



REGULATORY SERVICES COMMITTEE

25 August 2016

REPORT

Subject Heading:

**P0920.16: 177 and 179 Mawney Road,
Romford**

**Erection of 1no. three-bedroom house
within the rear gardens of 177 and 179
Mawney Road. (Application received 1
June 2016)**

Ward:

Mawneys

Lead Officer:

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Planning Manager**

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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 [X]
- 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 erection of 1no. three-bedroom house within the rear gardens of 177 and 179 Mawney Road..

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.

On balance 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 it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 132 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £1780.00 Mayoral CIL payment (subject to indexation).

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

- A financial contribution of £6,000 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 to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 approved plans (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. External 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.

4. 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.

5. Parking Provision

Before any part of the dwelling hereby permitted is first occupied the car parking provision as indicated in drawing 'M.R.P101' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and 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.

6. Alterations to Public Highway

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

7. 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.

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. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden area 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.

10. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening (other than those shown on the submitted and approved plans), shall be formed in the flank wall of the building 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.

11. Obscure Glazing

The proposed first floor roof light windows in the north elevation, namely the bedroom windows, shall be permanently glazed with obscure glass.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. 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 the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. 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.

14. Boundary Fencing

The proposed new dwelling shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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

15. Contaminated Land

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: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

16. Contaminated Land (2)

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

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

Reason: 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.

17. Accessible and Adaptable Dwellings

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.

18. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

19. 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.

20. 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. 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.
2. 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 £1780.00 (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.
3. Changes to the public highway (including permanent or temporary access) 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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development.

Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

4. With regards to surface water drainage it is the responsibility of the 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 Ground Water. 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 0845 850 2777.

5. 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.
6. Before occupation of the residential unit hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Call-in

- 1.1 The application has been called-in to committee by Councillor Linda Trew on the grounds that she believes that the proposal represents an over development of the site, and a public nuisance, depending on who the tenants will be as the two neighbouring properties owned by the applicant are currently used for multi occupancy, which includes young offenders, necessitating the need for police visits during all times of the day and night. In addition, there are concerns with regard to the access arrangements.

2. Site Description

- 2.1 The application relates to land at the rear of 177 & 179 Mawney Road, Romford, forming a backland plot which backs onto the residential cul-de-sac of Amberley Way. No.s 177 & 179 Mawney Road are two storey

detached houses and the surrounding area is characterised by predominantly two-storey detached and semi-detached properties.

- 2.2 The site is not located within a conservation area or classified under any specific land allocation in the LDF.

3. Description of Proposal

- 3.1 The application is seeking planning permission for the erection of 1 no. three-bedroom house within the rear gardens of 177 and 179 Mawney Road.

- 3.2 The proposal would involve the demolition of the existing single storey rear outbuilding and the partition of the western sections of the rear gardens of No.s 177 & 179 Mawney Road. The proposed detached house would be positioned centrally within the plot and orientated with the frontage facing east towards the rear of 177 Mawney Road.

- 3.3 The proposed dwelling would measure 8 metres in width at the widest point and 8.5 metres in depth. The building would incorporate an unusual gullwing style roof design with a crown ridge at a height of 4.9 metres, giving the first floor level a mansard type appearance.

- 3.4 The new dwelling would be accessed from Mawney Road through the formation of an access road adjacent to the southern flank elevation of No. 177 and the rear garden boundaries of the neighbouring properties at Marlborough Road. The access road would lead through to a turning head and parking area providing a total of 2no. off-street residents car parking spaces located adjacent to the rear garden boundaries of the donor properties.

4. Relevant History

- 4.1 P1835.15 - Erection of 2no. semi-detached houses within the rear gardens of 177 and 179 Mawney Road - Refused 17 May 2016

P1297.10 - Demolition of the existing single storey bungalow and construction of a new two storey detached dwelling house - Approved 28 October 2010

P1825.05 - Two storey side & rear extension. 1st floor rear extension. Single storey front extension - Refused 30 November 2005

P2220.03 - Parking of motor vehicles - Refused 21 January 2004

P1479.02 - Part change of use to mixed use as residential and commercial (storage of vehicles) - Refused 13 December 2002

5. Consultations/Representations

5.1 Notification letters were sent to 31 properties and 10 representations have been received. The comments can be summarised as follows:

- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Overdevelopment of the site/unsuitable location and would set a precedent.
- Loss of side garden wall presents a security risk to surrounding properties.
- Concerns that the dwellings could be used as HMOs or accommodation for people with special needs, resulting in additional noise and disturbance.
- Increase in traffic and car parking resulting in congestion on surrounding roads.
- Impact on social cohesion due to the high density of occupants within a small area.
- Removing natural drainage resulting in a risk of flooding.
- Noise and disturbance and smells due to the additional properties.
- Unsuitable access and a danger to highway safety due to the proposed access arrangements at Mawney Road.

5.2 In response to the matters raised above; the proposal would create a three-bedroom family dwelling, which according to the application form would comprise market housing. In terms of the perceived security risk to neighbours, a condition will be imposed requiring the submission of boundary treatment details. Staff will be looking to ensure that 2 metre high fencing is installed where the site adjoins the rear gardens of the neighbouring houses in accordance with 'Secured By Design' standards. The Council cannot control the potential future purchase of the property or its tenancy if the property were to be rented. Each application is considered on its own merits. Issues in relation to the impact on the residential amenity of neighbouring occupiers, the character and appearance of the rear garden setting, and the impact on highway safety are discussed in the following sections of the report.

5.3 The following consultation responses have been received:

- Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Environmental Health - no objection, recommended a standard condition relating to contaminated land precautions.
- Local Highway Authority - no objection recommended standard conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing.

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), 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, Landscaping SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 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 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the impact on the character and appearance of the surrounding area, the implications for the residential amenity of future occupants and occupants of neighbouring houses and the suitability of the proposed parking and access/servicing arrangements.
- 7.2 This application follows the refusal of planning application P1835.15 in May 2016. The previous application sought the demolition of the rear outbuilding and the erection of 2no. semi-detached houses. The refusal grounds cited that the proposal would appear as an incongruous and unacceptably dominant, overbearing and visually intrusive feature in the rear garden setting harmful to the amenity of neighbouring occupiers and the character and appearance of the surrounding area.
- 7.3 In comparison to the previously refused scheme for a pair of semi-detached houses the current application is for a one dwelling development and has sought to reduce the overall scale, bulk, height and massing of the proposed building.

Principle of Development

- 7.4 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.
- 7.5 Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan, the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.
- 7.6 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 7.7 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.
- 7.8 The proposal would provide 1no. residential unit at a density equivalent to approximately 8 dwellings per hectare. This results in a very low density, far below the aims of Policy DC2 which suggests that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.
- 7.9 The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 7.10 The proposed dwelling would meet the internal floor space standards for three-person two-bedroom two-storey houses. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area, width and ceiling heights. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the house would provide an acceptable amount of space for day to day living.
- 7.11 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.

- 7.12 An area of approximately 300 square metres of private amenity space would be set out to the sides and rear of the new house. It is considered that the amount of private amenity space proposed in the development is generous and adequate for the requirements of a three-bedroom house.
- 7.13 The development would retain rear gardens areas of 62 square metres at No.177 and 143 square metres at No.179, which is considered to be acceptable.

Design/Impact on Streetscene

- 7.14 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.
- 7.15 As with the previous proposal for two dwellings the proposed house would be positioned centrally within the site, albeit with a significantly reduced footprint. The contemporary gullwing roof design with the crown ridge would make the building some 1.8 metres lower than the height of the refused scheme. As such in comparison to the previous scheme, the revised proposal would form a significantly less prominent feature in terms of its visual impact, particularly from the rear of houses and gardens of the neighbouring properties. As a result it is considered that the revised scheme would sit more comfortably within the rear garden setting and would not in this instance create an unacceptably dominant and visually intrusive feature.
- 7.16 Sections of the dwelling would be visible above the 2 metre high boundary fencing to the west of the site when approaching along Amberley Way. Nevertheless, the appearance of the proposed dwelling would be dwarfed to some extent by the adjacent larger houses and as such would appear subservient within this setting.
- 7.17 As such it is considered that the proposed house would be more proportionate to the limited size of the site and the tight boundary constraints of what is a relatively small plot.
- 7.18 It is acknowledged that the contemporary design of the proposed dwelling is unusual. However, as a balanced judgement staff are of the view that the building would not be unduly prominent within the Mawney Road or Amberley Way streetscene. In addition, the proposed development would tidy up the site and enhance the character and appearance of the rear garden setting, whilst offering a good quality contemporary design that incorporates innovative and bespoke solutions to address the previously identified constraints and issues.
- 7.19 It is therefore considered that on balance the previous refusal reasons in relation to the size and scale of the proposed dwellings and the impact on the rear garden setting have been suitably addressed and the revised

proposal would serve to maintain and enhance the character and appearance of the surrounding area in accordance with policy DC61.

Impact on Amenity

- 7.20 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 or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 7.21 The previous scheme was refused on the grounds that the height, bulk, mass and position of the pair of dwellings close to the boundaries of the site would result in a dominant, overbearing, un-neighbourly and visually intrusive feature in the rear garden environment.
- 7.22 On balance and taking into consideration the amendments to the scheme which have reduced the overall height, scale and massing of the proposed house and positioned the building further away from the garden boundaries; it is not considered that the proposal would result in an undue impact on the outlook and amenity of the neighbouring occupiers in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.
- 7.23 The development would remove an existing large detached outbuilding which is positioned up against the rear garden boundaries the neighbouring houses at 34 Amberley Way and 18, 20 & 22 Marlborough Road. The new dwelling would be of a reduced scale and bulk and positioned some 7 metres away from the boundaries with these neighbouring properties.
- 7.24 In terms of privacy and overlooking the windows in the front elevation of the proposed dwelling would be orientated towards the rear of the donor properties some 18 metres away. Outlook from the ground floor windows on the northern and western flanks would be screened by the boundary fencing. A first floor bedroom window on the western elevation would be positioned some 8.7 metres at an oblique angle from a first floor window the side elevation of 34 Amberley Way, which serves secondary room. Given the combined distance and angle, and that a habitable room would not be affected, this relationship is considered to be acceptable in this instance. In addition, the outlook from this window would be no different from what could be seen from the street in Amberley Way.
- 7.25 The first floor bedrooms would be served by a series of roof lights installed along the sloping roof section. Bearing in mind the roof form and floor to ceiling height there is some concern that these windows would afford views over the neighbouring gardens to the north. Should members wish to

approve the application these windows will be restricted by condition to be obscure glazed to prevent overlooking.

- 7.26 On balance staff are of the view that the proposed development would not present issues in relation to privacy and overlooking in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.
- 7.27 It is acknowledged that there would be comings and goings to the new dwelling and potentially an increased use of the garden areas adjacent to 34 Amberley Way, but the existing outbuilding in use as a hobby, games and garden room could generate a similar level of ambient noise particularly in the summer months. As such officers are of the opinion that the proposed dwelling would give rise to levels of noise and disturbance that would not be substantially different to those that could arise between gardens. As such the additional dwelling would be unlikely to give rise to significant adverse impacts on health and quality of life or unreasonable adverse effects on the environment by reason of noise or odours.
- 7.28 Nevertheless, it is considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking. It is also considered necessary to impose a condition to remove permitted development rights in Class A for extensions, and in Class E for ancillary buildings and structures as these are the classes that could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions.

Environmental Issues

- 7.29 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have advised the inclusion of a precautionary condition relating to the discovery of any previously unknown contaminants.
- 7.30 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.31 The proposal is not considered to give rise to any significant noise issues.

Parking and Highway Issues

- 7.32 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within a Public Transport Accessibility Level (PTAL) zone 2, where a high standard of 1.5-2 parking spaces are required per dwelling.

- 7.33 The scheme can demonstrate off street car parking provision for 2no. vehicles for the proposed dwelling with the formation of an access road adjacent to the southern flank elevation of No. 177. The access road would lead through to a turning head and parking area.
- 7.34 The Local Highway Authority has raised no objection to the proposal and the car parking, access and servicing arrangements are considered to be acceptable. Pedestrian visibility splays can be secured via condition to ensure that adequate visibility is present where the access drive meets the main carriageway.
- 7.35 The submitted drawing indicates the anticipated positioning of a bin store and secure cycle store but no further details of this have been provided, although it is noted that full details of these arrangements can be reasonably obtained through the inclusion of relevant conditions.

Mayoral Community Infrastructure Levy

- 7.36 The proposed development will create 1.no new residential unit with 89 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £1780.00 subject to indexation based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 7.37 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.
- 7.38 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.
- 7.39 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.

- 7.40 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.
- 7.41 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.
- 7.42 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.
- 7.43 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.
- 7.44 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 for educational purposes would be appropriate.

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. On balance the proposal is considered to be acceptable in all material respects.

8.3 As a matter of judgement, 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 rear garden scene 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 and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 1 June 2016.