



REGULATORY SERVICES COMMITTEE

25 August 2016

REPORT

Subject Heading:

**P1129.16: Land adjacent to 41
Manston Way, Hornchurch**

**Two storey side extension and single
storey rear extension to dwelling to
provide 2 dwellings (Application
received 15 January 2016).**

Ward:

Elm Park

Lead Officer:

**Helen Oakerbee
Planning Manager**

Report Author and contact details:

**Hugo Marchant
Principal Planning Officer
hugo.marchant@havering.gov.uk
01708 434796**

Policy context:

**Local Development Framework,
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 a two storey side extension and single storey rear extension to an existing four bedroom end of terrace house to provide a new 3 bedroom house.

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.

The application has been called in by Councillor Barry Mugglestone.

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 would be £1,400 subject to indexation. This is based on the creation of 70 square metres of new gross internal floor space.

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 £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 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 obligations/ 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 that the Committee delegate authority to the Head of Regulatory Services to 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 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. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. External Materials

Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of 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 development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. The landscaping should take into account the requirement for adequate visibility splays for residents parking their cars and shall include a vehicular access across the entire width of the site. The development shall not be occupied until the landscaping has been implemented. 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. Boundary Treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The proposed boundary should take into account the requirement for adequate visibility splays for residents parking their cars. The boundary development shall then be carried out in accordance with the approved details before first occupation of the development 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.

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 agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of refuse storage facilities. Submission of this detail prior to commencement will protect the amenity of occupiers of the development and also the visual amenity of the development and the locality generally. It will also ensure that the development accords with the 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. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) , no development shall take place under Class A, B, C, D and E 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.

9. Wheel Washing

No development shall take place until a scheme of vehicle cleansing has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be retained for the life of the development.

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: In order to 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

10. Construction Method Statement

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: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

11. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Contaminated Land

Prior to the commencement of any groundworks or development on the site, the following measures are to be taken:

- a) Suitable ground protection measures including, but not necessarily limited to, the installation of suitable gas resistant membrane shall be implemented at the new or extended building to the satisfaction of the Local Planning Authority. The details of the design and proposed installation of these measures shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of development.
- 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 to the satisfaction of the Local Planning Authority.

Reason: To ensure that the occupants of the development and property are not subject to any risks from soil gas and/or vapour in accordance with LDF Core Strategy and Development Control Policies Development Plan Document Policy DC53.

13. Parking

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose. The parking area should provide 2 parking spaces for each of the houses with an area between the houses set aside for a refuse store.

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.

15. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

16. Accessible and Adaptable Buildings

The dwelling 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.

17. 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. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

3. The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Streetcare on 01708 432563.
4. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices

of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

5. 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.
6. 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 £1,400 (subject to indexation). Further details with regard to CIL are available from the Council's website.
7. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.
8. 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.
9. Before occupation of the residential/ commercial unit(s) hereby approved, it is required 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:

REPORT DETAIL

1. Call In

- 1.1 The application has been called in by Councillor Barry Mugglestone. The reasons given were:

This plot of land has already been over developed and it will now have doubled its original foot print. The flank wall will be moving closer to Numbers 43 & 45 Manston Way affecting their light and visual amenities. A mature tree will have to be removed if this extension goes ahead. I only wish to call this in the planning officer is recommending the planning application is to be approved.

2. Site Description

- 2.1 The application site comprises an end of terrace house which faces north onto Manston Way, Hornchurch. The house is wider than the other properties in the terrace as it is provided with an integral ground floor garage. The house has a generous rear garden and a hard paved area to the front which provides space for parking two cars. At the bottom of the rear garden is an outbuilding which can be accessed from a service road leading from Rochford Close to the east of the property. The outbuilding is currently used for parking two cars. The outbuilding is to be retained for the use of residents of the existing house.
- 2.2 To the north of the site is Manston Way and to the south is the flank of 55 Manston Way which is a semi-detached house facing east onto Manston Way (Manston Way loops around behind the site). To the west are the rear gardens of 43 to 53 Manston Way and to the east is the adjoining house in the terrace - 39 Manston Way.

3. Description of Proposal

- 3.1 The application seeks planning permission for the erection of a two storey side extension and a single storey rear extension to the existing house to enable the provision of a new 3 bedroom end of terrace house. The number of bedrooms in the existing house would be reduced from four to three.
- 3.2 The front and rear gardens would be divided lengthways to provide equal areas for the two houses and the existing dropped kerb extended to provide

access to parking spaces to the front of each house. The existing integral garage would be retained and would be incorporated within the new house.

4. Relevant History

- 4.1 P0933.01 - Erection of a detached garage. This application relates to the outbuilding at the bottom of the garden. It was subsequently found to be permitted development with deemed planning permission.
- 4.2 E0013.01 - Erection of a detached garage. A Certificate of Lawful Development was issued for the outbuilding in 2001.
- 4.3 P1504.15 - Erection of a two storey side extension and single storey rear extension. This application was withdrawn on officer request as the plans showed a separate unit of accommodation with no connection to the host building.
- 4.4 P1920.15 - Two storey side extension and single storey rear extension to dwelling to provide a new house. This application was withdrawn on officer recommendation as the proposal was not accompanied by a Daylight and Sunlight Report or an Arboricultural Assessment.

5. Consultations/Representations

- 5.1 31 letters were sent notifying neighbouring occupiers of the application. Three responses have been received objecting to the proposal. The objections are set out below.
 - The proposal resulting in an increase in pressure on on-street parking in the area and consequently impacting on road safety.
Note: highways issues are addressed in the report below.
 - Loss of amenity to residents of 43-45 Manston Way (a semi-detached pair of properties facing west onto Manston Way to the west of the site) due to enclosure, loss of light and outlook caused by the side extension.
Note: amenity issues are addressed in the report below.
 - Detrimental impact of the proposed side extension on trees in the garden of 45 Manston Way.
Note: arboriculture issues are addressed in the report below.
 - Issues relating to the erection of scaffolding and loss of security to the neighbouring property during the build.
Note: these issue falls under the remit of civil law (e.g.: The Party Wall Act) and are not a planning consideration.
- 5.2 London Fire Brigade Water - no objection.
- 5.3 London Fire Brigade Access - no objection.

5.4 Local Authority Environmental Protection - no objection subject to the imposition of a condition relating to land contamination (see conditions above).

5.5 Local Highway Authority - no objection to the proposals.

6. Relevant Policies

6.1 Local Development Framework:

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC53 (Contaminated land), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered to be relevant together with the Design for Living Supplementary Planning Document, the Residential Extensions and Alterations SPD and the Planning Obligations Supplementary Planning Document (Technical Appendices).

6.2 London Plan:

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) are relevant. Together with the London Plan Housing Supplementary Planning Guidance.

6.3 National Planning Policy Framework:

Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

7. Staff Comments

7.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking arrangements.

Principle of Development

7.2 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.

7.3 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.

- 7.4 On this basis the proposal is considered to be policy compliant in land use terms and its use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 7.5 Policy DC2 of the LDF provides guidance in relation to the density of residential developments. The application site has an area of 0.035 hectares and the proposal is for two dwellings which equates to a density of 57 dwellings per hectare. This is within the range 30-65 dwellings per hectare anticipated by Policy DC2 for this suburban location.
- 7.6 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. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards set out in the Department for Communities and Local Government document *Technical housing Standards - nationally described space standard*.
- 7.7 For a two storey three bedroom house designed for five people the standard is set at 93 square metres of gross internal floor area. Both the proposed house and the existing house exceed these standards and are considered to be an acceptable size.
- 7.8 The Council's Design for Living SPD recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 7.9 The proposal provides 56 square metres of rear garden space for the existing house and 72 square metres for the new house. Both gardens would have a depth of 11 metres. It is considered that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

Design/Impact on Street/Garden Scene

- 7.10 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. The side extension to the terrace is contiguous with the existing building and has a gable end which reflects the existing design. Both side and rear extensions comply with supplementary guidance relating to residential extensions. It is considered that the height and scale of the proposed extensions are compatible with the prevailing

scale and character of development within the locality and that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene.

- 7.11 The proposed dwellings would utilise a mixture of materials including facing brickwork and render, UPVC windows and clay roof tiles. The proposed materials are considered to be acceptable. Details of the specific materials to be used would be secured by condition should planning permission be granted.

Impact on Amenity

- 7.12 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.
- 7.13 To the west of the application site is the rear of a pair of semi-detached houses which face onto Manston Way. The proposed side extension has a width of 2.45 metres and would be built to the boundary with these properties. This will result in the flank of the extension abutting the bottom of the rear gardens of 43-45 Manston Way and having a distance from the main rear wall of these houses of some 11.6 metres.
- 7.14 A Daylight and Sunlight Report has been submitted with the application and this demonstrates that while there will be some loss of daylight and sunlight to the adjacent houses and their gardens, the proposal complies with the recommendations set out by the Building Research Establishment. It is considered that the proposal would not have an unacceptable effect on the level of daylight and sunlight reaching neighbouring properties and their gardens.
- 7.15 It is considered that the separation of the extension from the rear of the properties to the west is sufficient to preclude any loss of outlook and would not lead to a degradation of the perceived quality of the outdoor space from enclosure.
- 7.16 The proposed rear extension has a depth of 3 metres. The monopitch roof has a height of 4 metres at the main rear wall and 3 metres at the eaves. It is not considered that the extension would cause any material loss of amenity to the adjoining property.

Arboriculture

- 7.17 The application is accompanied by an Arboriculture Report. This identifies a semi-mature Ash in the rear garden of 43 Manston Way adjacent to the boundary wall and concludes that the proposed pile and beam foundation

has a minimal impact on the root system of trees and should not damage the roots of the Ash. The same would be true for the other smaller trees along the boundary.

Parking and Highway Issues

- 7.18 The site has a low Public Transport Accessibility Level of 2 and Policy DC2 (Housing Mix and Density) of the LDF advises a maximum of 2 to 1.5 spaces in this suburban location. The proposal is for the provision of 2 parking spaces to the front of the existing house and 3 to the front of the new house which would also benefit from the existing integral garage. There is therefore an overprovision of 2 spaces for the scheme. Should planning permission be granted it is proposed that a condition is imposed to require the provision of an enclosed refuse store for the houses in place of one of the parking spaces (see conditions above).
- 7.19 The Local Highway Authority has raised no objection to the proposal and advises that the proposed car parking and access arrangements are considered to be satisfactory subject to condition.
- 7.20 An objection has been raised by an occupant of a neighbouring property that the proposal would exacerbate current issues with parking congestion and inconsiderate parking. The parking provided for the scheme complies with policy requirements and objections that future residents would park in an inconsiderate manner are speculative in nature and cannot be used as an argument against the proposal.

Community Infrastructure Levy and Developer Contributions

- 7.21 The proposed development will create 1 new residential unit and there would be an increase of 70 square metres of floorspace. The proposal, which is liable for Mayoral CIL, will incur a charge of £1,400.00 based on the calculation of £20.00 per square metre.
- 7.22 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.
- 7.23 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.

- 7.24 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.
- 7.25 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.
- 7.26 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.
- 7.27 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.
- 7.28 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.
- 7.29 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 £6,000 for educational purposes would be appropriate.

8. Conclusion

- 8.1 The principle of the proposal complies with local and regional policies, the siting, scale and location of the proposal would not be disproportionate or

have a harmful impact on the character of the street scene or rear garden setting nor would it result in a material loss of amenity to neighbouring occupiers. The proposal is considered to comply with policy and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement to secure the infrastructure contribution.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be needed to draft 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.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 12 July 2016.