



REGULATORY SERVICES COMMITTEE

31 March 2016

REPORT

Subject Heading:

P0118.16 67 Corbets Tey Road (land adj), Upminster

Erection of 4 x one bedroom flats
(Application received 27th January 2016)

Ward:

Upminster

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

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

This is an application for the erection of four one bedroom flats at land adjacent to 67 Corbets Tey Road. The application site has an extensive planning history with planning applications previously submitted, and refused, for five and six units respectively.

In context of the previous reasons for refusal, and appeal decisions issued by the Planning Inspectorate, it is considered the key issue in the determination of this application is scale, mass and design and if the development satisfactory fits on to the application site. The development potential of this site is not questioned, nor is the principle of a development coming forward.

The development proposed whilst maintaining the same ground footprint of the previously refused five unit scheme has reduced from three storeys to two storeys. The decreased scale is considered to fit much better on to the site. By maintaining similar design principles to the adjacent development it is considered that the development also satisfactorily blends with the area. One car parking space would be provided to each of the new units, and whilst noting that two of these would be reallocated from the adjacent development the provision overall would still comply with relevant standards and policy.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL), in accordance with policy 8.3 of the London Plan, and that the applicable levy, based on the creation of 204m² new floorspace, would be £4,080.

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 to secure the following:

- A financial contribution of £24,000 to be paid prior to the commencement of development and to be used towards education; and
- Save for the holders of blue badges that any future occupiers of the development be prevented from applying for and purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall 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; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

It is therefore recommended 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. 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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. Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the building(s) shall be 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 a written specification 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. 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. The scheme shall furthermore detail all boundary treatments and fencing proposed. 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. Before the building hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify the two spaces which will be assigned to the development in the adjacent car park. All car parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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.

6. The building hereby approved shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise.

Reason:-

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

7. The two ground floor units hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason:-

In context of Development Control Policies Development Plan Document Policy DC7 and London Plan Policy 3.8.

8. The development hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason:-

In order to accord with London Plan Policy 5.15.

9. No works shall take place in relation to any of the development hereby approved until a drainage strategy for all surface and foul water arising has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the drainage scheme proposed. Submission of a scheme prior to commencement will ensure that there is no risk of pollution to water courses and aquifers, that the risk of flooding is minimised and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

10. No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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.

11. 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.

12. 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.

13. 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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

Informative(s)

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. The Applicant is advised that 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. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under 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) required during the construction of the development.

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.

3. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.
4. 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 £4,080 (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.
5. 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.
6. 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.

REPORT DETAIL

1.0 Call-In

- 1.1 This application has been called in by Councillor Van den Hende on the basis that whilst this is a smaller application to that previously refused, there are still significant difficulties with the site. It is considered that the proposals represent an over-development of the plot and the design is unacceptable in terms of scale and bulk. In addition to this is the issue of parking. As part of the plans for this development, two spaces assigned to the existing development on-site would be re-assigned thereby reducing the visitor parking bay provision. Concerns are furthermore raised in respect of construction traffic and how vehicles would access the site in view that the access into the site is single lane.

2.0 Site Description

- 2.1 The application site is located off Corbets Tey Road in Upminster. The site, which is currently vacant, is located to the rear (east) of the primary retail premises along Corbets Tey Road and accessed via a single lane private road. In terms of locality, the application site is located directly adjacent to a development (7no. two bedroom and 2no. three bedroom dwellings) which was granted planning permission in 2013 and has recently been constructed - planning application reference: P1152.13.
- 2.2 The site is not located within a conservation area, is not (curtilage) listed and is not subject to any other statutory land designation. Within the LDF, the site nevertheless forms part the Upminster district centre.

3.0 Description of Proposal

- 3.1 The application seeks planning permission for the erection of a building which would provide four residential (one bedroom) flats. The building proposed would be two storeys high, mirroring the design of the adjacent development.
- 3.2 The building is proposed in a mixture of facing brickwork and render with stone cills, heads, surroundings and coping and string courses. The windows and doors would be white uPVC with black rainwater goods, fixtures and fittings. Proposed with a flat roof, with projecting parapets, the development would be complimented with permeable hard landscaping (block paving) in contrasting colours to delineate different uses.

4.0 Relevant History

There is an extensive planning history relating to the former West Lodge. The previous decisions of most relevance to the proposal are as follows:

P1152.13 - Demolition of existing building and erection of seven flats and two houses - Approved.

P1617.14 - Erection of 6no one bedroom flats - Refused for the following reasons:

- The proposal, by reason of the scale and mass of the building and proximity to site boundaries is considered to give rise to a cramped, overdevelopment of the site, detrimental to local character and amenity and contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- The proposal represents an overdevelopment of the site, resulting in a cramped site layout and inadequate provision of amenity space for the future occupiers of the proposed development, detrimental to residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the provisions of the Residential Design DPD.
- The proposal would, by reason of the inadequate on-site parking provision for occupiers of the development and visitors, be likely to create conditions adversely affecting the functioning of the site and thereby detrimental to the amenity of occupiers of the site, as well as the potential for unacceptable overspill on adjoining roads, contrary to Policies DC61 and DC32 of the LDF Core Strategy and Development Control Policies DPD.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

An appeal was lodged with the Secretary of State against the Council's decision to refuse the above application. The appeal was dismissed on grounds that it was considered that the development would materially and unacceptably harm the character and appearance of the surrounding area. In respect of this, the Inspector nevertheless found in favour of the appellant in relation to the second and third reasons for refusal. Costs were duly awarded to the appellant in respect of these reasons as it was considered the Council had failed to give adequate consideration to the accessible location of the appeal site; the close proximity of bus stops, the availability of unallocated parking spaces on the adjoining site; and the modest size of the proposed flats.

P0852.15 - Erection of 4 No 1 bedroom flats & 1 No 2 bedroom flat - Refused for the following reasons:

- The proposal, by reason of the scale and mass of the building and proximity to site boundaries is considered to give rise to a cramped, overdevelopment of the site, detrimental to local character and amenity and contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- In the absence of a legal agreement to prevent future occupiers from applying for parking permits, the proposal would result in increased parking congestion in the surrounding streets, to the detriment of the functioning of the highway, contrary to Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies DPD.
- In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies DPD and Policy 8.2 of the London Plan.

5.0 Consultations/Representations

51 properties were directly notified of this application. 11 letters of representation, from different individuals, have been received, including one which is supported by seven properties. It is however noted that specific representation has been received from an individual at each of the properties who have supported this representation.

Nine of the letters of representation raise objection to the development and cite the following material planning considerations:

- A development of this size would be obstructive to the adjacent development. The site is already cramped;
- Car parking provision and the fact that existing parking spaces would be 're-designated' to the new units;
- Drainage;
- Amenity impacts during construction together with lack of information with respect to traffic management and if the existing security gates would be maintained.

Many of the letters furthermore raise concern about the landowner seeking to introduce parking permits and parking controls. This issue is largely considered a civil matter which goes beyond that within the planning remit. However, further discussion in respect of this can be found in the 'Highway Impact & Car Parking Provision' section of this report.

The other two letters of representation received are in support of the development and suggest that the development would enhance the area.

Anglian Water - No comments received.

Essex and Suffolk Water - No comments received.

Highway Authority - No objection.

London Borough of Havering Energy Management - No comments received.

London Borough of Havering Environmental Health - No objection subject to a condition requiring the flats to be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise.

London Borough of Havering Lead Local Flood Authority - No drainage strategy has been submitted. Such a strategy should be secured for review and approval prior to commencement of the development.

London Borough of Havering Waste & Recycling - Residents, as per those reside in the adjoining development, would be required to carry their refuse sack to the boundary of the property, no more than 30m from Corbets Tey Road, by 7am on collection day.

London Fire Brigade - No objection.

National Grid - National Grid has identified that it has apparatus in the vicinity of the development site. The contractor should contact National Grid before any works are carried out to ensure that our apparatus are not affected.

Thames Water - No objection. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

6.0 Relevant Policies

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP01 - Housing Supply, CP02 - Sustainable Communities, CP09 - Reducing the need to travel, CP17 – Design, DC02 - Housing Mix and Density, DC03 - Housing Design and Layout, DC07 - Lifetime Homes and Mobility Housing, DC30 - Contribution of Community Facilities, DC32 - The Road Network, DC33 - Car Parking, DC36 - Servicing, DC40 - Waste Recycling, DC49 - Sustainable Design and Construction, DC50 - Renewable Energy, DC51 - Water Supply, Drainage and Quality, DC53 - Contaminated Land, DC55 - Noise, DC61 - Urban Design, DC63 - Delivering Safer Places, DC72 - Planning Obligations

The Council's Designing Safer Places SPD, Landscaping SPD, Residential Design SPD, Sustainable Design and Construction SPD and Planning Obligation SPD

London Plan: 3.3 - Increased 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, 5.3 - Sustainable Design and Construction, 5.13 - Sustainable Drainage, 5.21 - Contaminated Land, 6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.9 - Cycling, 6.13 - Parking, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.7 - Location and Design Of Tall And Large Buildings, 7.14 -

Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 8.2 - Planning Obligations and 8.3 - Community Infrastructure Levy

Government Guidance: National Planning Policy Framework and National Planning Practice Guidance

7.0 Mayoral CIL Implications

7.1 The application seeks planning permission for four residential units. In consideration of the net amount of residential accommodation which would be created, a Mayoral CIL contribution of £4,080 would be required should planning permission be granted.

8.0 Appraisal

8.1 It is considered that the key issue in the determination of this application, in context of the site history, is the scale, mass and design of the building in question. In consideration of previous application and appeal decisions, a commentary on highway impact and parking provision can also be found below.

Principle of Development

8.2 Policy CP1 of the Core Strategy and Development Control Policies Development Plan Document states, as a headline objective, that a minimum of 525 new homes will be built in Havering each year. Table 3.1 of the London Plan sets a minimum ten year target for Havering (2015-2025) of 11,701 new homes. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.

8.3 The site is located within a fringe area of Upminster Major District Centre where Policy CP4 of the LDF states that town centre hierarchy will be promoted and enhanced by, amongst other things, ensuring that the scale and use of new development is consistent with the role and function of the town centre so as not to harm the vitality of viability of other centres. Policy DC16 is aimed at ensuring that the primary retail function of the district centres is maintained. The application site is, however, located to the rear of the shopping parade and as such has no retail frontage. The relevant policies do not preclude residential development in such locations, indeed wider policy is aimed at promoting the introduction of housing into town centres in order to maintain their vitality. Staff are therefore satisfied that the proposed development will have no adverse impact on the function of Upminster town centre and the proposal is considered to be acceptable in principle.

Scale, Mass and Design

- 8.4 Policy DC2, in respect of residential mix and density, states in an urban Uppminster location a moderate density of terraced houses and flats is between 50-110 dwellings per hectare and a high density development of mostly flats is between 80-150 dwellings per hectare. Given the size of this development site and the number of units proposed this would be defined as a high density development. However, given the public transport accessibility level, in this location, no principle objection exists to development at this density.
- 8.5 The most recent previous application submitted on this site, for five units, was refused as it was considered the proposal, by reason of the scale and mass of the building and proximity to site boundaries, was cramped and representative of an over-development of the site. This application follows the same development footprint of this previous application (P0852.15), which was reduced from that submitted as part of application ref: P1617.14, but has also now been reduced from three storeys to two.
- 8.6 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site; respond to distinctive local building forms and patterns; compliment or improve the amenity and character of the area; reinforce, define and embrace the street; create or enhance and clearly define public and private realms; and be durable, flexible and adaptable.
- 8.7 The building proposed, as part of this development, is considered largely akin to the adjacent development. This is a mixed character area and as such it is considered drawing comparison and attempting to compliment nearby development is a good starting point for the design rationale. Unlike the previous refused proposal, it is considered that a two storey development is of an acceptable scale and mass to fit on the plot. It is considered the reduced scale of the developments bears a better relationship to the development along Corbets Tey Road and that adjacent and the reduction in unit numbers also reduces the potential for over-crowding.
- 8.8 The flats would also comply with the Technical housing standards - nationally described space standard and, although there is no prescribed standard for open space, it is considered that the development would be supported by an acceptable provision of open/amenity space.

Impact on Amenity

- 8.9 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

8.10 In the context of the assessment expressed at paragraph 8.7 it is not considered that the development would give rise to significant amenity impacts. Indeed, such impacts have not previously formed a reason to prevent a development from coming forward on this site. With regard to the construction phase of the development, as noted within a few of the letters of public representation received, limited details have been provided on how vehicles will access the site during construction and furthermore, in general, how the construction phase would be managed. Such impacts are not however considered sufficient enough to warrant refusal. That being said it is considered that seeking a construction management plan by condition would allow the Local Planning Authority to effectively ensure that the procedures proposed are acceptable and do not adversely impact on the day to living conditions of occupiers of the adjacent development.

Highway Impact & Car Parking Provision

8.11 The Highway Authority has not raised an objection to the proposal with access to the development being provided in the same way as the adjoining development. Two new car parking spaces are proposed with the applicant suggesting that two additional spaces would be provided/re-assigned within the car parking area for the adjacent development.

8.12 Concern has been raised about the suggested re-allocation of the car parking spaces within the adjacent development, within the letters of public objection received. The letters of objection raise concern that the lack of parking provision or, with the re-allocated parking, the lack of visitor parking provision, could lead to an accumulation of traffic and congestion in the area and added strain on nearby car parks and roads.

8.13 It is however acknowledged within relevant policy that for higher density development, particularly flats in accessible locations, that less than one parking space per unit may be acceptable. In considering the earlier six unit scheme, and the Inspector's decision, it is noted that Council's reason to refuse the application on parking grounds was effectively dismissed and the appellant awarded costs in this regard. In respect of this, whilst noting that the development would take car parking spaces away from the adjoining development, an acceptable level of provision would remain for the existing residents and it is not therefore considered that this can form a reason to refuse the application. Should planning permission be granted, the Council could nevertheless require the submission of a revised parking plan to monitor which spaces are re-allocated and ensure that the other spaces do remain in use by the occupiers of the development. To further support this it is recommended that residents of this development be restricted from applying for parking permits in the locality.

8.14 With regard to the security gates and concerns raised in the letters of public representation received about loss of security, as alluded above, the existing access arrangements to the site would be unaffected by this development. It is accepted that, should planning permission be granted, four additional units would be created and therefore more people/vehicles would be accessing the

site but this in itself is not considered to represent a significant loss of security. The existing security gates would be maintained and the development would not specifically permit any unauthorised access or parking by vehicles not visiting the site.

9.0 Section 106

9.1 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.

9.2 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.

9.3 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.

9.4 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.

9.5 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.

9.6 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.

- 9.7 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.
- 9.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 9.9 In the event that planning permission is granted, this application as such would be liable for a £24,000 education contribution, in addition to any contribution under the Mayoral CIL.

10.0 Conclusion

- 10.1 The Council is under increasing pressure to find additional housing stock and as evidenced in previous decisions issued staff, in principle, have not previously raised an objection to a development coming forward on this site. The stumbling block has been the size of the development coming forward and its relationship to the surroundings. This time round, by keeping the development at two storeys it is considered that the development fits much better onto the plot and overcomes this concern. This is an infill development and it is considered important that a relationship is created between the development proposed and that adjacent. The development put forward it is considered achieves this.
- 10.2 The concerns raised by many of the existing residents, adjacent to the development site, are noted. However, many of these are civil matters and fall outside the scope of material planning considerations. An assessment of planning policy and material planning considerations, as evidenced above, has been undertaken and in context of the reduced scale of the development, to that proposed previously, it is not felt that there is due justification or reason to refuse the application. It is therefore recommended that planning permission be granted subject to conditions and legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

1. Application form, plans and associated documents received 27/01/2016.