

# REGULATORY SERVICES COMMITTEE

12 May 2016

# REPORT

**Subject Heading:**

P1630.15 – 79-81 Christchurch Avenue,  
Rainham – Outline planning application  
for two no. two bedroom bungalows with  
all matters reserved (received 25/11/15  
and revised plans received on 25/04/16).

**Ward**

South Hornchurch

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for  
People will be safe, in their homes and in the community  
Residents will be proud to live in Havering

[x]  
[x]  
[x]

## SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal seeks outline consent for two, two bedroom bungalows with all matters reserved. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## RECOMMENDATIONS

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 £12,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- 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 planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

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 outline planning permission subject to the conditions set out below.

1. Reserved matters - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Time limit – Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. 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 the LDF Development Control Policies Development Plan Document Policy DC61.

5. 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.

6. Land contamination - (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.

7. Land contamination - (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:** To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

8. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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.

9. Refuse/recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

**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.

10. Parking provision - Before the building(s) hereby permitted is first occupied, the area set aside for car parking 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.

11. 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.

12. 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.

13. Wheel washing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down 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.

**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. Removal of permitted development rights – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, 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.

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

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. External lighting - No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

**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.

17. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and turning head shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent their use for anything but access.

**Reason:** Insufficient information has been supplied with the application in relation to the surfacing materials. Submission of details prior to commencement will ensure that the surfacing materials are suitable, 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.

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

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

19. Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

**Reason:** In order to comply with Policy 5.15 of the London Plan.

20. Building Regulations – 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.

21. Sound insulation – The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties.

## **INFORMATIVES**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with David De Souza via email 8th April 2016. The revisions involved adding raised tables either end of the access road and adding a communal refuse point. The amendments were subsequently submitted on 25th April 2016.
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. 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.
4. Waste comments  
Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).



Surface Water Drainage - With regard to surface water drainage it is the responsibility of a 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 groundwater. 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 0800 009 3921.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to this planning application.

#### Water comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is - Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex, CM3 8BD. Tel: 03457 820999.

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.

<b>REPORT DETAIL</b>
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1. **Site Description:**

- 1.1 The application site comprises land in between, and to the rear of, 79-81 Christchurch Avenue, Rainham. The rear gardens of two storey dwellings in Dominion Way and Christchurch Avenue back onto the site to the east, south and west. The rear gardens of neighbouring properties in Collingwood Road and commercial properties including Travis Perkins builder's merchant are located adjacent to the northern boundary of the site.

2. **Description of development:**

- 2.1 The application is for outline permission for 2 no. two bedroom, three person, single storey dwellings including the associated amenity space and car parking with all matters reserved. Appearance, siting, landscaping, scale and layout are the reserved matters.
- 2.2 The proposal features a pair of single storey bungalows with pitched roofs. According to the indicative plans, each dwelling comprises of one single and

one double bedroom, a bathroom and an open plan kitchen/lounge/dining room. There are three car parking spaces and an area of hardstanding with some landscaping on the perimeter of the site to the front of the dwellings.

- 2.2 The indicative plans suggest that the dwellings would have a combined width of approximately 18.7 metres and a depth of between 7.6 and 11.3 metres as the front façade of the dwellings would be staggered. The dwellings would be set in approximately 1 metre and between 0.8 and 5.2 metres from the northern and south western boundaries of the site respectively. The site would utilise the existing access road.

### 3. **Relevant History:**

- 3.1 No relevant planning history.

### 4. **Consultations/Representations:**

- 4.1 The occupiers of 23 neighbouring properties were notified of this proposal. Two letters of objection were received with detailed comments that have been summarised as follows:
- A neighbouring property has had access to, maintained and used the site ever since.
  - Two neighbouring properties have garages which are accessed from within the application site, not from the access road as shown on the plans.
  - There were problems with fly tipping on the site between 1998 and 2000. During this time, neighbouring garages were broken into and gates, lights and security cameras were installed.
  - An occupier of a neighbouring property works from home on the application site and parks work vans and a trailer on the site. This occupier has also placed a container on site for tools and plant for their work. The container has been there since 2000 and is used daily to carry out their business. The vans are unloaded and loaded at all times during the day, the drive is in constant use and materials are also stored on site. The site and access road has been cleared of rubbish and regularly mown and machinery has been purchased by this neighbouring occupier to carry out the works.
  - The plans do not have measurements on them.
  - Queried the distance between the houses and a neighbouring property and if the property would affect their light and privacy.
- 4.2 In response to the above, the neighbouring occupier who uses the application site does not have any rights over the land as they do not own it. The plans are to scale. The remaining issues are addressed in the following sections of this report.
- 4.3 The Council's Highways Authority object to the proposal on the grounds of the lack of pedestrian visibility splays at the access road and the access road is too narrow for refuse collection. The access road and turning head are sub-standard in terms of width and layout, which may be a fire brigade issue too.
- 4.4 Environmental Health – Recommend three conditions regarding contamination and sound insulation if minded to grant planning permission.

- 4.5 StreetCare Department – Has no objection to the refuse arrangements, providing that residents present their waste at the entrance of the access road on the day of collection.
- 4.6 Fire Brigade – No additional fire hydrants are required.
- 4.7 Thames Water – Recommend informatives regarding waste, surface water drainage and water.

## 5. **Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document (technical appendices)
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.15 (water use and supplies), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## 6. **Staff Comments**

- 6.1 The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity, highway and parking issues and infrastructure.

## 7. **Principle of development**

- 7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

## **8. Density and site layout**

- 8.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare. The proposal achieves a density of some 25 units per hectare on this 0.08 hectare site. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable area, which would prevent the site from being successfully developed at a higher density.
- 8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61<sup>2</sup> for a 2-bed 3-person dwelling. The proposed dwellings have individual internal floor space of 65 m<sup>2</sup> and 78m<sup>2</sup> which is in line with the recommended guidance and considered acceptable. The layout of both dwellings adheres to the Technical Housing Standards.
- 8.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the dwellings would have a minimum and maximum private amenity space of 92 and 142 square metres respectively. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

## **9. Design/impact on street/Garden scene**

- 9.1 Landscaping is a reserved matter. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.
- 9.2 Scale and appearance are reserved matters. The floor plans show that the two dwellings would be single storey with pitched roofs. It is deemed possible to construct dwellings that would be appropriate. Staff consider that the plot can accommodate two single storey dwellings.

## **10. Impact on amenity**

- 10.1 It is considered that the proposal would not result in a significant loss of amenity to neighbouring properties, as the dwellings are single storey. The dwellings would be set in approximately 1 metre and between 0.8 and 5.2 metres from the northern and south western boundaries of the site respectively and would be located at an oblique angle from neighbouring properties, which would help to mitigate their impact.
- 10.2 The rear gardens of the dwellings at No.'s 23-27 Dominion Way have a depth of approximately 18 metres, which would help to mitigate the impact of the proposal. In addition, there would be a separation distance of approximately

7.9 metres between the rear façade of the dwellings and the eastern boundary of the site. Given the above distances, Staff consider that this relationship is acceptable.

- 10.3 In respect of No.'s 81-85 Christchurch Avenue, there is favourable orientation, as the proposed dwellings are located to the north of these neighbouring properties. The rear gardens of No.'s 81-85 Christchurch Avenue have a depth of between approximately 13 and 25 metres, which would help to mitigate the impact of the proposal. Given the above distances, Staff consider that this relationship is acceptable.
- 10.4 The rear gardens of the dwellings at No.'s 77-79 Christchurch Avenue have a depth of approximately 25 metres, which would help to mitigate the impact of the proposal. Also, there is an additional separation distance created by the width of the access road and the area of hardstanding adjacent to the north western boundary of the site.
- 10.5 Staff consider that the building adjacent to the northern boundary of the site would not be adversely affected by the proposal given its commercial use as a builders merchants. In addition, the nearest dwelling would be set in approximately 1 metre from the northern boundary of the site. There is a row of conifers adjacent to the northern boundary of the site, which would provide some screening.
- 10.6 There would be a separation distance of approximately 21 metres between the rear facades of the dwellings at No.'s 26-28 Collingwood Road and the north/north western corner of the application site, which would help to mitigate the impact of the proposal. Given the above distance, Staff consider that this relationship is acceptable.
- 10.7 Landscaping is a reserved matter and details of boundary treatment can be secured by condition if minded to grant planning permission. Given the intervening distances and the layout of the plots, Staff do not consider that the proposed development would appear unduly overbearing or dominant from the rear garden environment in Collingwood Road, Christchurch Avenue and Dominion Way.
- 10.8 Staff consider that the two dwellings with three car parking spaces would not generate significant levels of noise and disturbance from pedestrian and vehicular movements. It is not considered that this arrangement would be materially harmful to amenity owing to the limited numbers of parking spaces and subject to adequate boundary treatment.
- 10.9 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the amenities of neighbouring occupiers.

## **11. Highway/parking issues**

- 11.1 There is a parking standard of 1-1.5 car parking spaces per dwelling. There is a total of three car parking spaces for both dwellings, which complies with Council policy. The Council's Highways Authority object to the proposal on the grounds of the lack of pedestrian visibility splays at the access road and the access road is too narrow for refuse collection. The access road and turning head are sub-standard in terms of width and layout, which may be a fire brigade issue too.
- 11.2 In response to this, the plans have been revised to include two raised tables (with a change of materials on the shared service) located at both ends of the access road to slow down vehicles and minimise risk. The neighbouring properties located either side of the application site are privately owned, so it is not possible to provide pedestrian visibility splays at the access road. Staff consider that the provision of two raised tables at both ends of the access road represent some improvement in highway safety terms, although this is a matter of judgement for Members.
- 11.3 Staff consider the amount and configuration of the parking proposals to be acceptable. Any ongoing access to the neighbouring garages at No. 79 and 81 Christchurch Avenue is to be determined between the householders concerned and the Council is its capacity as applicant.
- 11.4 The plans have been amended to include a communal refuse storage space, which is acceptable. The StreetCare Department has no objection to the refuse arrangements, providing that residents present their waste at the entrance of the access road by 7am on the day of collection. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

## **12. Infrastructure**

- 12.1 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.
- 12.2 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.

- 12.3 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.
- 12.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations 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.
- 12.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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.
- 12.6 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.
- 12.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 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.
- 12.8 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 £12,000 for educational purposes would be appropriate.
13. **Mayoral CIL**
- 13.1 The dwellings are liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

## 14. Conclusion

- 14.1 Staff consider the site to be acceptable in principle for residential development. It is deemed possible to construct dwellings that would be appropriate. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff consider the amount and configuration of the parking proposals to be acceptable. The Highway Authority objects to the proposal due to a lack of pedestrian visibility splays at either end of the access road. The plans have been revised to include two raised tables (with a change of materials on the shared service) located at both ends of the access road to slow down vehicles and minimise risk. Staff consider that the provision of two raised tables represent some improvement in highway safety terms, although this is a matter of judgement for Members. There would be a financial contribution of £12,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

### IMPLICATIONS AND RISKS

#### **Financial implications and risks:**

None.

#### **Legal implications and risks:**

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

#### **Human Resources implications and risks:**

None.

#### **Equalities implications and risks:**

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

### BACKGROUND PAPERS

Application forms and plans received 25/11/2015 and revised plans received on 25/04/16.



