



REGULATORY SERVICES COMMITTEE

4 August 2016

REPORT

Subject Heading:

P1652.15 - 2 Brooklands Road, Romford

Erection of an apartment building to provide 10no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings (Received 27/11/15)

Ward:

Brooklands

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

This application was originally presented to the Regulatory Services Committee meeting of 31st March 2016 with a recommendation for approval. It was deferred in order to clarify the enforcement history on the site, whether vehicle access safety arrangements can be improved and whether a contribution can be made for affordable housing. A full response to the request for clarity is covered later in this report under the 'Background' section.

The proposal is for the erection of an apartment building to provide 10 no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and 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 and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 544m² (821m² minus existing floor area of 277m²) and amounts to £10,880.

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 £60,000 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

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 10 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking 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.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises

and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Landscaping

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Refuse and Recycling

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 submitted to and 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 LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle Storage

Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

8. 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. External Lighting Scheme

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

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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.

The submitted scheme will provide the following details:

- 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, including their 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 washed 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.

g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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. Boundary Screening/Fencing

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.

12. Noise Insulation (Flats)

The building(s) shall be so 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 to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

13. 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 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. Energy Statement

No development shall take place until details of the energy efficiency and renewable energy measures detailed in the energy statement has been submitted to and approved in writing by the Local Planning Authority. Copies of the Final Performance Certificates (EPC's) are to be provided as evidence.

Reason: Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

15. Accessible and Adaptable Dwellings

At least 3 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the 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. 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

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £10,880.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Background

- 1.1 At the Regulatory Services committee meeting on the 31 March 2016, it was recommended to Members that determination of this application be deferred so that further information could be provided on the lawfulness of the site use and the buildings on-site. In respect of this, it is confirmed that the site use (a car dealership) does not benefit from an extant planning permission. That being said, it has been suggested by the applicant that the business was established in 1969 and evidence supplied to Officers appears to confirm this.
- 1.2 It should however be noted that an enforcement notice was served on the premises in 1972 to cease the use of the building and land for the parking, storage, display, preparation for sale, and sale of motor vehicles and to remove from the site any apparatus and equipment introduced upon the site in connection with the unauthorised use. The enforcement notice was appealed and dismissed in 1973. No action was taken until further complaints were received in 1995. Legal advice was sought in 1996 and 2002 and it was concluded that it was not expedient to prosecute non-compliance with the notice.
- 1.3 The report as presented to Members previously is replicated below with revision to the amenity and highway sections. To confirm, the use of the site as existing, as a car dealership, is not formally consented by a planning permission and currently has an existing enforcement notice in force. On this basis substantial weight cannot be attached to current vehicle movements into and out of the site along the access drive in assessing the potential impact on neighbouring amenity and the highway arising from the proposed redevelopment.
- 1.4 With reference to clarity sought on whether vehicle access safety arrangements can be improved, the applicant has indicated that they are prepared to provide lighting along the entrance road in order to improve visibility and this is secured via condition (see condition 9). Traffic calming measures near the entrance of the site can also be considered. Comments from the Highways Department confirm that the suggestion to have a traffic lights system would not be a practical or proportionate solution for this location.
- 1.5 The applicant has declined the request for a contribution towards affordable housing as it would make the development unviable. No further information has been submitted over the viability assessment which accompanied the original submission which was independently tested by the Council at the time of submission.

2. Site Description

- 2.1 The application relates to previously developed land to the rear of No's. 4-12 Brooklands Road.
- 2.2 The land is currently occupied by R&L Stevens used car dealership and comprises two existing buildings 1-1.5 storeys in height and an expansive area of hardstanding used for the display of vehicles and car parking.
- 2.3 The site is relatively flat and access to the site is currently provided along a driveway to the south of No. 4 Brooklands Road.
- 2.4 The character of the immediate locality consists of predominantly 2-storey terraced dwellings with the exception of flats to the northeast of the site.

3. Description of Proposal

- 3.1 The submission seeks planning approval for the demolition of the existing buildings on the site and the erection a 2.5 storey apartment building to provide 10 no. 2-bedroom flats.
- 3.2 Amenity space provision is in the form of a 109m² communal amenity area to the rear of the proposed building.
- 3.3 On-site parking will be provided for 10 no. vehicles to the front of the proposed building. Access to the property would be gained via an existing access road off Brooklands Road.
- 3.4 Refuse storage would be provided in the south-western part of the site approximately 30m from Brooklands Road. Secure cycle storage providing space for up to 10 no. cycles would be provided in an outbuilding in the rear garden.

4. Relevant History

- 4.1 Enforcement notice served on 23 March 1972 as the site was used for the parking, storage, display, preparation for sale and sale of motor vehicles, without the grant of consent. The notice came into effect on 21 April 1973 (date of appeal decision) and required the occupier to within 3 months to discontinue the use of the said building and land for the parking, storage, display, preparation for sale and sale of motor vehicles; to remove from the site any apparatus and equipment, including motor vehicles introduced upon the site, in connection with these unauthorised uses, and to restore the site to its former condition before development took place
- 4.2 ENF/430/13/ - Alleged unauthorised car repairs in the street - Determined that it was not expedient to enforce given the amount of time that has elapsed

4.3 ENF/502/15 - Alleged unauthorised car sales and repairs - Activity has been determined to be on-going for more than 14 years and considered immune to enforcement.

5. Consultations/Representations

5.1 Neighbour notification letters were sent to 71 properties and 2 letters of comment, 1 letter in favour and 14 letters of objection were received. The objections raised can be summarised as follows:

- Loss of sunlight
- Loss of privacy
- Already a shortage of parking in Brookland Road
- Construction work would cause disruption
- Out of keeping with the surrounding area
- Loss of outlook
- Increase in noise pollution
- Light pollution
- Overbearing building in close proximity to rear garden
- Devalue property
- Removal of trees
- Existing drainage problems in area will be made worse
- Access road too narrow for fire engines
- Additional road traffic and roadside parking will cause a hazard
- Proposed use of red brick would not be in keeping with area
- Concerns regarding waste collection

Issues raised in representations relating to impact of construction works, devaluation of property and impact on existing drainage are not material planning considerations. Other issues raised are covered in the relevant sections of the report below, and cover matters relating to design and visual impact, the impact on amenity, trees and highway related matters.

5.2 The following consultation responses have been received:

- Essex and Suffolk Water - no objection.
- London Fire Department - no objection.
- Designing Out Crime Officer - raised no objection to the proposal
- Environmental Health - no objection, recommended conditions in relation to contaminated land and noise insulation.
- Flood and rivers management officer - no objection
- Highways - objects to the application however this can be overcome if the pedestrian visibility splay issues are dealt with

6. Relevant Policies

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC27 (Provision of Community Facilities), 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.

- 6.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD and the Planning Obligation SPD (Technical Appendices)
- 6.3 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 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13 (sustainable drainage), 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.
- 6.4 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.

7. Staff Comments

- 7.1 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 and flats and the suitability of the proposed parking and access arrangements.

7.2 Principle of Development

- 7.2.1 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.
- 7.2.2 The proposal is for the redevelopment of the existing residential site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.
- 7.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its on-going use for residential purposes is therefore regarded as being acceptable in principle.

7.3 Density/Layout

- 7.3.1 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.
- 7.3.2 The proposal would provide 10 no. residential apartments at a density equivalent to approximately 91 dwellings per hectare. Policy DC2 states that a dwelling density of between 50 to 110 dwellings per hectare would be appropriate in this location. The number of units per hectare is in keeping the recommended range and considered acceptable.
- 7.3.3 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.
- 7.3.4 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.
- 7.3.5 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.
- 7.3.6 An area of approximately 109m² to the rear of the building would be landscaped and set out as communal shared amenity space. The communal garden is considered to provide the occupants of the proposed flats with a reasonable provision of outdoor amenity space. Balconies are not proposed first floor units as this may result in an increased perception of overlooking.
- 7.3.9 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 7.3.10 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has not raised an objection to the proposal.

7.4 *Design/Impact on Streetscene*

- 7.4.1 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.

7.4.2 The proposal would not be visible from Brooklands Road and is therefore not considered to have an impact on the streetscene.

7.4.3 The proposal has been carefully considered to reduce any perceived mass or impact by siting the development toward the rear of the site and in closer proximity to an existing block of flats to the north east of the subject site. Staff further consider the hipped roof, design and articulation of the elevations to reduce the perceived bulk whilst adding visual interest and depth to the building.

7.4.4 The proposed development is considered to be sympathetic to the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with Policy DC61 and the Residential Design SPD.

7.5 *Impact on Amenity*

7.5.1 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.

7.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the residential dwellings situated to the north, south and east of the site. A block of flats is situated to the north east of the site.

7.5.3 Staff do not consider the proposal to have an unacceptable impact to the neighbouring amenity of the properties to the north as there are no flank windows proposed at first and second floor levels, the roof is hipped away and there is a separation distance of approximately 24m between the proposed building and these neighbouring properties and 2m to their back gardens. The long back gardens of these properties would mitigate any overbearing impact that may result.

7.5.4 Similarly the neighbouring properties situated to the south have a separation distance of 32m. There would be a separation distance of 8m between the development and these neighbour's rear boundaries. Staff consider the separation distances to be sufficient not to result in an overbearing development or have an unacceptable impact on neighbouring amenity in terms of overlooking or loss of light.

7.5.5 The residential properties situated to the southwest of the proposed development have a separation distance of approximately 23m from the proposed development with a distance of approximately 8m from the back fence of the rear gardens to the block of flats. Although there will be a degree of overlooking from the first floor and loft windows, Staff do not consider the impact to be unacceptable given the separation distances described. However Staff acknowledge that this is a balanced view and

members may wish to give more weight to the potential for overlooking. The proposal is not considered to result in an overbearing development to these properties or result in loss of light given the 8m separation distance from their back fences.

7.5.6 It is acknowledged that there would be some impact on outlook and loss of light to the block of flats situated to the northeast; however Staff do not consider the impact to be of such a degree as to warrant a refusal. This is however a balanced view and members may wish to give more weight to the impact on outlook and loss of light.

7.5.7 Staff also 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 the size of the development and the likely volume of vehicle trips. This is however a balanced view and members may wish on the one hand consider the existing vehicle movement as a result of the unlawful use as a mitigating factor or on the other hand, give more weight to the potential impact of noise and disturbance as a result of the proposed development.

7.5.8 The bulk and mass of the proposed building would be larger than that of the surrounding residential dwellings, however Staff do not consider it to have an unacceptable impact on neighbouring amenity in terms of outlook given the separation distances from neighbouring dwellings and its location in the rear garden environment.

7.5.9 It is considered that the proposed development would not unacceptably 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.

7.6 *Environmental Issues*

7.6.1 Environmental Health has raised no objection to the proposal; however requests a condition for sound insulation in the event of an approval.

7.6.2 There are some mature trees situated near the boundaries of the subject site. The applicant has not given any indication as to which trees would be removed, however none of the trees are protected. A landscape condition will be added in the event of an approval to provide details of the trees to remain and those to be removed.

7.7 *Parking and Highway Issues*

7.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 4 meaning that the site is classified as having relatively good access to public transport. Therefore flattened

development in this location is required to provide car parking provision of 1.5-1 spaces per unit.

7.7.2 The proposal can provide a total of 10 no. off-street car parking spaces within the site to cater for the proposed 10 no. 2 bed flats. The car parking provision would be arranged to the front of the development. The parking provision would result in a ratio of 1 parking space per unit which meets the requirements for this part of the Borough.

7.7.3 Secure cycle storage providing space for up to 10 no. cycles would be provided in an outbuilding to the rear of the block of flats. A cycle storage condition will be added in the event of an approval. Refuse storage will be provided close to the front entrance of the flatted block and within 30m from the collection point which meets with the approval from Streetcare. A refuse storage condition will be added in the event of an approval.

7.7.4 The Highways Authority has raised an objection to the lack of pedestrian visibility splays. Officers acknowledge that very limited weight can be given to the existing use of the site as it is not lawful; however it has been operating since before 1972 with vehicle movements in and out of the site. The proposal will utilise the existing access arrangements and given the existing vehicle movement, although associated with an unlawful use, staff do not consider the lack of visibility splays to constitute a sufficient reason for refusal. Additionally, the lawful residential use of the site would have allowed a substantial residential dwelling with parking for at least 4 vehicles which could arguably be associated with a large residential dwelling. The lack of visibility splays would therefore have been an existing scenario and officer do not consider the additional vehicle movement to result in a harmful impact on pedestrian visibility over and above what would have been present at the time of the lawful residential use. The provision of a traffic calming speed bump could be introduced close to the entrance of the subject site in order to further mitigate the lack of pedestrian visibility. Members may however attach more weight to the potential impact on pedestrian safety and the requirement for visibility splays and may wish to refuse the application on these grounds.

7.8 *Affordable Housing*

7.8.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 5 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. The valuation has been independently appraised and that appraisal has concluded that the scheme cannot support any affordable housing provision,

when taking into account the financial obligations required by the Mayoral Community Infrastructure Levy and Policy DC72 in connection with education provision.

7.9 *Mayoral Community Infrastructure Levy*

7.9.1 The proposed development will create 10 no. new residential units with 544m² of new gross internal floorspace (821m² minus existing floor area of 277m²). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £10,880.00 subject to indexation based on the calculation of £20.00 per square metre.

7.10 *Infrastructure Impact of Development*

7.10.1 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.

7.10.2 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.

7.10.3 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.

7.10.4 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.

7.10.5 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.

7.10.6 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.

7.10.7 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.

7.10.8 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.

7.11 *Trees*

7.11.1 There are no current or formerly protected trees present on the subject sites.

8. Conclusion

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

8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. There are margins of judgement in respect of the lack of visibility splays, the impact on vehicle movement on residential amenity, the impact upon outlook for the flats to the north east and the potential for overlooking of the properties to the southwest of the subject site. For the reasons outlined in the report, on balance, Staff consider the proposals to be acceptable in these respects.

8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the surrounding area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is

therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including accessible and adaptable units and wheelchair adaptable units.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 27 November 2015.