vehicle access, visibility splay and vehicle cleansing conditions.
- 4.4 Environmental Health has raised no objection to the proposal however has requested a contaminated land condition.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC27 (Provision of Community Facilities), 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 Obligations 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, 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 social club 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 Staff consider the loss of the community facility acceptable given that it has not been in use for the past 3 years. It should also be noted that the loss of the community facility was not raised as a reason for refusal on the previous refused schemes, nor was it raised by the Planning Inspector as a reason for refusal on two previous appeals.
- 6.2.4 On this basis the proposal is considered to be policy compliant in land use terms and its 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 6 no. residential dwellings at a density equivalent to approximately 93 dwellings per hectare. This is in keeping with 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. The number of units per hectare is in keeping with the recommended range and considered acceptable.
- 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 63m² and 53m² respectively 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 the location of the amenity areas between the townhouse units would limit the amount of natural sunlight available within them, however this is not considered to be unacceptable given their orientation to the southwest. Staff are of the opinion that the amenity spaces would be sufficient to serve the needs of future occupants. Amenity space to the flats fronting Upminster Road South would be provided in the form of balconies which is considered to be acceptable given the town centre location.

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 commercial and flatted block would consist of 3-storeys and is situated on the corner of Upminster Road South and St. Helen's Court. This 3-storey block is not considered to be out of keeping in the streetscene as it is similar in height and design to the terraced blocks on the western side of St. Helen's Court and on the northern side of Upminster Road South.
- 6.4.3 The proposed townhouses to the rear of the site would be two-storey and similar in height to the existing building which is to be demolished. These buildings would relate satisfactorily to the surrounding area and are not considered to result in harm to the streetscene of St. Helen's Court.

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 commercial and flatted block abutting Upminster Road South is not considered to result in an unacceptable impact on neighbouring amenity as it would not project beyond the rear building line of the residential properties situated to the northeast. A gap of 2m would also remain between the proposed building and the nearest property to the northeast. Flank windows are proposed to the northeast elevation at first and second floor, serving shared hallways. A condition will be imposed to have these windows obscure glazed and fixed shut to limit any potential for overlooking the rear gardens of the neighbouring residential properties.
- 6.5.3 The 4 no. proposed townhouse units to the rear of the properties No. 32-36 Upminster Road South are not considered to result in any impact on the amenity of these properties. A 2m separation distance would remain between the new dwellings and the back fence of these residential gardens. No windows are proposed to the north-western elevation which would prevent any overlooking to the rear gardens of these neighbouring properties. A condition will be imposed to have the first floor windows in the north-eastern elevation serving bathrooms obscure glazed and fixed shut with the exception of the top hung fanlight(s) to mitigate any potential oblique views in to the neighbouring gardens. The proposed dwellings would be 2-storey in height (5.2m) and lower than the existing building to be demolished (which is 6.5m in height).
- 6.5.4 Staff acknowledge that the outlook of the townhouse units would be limited due to the design solution which has employed to prevent overlooking of the properties to the north west. However, full height glazing is proposed to the north eastern elevation of each townhouse and this would ensure that the future occupants have sufficient daylight and sunlight. This specific window arrangement would be known to future occupants before purchase or rental.
- 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. For the retail unit the parking

requirement is 1 space for every 50-35m². The proposal does allow 1 space for the 22m² retail space proposed.

6.6.2 Secure cycle storage providing space for up to 6 no. cycles would be provided in the ground floor of the building with access from Upminster Road South and at ground floor to the front part of the townhouse units. A condition is recommended to ensure that the proposals are implemented in accordance with the submitted details in the event of an approval.

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 430m² and amounts to £8,600. The existing floor space to be demolished cannot be deducted as the property has not been in lawful use for the last 3 years.

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 per dwelling 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 £24,000 for educational purposes would be appropriate.

6.9 *Other issues*

6.9.1 Refuse storage would be provided in the ground floor of the building fronting onto Upminster Road South for all units with access from Upminster Road South. A condition is recommended to ensure that the proposals are implemented in accordance with the submitted details in the event of an approval.

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 23/12/15.