



REGULATORY SERVICES COMMITTEE

6 October 2016

REPORT

Subject Heading:

P1870.15 - 330 Abbs Cross Lane (adj),
Hornchurch

To build 3 detached houses, landscaping
of site to form new vehicle access, parking
and amenity space. (Received 28/12/15,
revision received 06/09/16)

Ward:

St Andrews

Lead Officer:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The proposal is for the erection of 2 no. 3-bedroom and 1 no. 4-bedroom detached dwellings with associated vehicular access, landscaping and parking.

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

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 333m² and amounts to £6,660.

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:

- The payment of a financial contribution of £50,000 towards highway safety improvements within the vicinity of the site.
- A financial contribution of £18,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time Limit

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Parking Provision

Before any of the houses hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 7 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

4. External Materials

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Landscaping

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

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

6. Refuse and Recycling

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.

7. 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.

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. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the

Development Control Policies Development Plan Document Policies DC32 and DC61.

10. Boundary Screening/Fencing

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

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

11. Noise Impact

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

- a) railway noise (in accordance with Technical memorandum, "Circulation of Railway Noise", 1995)
- b) Vibration from the use of the railway lines

upon the site. Following this, a scheme dealing with the measures to protect residents from railway noise and vibration is to be submitted to the local planning authority for its approval in writing, once approved the scheme shall be implemented prior to occupancy taking place.

Reason: Insufficient information has been supplied with the application to judge the impact of transportation noise and vibration upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of transportation noise and vibration, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

12. Contaminated Land (1)

(1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk

assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

13. Contaminated Land (2)

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

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

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

14. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

15. 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.

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. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

18. Traffic Calming

No development shall take place until such time as traffic calming measures to reduce speeds on Abbs Cross Road between the railway bridge and the junction with Maylands Avenue have been installed.

Reason: 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.

19. Levels

Prior to the commencement of the development details of all proposed changes to existing ground levels of the site, including full details of any material to be imported, exported or redistributed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were

negotiated with the agent via email at various stages through the application process. The revisions involved a re-assessment of the access arrangements and a contribution towards traffic calming measures. Revised Highways comments were received on 14 July 2016.

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £6,660.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. 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.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

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| REPORT DETAIL |
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1. Site Description

- 1.1 The application site is located on the western side of Abbs Cross Lane, immediately adjacent to the London Underground District Line and Railway Bridge, at the point at which Southend Road begins. The application site comprises 0.1ha, with the plot itself measuring (at its maximum) 40.6m wide

by 31.6m deep. The site is currently vacant. Levels significantly drop from the carriageway into the site. A fall in levels also occurs from north to south.

1.2 The surrounding area is characterised by two storey terraced properties.

2. Description of Proposal

2.1 This full planning application seeks planning permission for the erection of 2 no. 3-bedroom and 1 no. 4-bedroom detached dwellings with associated vehicular access, landscaping and parking.

2.2 The proposed 3-bedroom dwellings will measure 6.1m in width and 8.9m in depth and will be finished with a hipped roof 7.1m in height. The 4-bedroom dwelling will measure 7.1m in width and 8.4m in depth and will be finished with a hipped roof 8.1m in height.

2.3 Amenity space of 134m², 137m² and 160m² will be provided for plot 1, 2 and 3 respectively. Seven parking spaces will be provided of which three will be to the side of the dwellings and the remainder to the front of the site along the railway embankment and Abbs Cross Lane.

2.4 Access to the site will be provided via a 5.5m wide vehicular crossing in the northeastern corner of the site.

3. Relevant History

3.1 P0669.13 - The erection of one, two storey block of flats providing 4x1 bed and 2x2 bed units – Refused and Dismissed on Appeal

3.2 P0046.08 - Proposed new two storey flats. 3 no. 2 bed flats and 3 no. one bed flats - Refused and the Appeal was Withdrawn

3.3 P1875.07 - Proposed residential development 9 No. flats with 11 No. parking spaces - Refused

3.4 P1723.06 - Outline residential development for 12 No. flats - Withdrawn

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 32 properties and 3 letters of objection were received. The objections raised can be summarised as follows:

- Loss of privacy due to overlooking of rear gardens
- Access is dangerous
- Proposal will cause congestion
- Over-development of the land
- Disruption to the area

4.2 The following consultation responses have been received:

- Thames Water - no objection.
- Streetcare - no objection
- London Fire Department - no objection.
- Environmental Health - no objection, recommended conditions in relation to contaminated land and railway noise and vibration.
- Highways – no objection provided that a £50000 contribution is made towards calming measures to bring speeds down to the prevailing 30mph speed limit in order to mitigate the visibility issues at the access.
- TFL - only notified on 18/08/16, no objection or comments received at the time of writing the report. Any comments received would be presented to member on the evening of the Committee meeting.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD and the Planning Obligation SPD (Technical Appendices)
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.21 (contaminated land), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.
- 6.2 *Background*
- 6.2.1 The current application follows the refusal of an earlier scheme for 6 flats, by the Regulatory Services Committee on 2 October 2014. The proposal was subsequently dismissed on appeal and the Inspector's concerns related to

the lack of sufficient visibility splays, the overdevelopment of the site and the impact on neighbouring amenity.

6.2.2 The current proposal shows a reduction in the amount of units proposed from 6 No. flats to 3 No. detached dwellings. The current application also show an improvement to the visibility splays with the line of sight extending to the top of the bridge (approximately 40m from the position of the vehicle on the access road). The acceptability of these changes are discussed further in the report below.

6.3 *Principle of Development*

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of an open site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

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

6.4 *Density/Layout*

6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

6.4.2 The proposal would provide 3 No. residential dwellings at a density equivalent to approximately 30 dwellings per hectare. Policy DC2 states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location. The number of units per hectare is in keeping the recommended range and considered acceptable.

6.4.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

6.4.4 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.

6.4.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural

sunlight and shading. Amenity space of approximately 134m², 137m² and 160m² will be provided for plot 1, 2 and 3 respectively.

6.4.6 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the dwellings. All of the proposed dwellings will have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

6.5 *Design/Impact on Streetscene*

6.5.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

6.5.2 The proposal will not have an unacceptable impact on the Abbs Cross streetscene as it would respect the existing building line and height of terraced properties to the north. The proposal is set approximately 9.4m back from Abbs Cross Road at its closest point. The proposed dwellings on plot 2 and plot 3 would be set lower than the prevailing road height, given the existing ground levels and will therefore appear lower and further mitigate any perceived visual impact on the streetscene.

6.5.3 Although the proposed development is considered acceptable in terms of the impact of the dwellings themselves on the streetscene concerns are raised in regard to the amount of hardstanding and parking area proposed to the front of the dwellings, with few areas of landscaping. On balance, Officers consider the proposal to be acceptable subject to a landscaping condition which could provide the opportunity for additional landscaping, however members may decide that the layout will not allow for sufficient landscaping to mitigate the amount of hardstanding proposed and will therefore have a detrimental impact on the streetscene, character of the development and wider area.

6.6 *Impact on Amenity*

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

6.6.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the residential dwellings situated to the north and west of the site. A railway line is situated to the south and Abbs Cross Road to the east.

- 6.6.3 Staff do not consider the proposal to have an unacceptable impact to the neighbouring amenity of the properties to the north. The flank windows proposed at first and ground floor would serve a bathroom and a landing and will be conditioned to be obscure glazed and fixed shut with the exception of the top fanlight for the bathroom. There is 1 non-habitable window located at ground floor in the southern flank of this neighbour and 1 secondary window located in the flank of the single storey rear addition. Given the nature of these windows, Officers do not consider the proposal to have an unacceptable impact on these windows. A separation distance of 1m would remain from the dwelling on Plot 1 to this neighbour boundary and a separation distance of 2.7m to the dwelling.
- 6.6.4 Staff also consider the orientation of this new dwelling in close proximity to the boundary acceptable. Although it would project at 2-storey level beyond the 2-storey rear boundary of this neighbour to the north any impact would be mitigated by a sufficient separation distance (2.7m) between the two dwellings.
- 6.6.5 The neighbouring properties situated to the west have a separation distance of 37m at its closest point and a distance to the boundary of between 9m and 12m at right angles. Staff consider the separation distances to be sufficient not to result in an overbearing development or have an unacceptable impact on neighbouring amenity in terms of overlooking or loss of light.
- 6.6.6 It is considered that the proposed development would not unacceptably harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

6.7 *Environmental Issues*

- 6.7.1 Environmental Health has raised no objection to the proposal; however requests conditions for contamination and an assessment of railway noise and sound insulation to be added in the event of an approval.

6.8 *Parking and Highway Issues*

- 6.8.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 1-2 meaning that the site is classified as having relatively poor access to public transport. Therefore development in this location is required to provide car parking provision of 1.5-2 spaces per unit.
- 6.8.2 The proposal can provide a total of 7 no. off-street car parking spaces within the site to cater for the proposed 3 no. residential dwellings. The parking provision would result in a ratio of more than 2 parking spaces per unit which exceeds the requirements for this part of the Borough.

- 6.8.3 The application was previously refused by the Regulatory Services committee as it was considered that the access arrangement, proximity to the road bridge and the nature of local traffic conditions, would adversely affect highway safety, both vehicular and for pedestrians using the highway in the vicinity of the site entrance. The Planning Inspector concurred that the lack of sufficient visibility plays will affect highway safety.
- 6.8.4 The current application differs from the previous submission in that the amount of units has been reduced from 6 to 3. The developer has also improved the visibility with clear views to the top of the railway bridge.
- 6.8.5 Staff are of the opinion that the reduction in the amount of units proposed and therefore the potential vehicle movements in combination with the current speed limit of 30mph would be consider sufficient to address any safety concerns. It is acknowledged that the current prevailing speed in the vicinity of the site is in excess of 30mph (on average 39mph northbound), however the developer is prepared to make a contribution of £50,000 towards traffic calming measures in order to bring the speed down to an acceptable limit of 30mph.
- 6.8.6 Although Staff are op the opinion that the application can proceeds on this basis with the support of the Highways Authority, this is a balanced approach and members may decide to attach different weight to the issue of highway safety and may wish to refuse the application on these grounds.
- 6.8.7 Members should also note that any physical traffic calming measures require public consultation and a decision through the Highways Authority Advisory Committee process.

6.9 *Mayoral Community Infrastructure Levy*

- 6.9.1 The proposed development will create 3 no. new residential units with 333m² of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £6,660.00 subject to indexation based on the calculation of £20.00 per square metre.

6.10 *Infrastructure Impact of Development*

- 6.10.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 7.10.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the

educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

7.10.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

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

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

7.10.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

7.10.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

7.10.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £18,000 per dwelling 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 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. The proposal is not considered to appear as unacceptably dominant or visually intrusive. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient.
- 8.3 Staff are of the opinion that the access arrangements are acceptable, although it is considered that this would be subject to the provision of traffic calming measures, funding for which can be secured through a legal agreement. However, it is acknowledged that Members may reach a different view in this respect. Members may also reach a different view on the lack of landscaping to the front of the dwellings and the potential impact on the streetscene. Overall, Staff consider the development to comply with Policy guidance and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.
- 8.4 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal is acceptable subject to conditions and a legal agreement being completed.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 27 November 2015 and revisions on 06 September 2016.