



# REGULATORY SERVICES COMMITTEE

14 July 2016

# REPORT

**Subject Heading:**

P0666.15 Land Adjacent 30-30C South Hall Drive, Rainham

Construction of 2 storey building consisting of 3 x 1 bedroom apartments, with associated car parking and amenity. (Received 08/05/15, revisions received 21/10/15 and 06/06/16)

**Ward:**

Rainham and Wennington

**Lead Officer:**

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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 2 no. existing detached garages and the construction of a 2-storey building consisting of 3 x 1 bedroom apartments, with associated car parking and amenity space to the side and rear.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents, health and safety concerns and the suitability of the proposed parking and access arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 190m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £3,800 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner 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.
- The Developer/Owner to pay 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

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

**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

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 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. PL-5309\_03C.

**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. PL-5309\_03C.

**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. 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.

## 12. 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.

## 13. 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.

#### 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.

#### 16. 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.

17. The proposed windows to the front elevation 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. Railway noise

Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

- a) railways noise (in accordance with Technical memorandum, “Calculation of Railway Noise”, 1995)
- b) vibration from the use of the railway lines

Upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to, approved in writing by the Local Planning Authority, implemented prior to occupancy taking place.

**Reason:** To protect residents from transportation noise and vibration.

#### 19. Restricted use

The ground floor hereby approved shall only be used for the parking of vehicles and for storage purposes and shall not be used for residential accommodation



**Reason:** In order to safeguard the development from flooding

## **INFORMATIVES**

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved a reduction in the overall bulk of the development and the provision of balconies to the rear. The amendments were subsequently submitted on 6 June 2016.
3. 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](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
4. Please note that by virtue of Condition(s) 14, you are required to notify the relevant Building Control body of these conditions as part of any application.

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

- 1.1.1 The application site comprises a long, tapering piece of land which is currently occupied by 2 no. garages and various outbuilding structures. The plot depth varies from the southeast to the northwest and measures 20.7m at its widest and 12.35m at its narrow end. It measures 34m long. The site is situated to the side of No. 30c South Hall Drive, which is an end-of-terrace property and to the rear of the properties at No's. 28 – 24 South Hall Drive. The surrounding area is residential in character.

- 1.2 The railway line runs along the other side of the plot. The site is located in Flood Zones 2 and 3. The site is also located within the middle zone of the Horndon to Barking gas pipeline and in the outer zone of the Romford/Baker Street gas pipeline, which is situated to the west of the application site.
- 1.3 Access to the plot is via an unmade access road to the rear of No's. 24-28 South Hall Drive.

## **2. Description of Proposal**

- 2.1. The proposal is for the construction of a two storey building with ground floor entrance and undercroft car parking and first floor accommodation consisting of 3 No. 1-bedroom apartments.
- 2.2 Parking will be provided for 6 No. vehicles within the undercroft.
- 2.3 Communal amenity space would be provided to the side and rear of the proposed building of approximately 144m<sup>2</sup>. Balconies have also been added to the rear elevation.
- 2.4 Bin and cycle storage could be provided in an enclosed area to the side of the garage to the end units. Bin storage to the middle unit will be to the rear of the ground floor parking and cycle storage will be provided in a storage area to the rear of the staircase.

## **3. Relevant History**

- 3.1 P1078.12 - Proposed 3 bedroom detached bungalow dwelling – Not yet decided

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 29 properties and 3 letters of support and 7 letters of objection were received. The comments can be summarised as follows:

- Overlooking
- Loss of light
- Increase in traffic
- Reduce property values

- 4.2 The following consultation responses have been received:

- The London Fire Brigade - no objection
- Thames Water - no objection
- Essex and Suffolk Water - no objection
- Environmental Health - no objection provided that a contamination, noise and construction hours condition be added.
- Highways - no objection.
- Health and Safety Executive - no objection

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, and Planning Obligation SPD (Technical Appendices)
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10, 5.16 (waste self-sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 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 4 (Promoting sustainable transport), 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 relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses, the potential impact of the main gas pipeline on the development and the suitability of the proposed parking and access arrangements.
- 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 a previously developed site.
- 6.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its ongoing use for residential purposes is therefore regarded as being acceptable in principle.

### 6.3 *Density/ Layout*

- 6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.3.2 The proposal would provide 3 no. residential dwellings at a density equivalent to approximately 56 dwellings per hectare. This is slightly in excess of the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location. Although the number of units per hectare is in excess of the recommended range consideration should be given to the site constraints and the form of development being proposed.
- 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 varying floor space sizes all of which would meet or exceed the respective minimum standards 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 On balance, Staff are of the view that the proposed communal rear and side amenity space is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities. In addition to the shared amenity area the dwellings will each have a balcony to the rear elevation.

### 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 building would be situated adjacent to and to the northwest of an existing two-storey terraced building. The proposal would not result in an unacceptable impact on South Hall drive as it would be situated adjacent to a similar two-storey building and to the rear of the properties at No's. 24-28 South Hall Drive. The property will only be partially visible from the South Hall Drive streetscene.

6.4.3 The proposed development will be situated approximately 16m from the rear building line of No. 28 South Hall Drive, 1.8m from the end of terrace property to the southeast. No residential properties are situated to the west and the proposed building is situated approximately 5.5m from the northwestern boundary.

6.4.4 In terms of design and visual appearance, Staff are of the opinion that the development would have an acceptable appearance with no harmful impact to the character of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring dwellings, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework and the Residential Design SPD.

## 6.5 *Impact on Amenity*

6.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.

6.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the residential dwellings to the northeast along South Hall Drive and the adjacent property to the southeast.

6.5.3 Officers do not consider the proposal to have a harmful impact on the neighbouring occupiers to the northeast as there is a separation distance of approximately 16m between the proposed building and these residential dwellings along South Hall Drive. No overlooking would result as the front windows at first floor would serve non-habitable rooms and will either be internally blocked (so as to create a false window when viewed externally) or conditioned to be obscure glazed and fixed shut with the exception of top hung fanlight(s). No flank windows are proposed and no overlooking would therefore result to the northwest and southeast.

6.5.4 Any potential impact as a result of the projection of the proposed building line approximately 2.3m beyond that of the neighbouring property at No. 30B is deemed acceptable in terms of impact on outlook and potential loss of light given the separation distance of approximately 2m between the two buildings. Also it should be noted that this neighbour has submitted a letter in support of the application.

6.5.5 Staff acknowledge that there will be some impact on neighbouring amenity as a result of vehicle movement in and out of the development however Staff do not consider this to be unacceptable given that there is existing garages on the site and any additional vehicle movement would be minor.

6.5.6 It is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

## 6.6 *Environmental Issues*

6.6.1 Environmental Health has raised no objection to the proposal provided that a contamination condition is added in the event of an approval as the subject site is located within 50m of a current commercial and industrial use.

6.6.2 The site is also in close proximity to two main gas pipelines. The Health and Safety Executive (HSE) has withdrawn their 'Advice Against' comments as the pipelines in the immediate vicinity has increased protection (thicker wall and stronger steel) when compared with the notified details submitted to HSE when the pipelines were constructed. The reduction in risk is considered sufficient to place the development in the Outer Zone of both pipelines. The HSE therefore raises no objection to the development.

6.6.3 The proposed development is situated in Flood Zone 2 and 3. The application has submitted a Flood Risk Assessment (FRA). The FRA concluded that there is a low risk of groundwater flooding and flooding from other sources such as sewers and reservoirs. However, there is a high surface water flooding risk which will be mitigated by the Water Entry Strategy and by limiting residential accommodation to the first floor. Comments from the Environmental Agency were not yet received at the time of writing this report and any concerns raised will be reported to Member on the evening of the Regulatory Services Committee.

## 6.7 *Parking and Highway Issues*

6.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) for the site is set at 1-2 meaning that the site is classified as having relatively low access to public transport. Residential development in this location is required to provide car parking provision of 1.5-2 spaces per unit.

6.7.2 The proposal can demonstrate a total of 6 no. off-street car parking spaces within the site to cater for the proposed 3 no. residential dwellings. The car parking provision would be situated at ground floor. The parking provision would result in a ratio of 2 parking spaces per unit which is considered acceptable and in accordance with Policy DC2.

6.7.4 It is therefore considered that the proposed car parking arrangements are acceptable and would not result in highway safety or parking issues.

## 6.8 *Mayoral Community Infrastructure Levy*

6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 190m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £3,800 (subject to indexation).

## 6.9 *Infrastructure Impact of Development*

6.9.1 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.

6.9.2 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.

6.9.3 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.

6.9.4 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.

6.9.5 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.

- 6.9.6 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.
- 6.9.7 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 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.
- 6.9.8 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 £18,000 for educational purposes would be appropriate.
- 6.10 *Other*
- 6.10.1 Bin and cycle storage could be provided in an enclosed area to the side of the garage to the end units. Bin storage to the middle unit will be to the rear of the ground floor parking and cycle storage will be provided in a storage area to the rear of the staircase.

## **7. Conclusion**

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

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

None.

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

The Council's planning policies are implemented with regard to equality and diversity.

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 8 May 2015, revision received on 21 October 2015 and 06 June 2016.