

REGULATORY SERVICES COMMITTEE

6 October 2016

REPORT

Subject Heading:

P1215.16 – 14 Beverley Gardens and land rear of 12, 16 and 18 Beverley Gardens - Construction of 4 No. x 3 bedroom semi-detached bungalows with off street parking, electronic gates, a brick wall and a double garage (received 26/07/16 and revised plans received on 1/09/16 & 15/09/16).

Ward

Emerson Park

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

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[x]
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SUMMARY

This proposal seeks consent for the construction of four, three bedroom semi-detached bungalows with off street parking, electronic gates, a brick wall and a double garage. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

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

- A financial contribution of £18,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant outline planning permission subject to the conditions set out below.

1. 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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

3. Materials – The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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. 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.

5. Refuse – Prior to the first occupation of the dwellings hereby permitted, the proposed bin store shown on drawing No.'s 1459/01 Revision A and 1459/04 Revision A shall be provided to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Parking provision - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

7. 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.

8. 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.

9. Highway agreement - No development shall commence until the necessary agreement, notice or licence to enable the proposed alterations to the Public Highway has been entered into.

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.

10. Vehicle Cleansing - 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: 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.

11. Removal of permitted development rights – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no roof extensions, under Class B shall be made to the dwellinghouse(s) hereby permitted, without the planning permission of the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

14. Surfacing materials – Notwithstanding the details shown on the approved plans, details of a permeable or suitable drained surface for the access road shall be submitted to and approved and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

15. 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.

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.

17. Building Regulations – All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

18. No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

20. Obscure glazing - The proposed en-suite windows on the flank wall of the proposed dwellings hereby approved in plots 1- 4 as shown on Drawing No.'s 1459/01 Revision A, 1459/02 Revision A and 1459/03 Revision A 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.

21. 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 their protection in the course of development. No development other than the access shall take place until the approved tree and shrub protection measures have been implemented. All development other than the access shall only be carried out in accordance with the approved tree and shrub protection until completion. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following completion of the development or in accordance with a programme approved in writing by the Local Planning Authority. Any tree or plant which within a period of 5 years from completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another tree or plant of the same species and size as that originally planted, 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.

22. Tree protection measures – A scheme for the protection of preserved trees on the site shall be implemented in accordance with the 'Arboricultural Implications Assessment and Arboricultural Method Statement' dated December 2012 and

Drawing No. JBA 10/136 TS01 Revision B and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Gary Cumberland via the telephone on 24th August 2016. The revisions involved altering the position, footprint and height of the dwellings. The amendments were subsequently submitted on 1st September 2016.
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 £7,600. 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. Further details with regard to CIL are available from the Council's website.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.

8. Before occupation of the residential/ commercial unit(s) 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. **Site Description:**

1.1 The application site measures approximately 0.24 hectares in area and comprises of land to the rear of 12, 16 and 18 Beverley Gardens. No. 14 Beverley Gardens has been demolished and the site has been cleared. There are three Tree Preservation Orders on the site (references TPO 8/96, TPO 20/04 and TPO 21/04). The application dwelling approved under planning application P1420.15 is currently under construction. The application site lies within Sector 5 of the Emerson Park Policy Area. Beverley Gardens, from where the site will be accessed, is characterised by detached or semi-detached bungalows, some with rooms in the roof. Curtis Road, to the east of the site, comprises of bungalows, chalet bungalows and two storey houses. Channing Close, to the north of the application site, is characterised by two storey detached housing in a cul-de-sac arrangement. Beverley Close includes chalet bungalows in a cul-de-sac arrangement.

2. **Description of development:**

2.1 The application is for the construction of 4 No. x 3 bedroom semi-detached bungalows with off street parking, electronic gates, a brick wall and a double garage

2.2 Each pair of single storey, semi-detached dwellings would have a combined width of approximately 13.8 metres and a depth of between 11.8 and 16.5 metres. Plots 1 and 4 are located to the south and north of the site respectively. The flank wall of the dwelling in Plot 4 would be located between

approximately 4.7 and 3.3 metres from the northern boundary of the site (from front to rear). The flank wall of the dwelling in Plot 1 would be located between approximately 1 metre and 4.6 metres from the southern boundary of the site (from front to rear). The dwellings would have a height of approximately 2.5 metres to the eaves and 4.5 metres to the ridge of the crown roof. The proposal includes a double garage adjacent to the northern and eastern boundaries of the site.

3. **Relevant History:**

3.1 There is an extensive planning history for this site.

Q0139.16 – Discharge of conditions 3, 4, 5, 6, 7, 11, 12, 13, 15 and 16 of P1420.15 – Not yet determined.

P1420.15 - The demolition of number 14 Beverley Gardens the formation of a new access road and footpath and the erection of a three bedroom bungalow with two associated car parking spaces – Approved.

P0700.14 - Demolition of No.14 Beverley Gardens, the formation of a new access road and footpath and the erection of a detached three bedroom bungalow with car port for the parking of two cars and two additional car parking spaces - Refused and allowed on appeal.

P0675.14 – The demolition of number 14 Beverley Gardens, the formation of a new access road and footpath, and the erection of 2 dwellings consisting of 2 x 3 bedroom bungalows, one with a detached double garage and one with an integral double garage – Allowed on appeal following non-determination.

P1565.12 – Demolition of No. 14 Beverley Gardens, the formation of a new access road and footpath and the erection of two dwellings consisting of 2 no. x 3 bedroom bungalows, one with a detached double garage and one with an integral double garage – outline application – Refused. Allowed on appeal.

P1892.10 – Demolition of No. 14 Beverley Gardens, the formation of a new access road and footpath and erection of four dwellings with four car ports (outline) – Refused. Appeal dismissed.

P2162.07 - Demolition of No. 14 Beverley Gardens, the formation of a new access onto Beverley Gardens and the erection of 3 no. 3 bed bungalows with garages - Refused and dismissed on appeal.

P1290.06 - Erection of 5 no. 4 bed detached dwelling with garages - Refused and dismissed on appeal.

P0076.05 - Demolition of existing bungalow and erection of 10 no. houses with garages and access road – Refused.

P1156.04 - Demolition of existing bungalow and erection of 10 no. houses with garages and access road - Refused and dismissed on appeal.

4. Consultations/Representations:

- 4.1 The occupiers of 34 neighbouring properties were notified of this proposal. At the time of writing this report, the consultation period in respect of revised plans had yet to finish and ten letters of objection were received with detailed comments that have been summarised as follows. Members will be verbally updated during the committee meeting of any further representations received.
- The plot is unsuitable for the proposed development.
 - Previous planning applications have been refused.
 - No objection to approved planning application P1420.15.
 - Dust.
 - Queried the implementation of P1420.15.
 - The plot is an eyesore.
 - Parking.
 - Reference was made to the previous refusal for three dwellings on the site.
 - Glare from vehicle headlights.
 - Queried if the position and floor space of the bungalows is the same as the previous approval to build two bungalows.
 - Impact on neighbouring amenity and quality of life.
 - Impact on the character and appearance of the area.
 - Loss of privacy and overlooking.
 - The living space is disproportionate for a family occupying a three bedroom property.
 - The proposal is a cramped overdevelopment of the site.
 - Concerns regarding future planning applications to utilise the loft space of the dwellings and requested a condition that prohibits this.
 - Space for outbuildings in the rear gardens of the dwellings.
 - Loss of trees.
 - Loss of light and outlook.
 - Impact on wildlife.
 - The layout and density of the proposed properties is inconsistent with the surrounding area.
 - The garden for each property is insufficient and considerably smaller than neighbouring properties.
 - Impact on infrastructure.
 - The proposal would not provide low budget affordable housing.
 - Light pollution.
 - Reference was made to the parking spaces adjacent to the access road.
 - The position of the dwellings sited further forward in the site and closer to neighbouring properties.
 - The plans show considerably more trees than there actually are. Appropriate tree screening should be provided.
 - Position and visual impact of the garage.
 - There are no details of street lighting or fencing.
 - Scale of the proposed development.
 - Objects to the proposed semi-detached dwellings. The proposal should comprise of detached properties.
 - Security.
 - Smells.
 - Noise and disturbance.

- Traffic and congestion.
- Highway and pedestrian safety.
- Impact on trees including those with TPOs.

- 4.2 In response to the above, each planning application is determined on its individual planning merits. Planning application P1420.15 for the demolition of No. 14 Beverley Gardens, the formation of a new access road and footpath and the erection of a three bedroom bungalow with two associated car parking spaces was granted in February 2016 and is in the process of being implemented. Whilst there is planning policy regarding internal space standards for new dwellings, this does not specify a minimum size of a living space for a dwelling. Details of fencing, external lighting and tree protection measures can be controlled by condition if minded to grant planning permission. The remaining issues are addressed in the following sections of this report.
- 4.3 The Council's Highways Authority has no objection to the proposal subject to conditions regarding a pedestrian visibility splay, vehicle access and vehicle cleansing. For the pedestrian visibility splay, the left hand side of the proposed access will need adjustment to provide 2.1m by 2.1m. It is considered that the vehicle access to the site will need to be adjusted too.
- 4.4 Environmental Health – No objections.
- 4.5 StreetCare Department – Has no objection to the refuse arrangements. The bin store is in a good position. A large communal bin rather than small individual bins is necessary. Three copies of any keys or fobs needed to access the bins will need to be provided.
- 4.6 Fire Brigade – No additional fire hydrants are required. Access to the three rear bungalows does not comply with Section 11 of volume 1 of Approved Document B of the Building Regulations 2010, as the distance from where a pump appliance can approach after driving into the site the maximum of 20m is still in excess of 45m to all points within each dwelling. It is recommended that domestic sprinklers be provided throughout these dwellings in lieu. The systems should be designed, installed and maintained in compliance with BS9251:2014 or BS EN 12845. A FB override facility will also be required for the electronic gates.
- 4.7 Essex & Suffolk Water – Records show that their apparatus does not appear to be affected by the proposed development. No objection to this development subject to compliance with their requirements. Consent is given to the development on the condition that new water mains are laid in the highway of the site, and a metered water connection is made onto their company network to supply each dwelling for revenue purposes.

5. **Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC29 (Educational premises), DC32 (The road

network), DC33 (Car Parking), DC34 (Walking), DC36 (Servicing), DC40 (Waste recycling), DC55 (Noise), DC60 (Trees), DC61 (Urban Design), DC62 (Access), and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document (technical appendices) and the Protection of Trees during Development Supplementary Planning Document.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.15 (water use and supplies), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

- 6.1 Planning permission was allowed on appeal, reference P0675.14, for the demolition of number 14 Beverley Gardens, the formation of a new access road and footpath, and the erection of 2 dwellings consisting of 2 x 3 bedroom bungalows, one with a detached double garage and one with an integral double garage at 14 Beverley Gardens and land rear of 12 and 16 Beverley Gardens. The appeal decision referred to the fact that the Council had confirmed that in their view, the appeal development would preserve the character and appearance of the area and living conditions of nearby residents. In view of the modest size of the proposed dwellings, their positions on the plots, and conclusions of the previous Inspector for P1565.12, the Inspector agreed with the Council's assessment on these matters. The main issue for the appeal decision for P0675.14 was whether the proposal made adequate provision for infrastructure, services and facilities arising from the development, which is addressed in Section 12 of this report. The appeal decision for P0675.14 is a material consideration in the determination of this application.
- 6.2 The main differences between planning application P0675.14 that was allowed on appeal and the plans for this proposal is as follows:
- Two detached dwellings have been replaced with four semi-detached dwellings with a revised site layout.
 - The two detached dwellings for P0675.14 had a combined footprint of approximately 354 square metres. The proposed dwellings in plots 1-4 for this application have a combined footprint of 412 square metres, with less landscaping and additional parking.
 - P0675.14 featured a footpath adjacent to the access road, which has been replaced with a tarmacked entrance road for the proposal. The width of the footpath and access road for P0675.14 had a combined width of between approximately 6 and 9 metres. For this proposal, the tarmacked access

road/hardstanding area adjacent to the parking spaces for plot 1 has a width of between approximately 8 and 13 metres.

- The land to the west of No. 12 Beverley Gardens no longer forms part of the application site.

- For P0675.14, the land to the rear of No.'s 8, 10 and 12 Beverley Gardens was originally a landscaped area. This parcel of land no longer forms part of the application site for this application and now contains a single storey detached dwelling (currently under construction) that was approved under P1420.15.

6.3 Revised plans were received from the agent on 1st and 15th September, which included the following changes:

- The separation distance between the dwellings has reduced from between 3.1 and 4.3m to 2 metres.

- The dwellings have the same ridge height and roof angle as P0675.14.

- The dwelling in plot 4 has the same separation distance from the northern boundary of the site.

7. Principle of development

7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework. In addition, the principle of development was deemed to be acceptable for the planning application, P0675.14.

8. Density and site layout

8.1 The site is not included within the Borough's Public Transport Accessibility Zones (as defined by Policy DC2 of the LDF Development Control Policies Development Plan Document), therefore it does not have a prescribed density range, because of the need to ensure that its established character of large and varied dwellings set in spacious, mature, well-landscaped grounds, is retained. The application site comprises an area of 0.24 hectares and the proposal would produce a density of 16 dwellings per hectare, which indicates a fairly low density compared to what may be acceptable elsewhere in the Borough.

8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 86m² for a 3-bed 5-person dwelling. The proposed dwellings have individual internal floor space of 92m² which is in line with the recommended guidance and considered acceptable. The layout of all the dwellings adheres to the Technical Housing Standards.

8.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision,

the dwellings would have a minimum and maximum private amenity space of between 120 and 285 square metres. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

9. Design/impact on street/Garden scene

- 9.1 The appeal decision for P0675.14 referred to the fact that the Council had confirmed that in their view, the appeal development would preserve the character and appearance of the area. In view of the modest size of the proposed dwellings, their positions on the plots, and conclusions of the previous Inspector for P1565.12, the Inspector agreed with the Council's assessment on these matters.
- 9.2 It is noted that the proposed dwellings would be located in a similar position in the plot to the dwellings allowed on appeal under P0675.14 and would be located towards the rear of the site. The dwellings are single storey and following negotiations with the agent, the ridge height and roof angle of the proposed dwellings would be the same as those previously approved under P0675.14. Staff consider that the brick wall and electric entrance gates would integrate satisfactorily with the streetscene.
- 9.3 Staff have considered the differences between planning application P0675.14 and the current proposal. There is significantly less landscaping within the site, including along the access road and partly due to the provision of additional car parking. There are some concerns that the proposed development would look more dominated by hardstanding and parking, with less soft landscaping, which is a matter of judgement for Members.

10. Impact on amenity

- 10.1 The Inspector for P0675.14 concluded that the appeal scheme, due to the separation distances between the existing and proposed dwellings, would not unduly harm the living conditions of nearby residents in respect of privacy, outlook, sunlight and daylight. Moreover, the potentially modest number of vehicle movements associated with the proposed development would not be likely to cause unacceptable noise and disturbance to neighbouring occupiers either in their homes or gardens.
- 10.2 Given the separation distances between neighbouring properties and the proposed dwellings, Staff consider that the proposed development would not result in a significant loss of amenity to adjacent occupiers. The dwellings are single storey and the hipped roofs of the dwellings minimise their bulk. Following negotiations with the agent, the ridge height and roof angle of the proposed dwellings would be the same as those previously approved under P0675.14. The garage is located in the same position as that previously approved under P0675.14.
- 10.3 The Inspector for P0675.14 advised that as there is only a slight change in levels between the front and rear of the site, it is neither reasonable nor

necessary to require details of existing and proposed levels to be controlled. The appeal decision for P0675.14 stated that although the appellant has suggested that permitted development rights could be removed, no exceptional circumstances have been advanced to demonstrate that this is necessary. However, as upper floor windows could have potential to overlook neighbouring properties, it is recommended that permitted development rights for extensions, additions and alterations to the roof of the proposed dwellings under Class B of the General Permitted Development Order 2015 be removed by condition, in order to safeguard the amenities of neighbouring occupiers.

- 10.4 The en-suite flank windows of the proposed dwellings would be obscure glazed, secured by condition, to protect neighbouring amenity. Details of landscaping and boundary treatment will be secured by condition.
- 10.5 It is noted that the two car parking spaces for plot 1 are located parallel with the rear garden of No. 16 Beverley Gardens and the access road, which given their separation distance from the dwelling in plot 1, will be a buyer beware issue for future occupiers, although this is not deemed to be sufficient grounds for refusal.

11. Highway/parking issues

- 11.1 The Inspector for P0675.14 considered that it is both unnecessary and unreasonable to impose a condition regarding domestic sprinklers. The Fire Brigade has advised that domestic sprinklers are required, although this is not a material planning consideration and is a building control matter.
- 11.2 In total 8 parking spaces are proposed for the 4 dwellings. Plot 1 has two car parking spaces that are parallel with the access road. There are two car parking spaces each on hardstanding to the front of the dwellings in Plots 2 and 3. There is an area of hardstanding to the front of plot 4, as well as a double garage. The use of the garage for private motor vehicles has been secured by condition. Staff consider the amount and configuration of the parking proposals to be acceptable. The Council's Highways Authority has no objection to the proposal subject to conditions regarding a pedestrian visibility splay, vehicle access and vehicle cleansing. For the pedestrian visibility splay, the left hand side of the proposed access will need adjustment to provide 2.1m by 2.1m. It is considered that the vehicle access to the site will need to be adjusted too in terms of the provision of a dropped kerb, which would be secured by condition.
- 11.3 Provision has been made for refuse storage and provision/retention would be secured by condition. The StreetCare Department has no objection to the refuse arrangements.

12. Trees

- 12.1 There are three Tree Preservation Orders on the site (references TPO 8/96, TPO 20/04 and TPO 21/04). An Arboricultural Implications Assessment and Arboricultural Method Statement have been submitted. A condition has been placed stating that the scheme for the protection of preserved trees on the site

shall be implemented in accordance with the 'Arboricultural Implications Assessment and Arboricultural Method Statement' dated December 2012 and Drawing No. JBA 10/136 TS01 Revision B and kept in place until the approved development is completed.

13. **Ecology**

- 13.1 The appeal decision for P0675.14 stated that the appellant's ecological survey concluded that the site is of low ecological value.

14. **Infrastructure**

- 14.1 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.

- 14.2 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.

- 14.3 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.

- 14.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

- 14.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

- 14.6 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.

- 14.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 14.8 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. As No. 14 Beverley Gardens has been demolished, the net addition of three units will equate to a contribution equating to £18,000 for educational purposes would be appropriate.
- 14.9 For the appeal decision for P0675.14, the Council made a case for a contribution towards infrastructure, not a specific educational need, which meets the CIL regulation test. There is evidence that new residential development impacts on education. The application site is an area that has a shortfall of school places. The education contribution will be used to expand one of the following schools - Hylands Primary School or Emerson Park School. No more than four other contributions would be used for this project. The education contribution is not a tariff and therefore, doesn't conflict with the Written Ministerial Statement made by: The Minister of State for Housing and Planning (Brandon Lewis) on 28th November 2014, regarding support for small scale developers, custom and self-builders.

15. **Mayoral CIL**

- 15.1 The CIL payment is applicable as the proposal is for four dwellings. The gross internal floor area of the proposed dwellings is 380m². As No. 14 Beverley Gardens has already been demolished, its floor space cannot be taken into account in assessing CIL liability. The applicable fee is based on an internal gross floor area of 380m² and amounts to £7,600 (subject to indexation).

16. **Conclusion**

- 16.1 Staff consider the site to be acceptable in principle for residential development. In addition, the principle of development was deemed to be acceptable for the planning application, P0675.14. Staff consider that the proposal would not adversely affect the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff consider the amount and configuration of the parking proposals to be

acceptable. There would be a financial contribution of £18,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 26/07/2016 and revised plans received on 1/09/16 and 15/09/16.