



REGULATORY SERVICES COMMITTEE

6 October 2016

REPORT

Subject Heading:

P0384.16 - Pinewoods Public House, St. Johns Road, Romford

Demolition of existing building and erection of a part 2/part 3 storey building to provide 16 no. apartments and 8 no. 2 storey houses together with associated landscaping including 36 no. car parking spaces. (Received 14/03/16)

Ward:

Havering 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 [X]
Residents will be proud to live in Havering [X]

SUMMARY

The proposal is for the demolition of the existing public house and the erection of a part2/part3 storey building to provide 16 no. apartments and the construction of 8 no. 2-storey houses together with associated landscaping and 36 no. car parking spaces.

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, the suitability of the parking arrangements and the potential impact on the Green Belt and impact on Great Crested Newts.

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 1811m² and amounts to £36,220.

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 £46,881 towards affordable housing.
- A financial contribution of £144,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of

completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 36 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. Car Parking Management Strategy

The development hereby permitted shall not be occupied until details to show the car parking management strategy has been submitted to the Local Planning Authority for approval in writing. The details shall include the details of measures to be used to manage the car parking areas and the allocation of spaces. The car parking management strategy shall be provided in accordance with the approved details prior to the first occupation of any dwelling. Such facilities shall be permanently retained thereafter for use by residents for the lifetime of the development.

Reason: In the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC33.

5. External Materials

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

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

6. Refuse and Recycling

The flats hereby permitted shall not be occupied 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

The flats hereby permitted shall not be occupied 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. 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: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. Accessible and Adaptable Dwellings

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

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

11. 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

12. Wheel washing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited

on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

13. Noise Insulation (Flats)

The flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

14. Noise Insulation (Dwellings)

The terraced dwellings shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise to the satisfaction of the Local Planning Authority.

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

15. Boundary Screening/Fencing

Prior to the commencement of the development (excluding demolition and site preparation) 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.

16. Great Crested Newts

The development hereby permitted shall not be carried out otherwise than in complete accordance with the Method Statement with regard to Great Crested Newts (version 2 received 03/08/16) in order to mitigate any potential impact on in the event of the discovery of Great Crested Newts on site.

Reason: To ensure the development is carried out in an appropriate manner and in the interests of preserving the character and appearance of the area and landscape features therein and to protect local nature conservation and geological interests and to accord with Policy DC58 of the Local Development Framework.

17. External Lighting Scheme

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

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

18. Landscaping

No works (excluding demolition and site preparation) 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.

19. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extensions 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

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 an increase to the affordable housing contribution. The amendments were subsequently submitted on 29 June 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 £36,220.00 (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>

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the Pinewoods Public House and is located on the corner of Clockhouse Lane and St. Johns Road. The Pinewoods Public House has previously occupied the site with associated parking and outdoor 'beer garden'. The building is presently empty, is set back from the junction and forms an L-shaped plan.
- 1.2 The site area is 0.39 hectares. Part of the site falls within the Green Belt. The site is surrounded by Havering Country Park to the north and east, two storey semi-detached residential units to the south and 3-storey residential block of flats to the west.
- 1.3 The application site slopes from east to west at a steeper gradient than the pavement as a result the existing public house is set approximately 1.2m below pavement level.
- 1.4. A small part of the application site is situated in Green Belt, however no development is planned for any part situated in the Green Belt.

2. Description of Proposal

- 2.1 The application is for the demolition of the existing Public House and the construction of 2 no. three storey apartment blocks fronting St. Johns Road with roof accommodation comprising 16 no. self-contained apartments and a row of 8 no. 2-storey terrace properties towards the rear of the site.
- 2.2 The flat accommodation will consist of 1 no. 1-bed, 15 no. 2-bed units. The terraced houses will consist of 2 no. 3-bed units and 6 no. 4-bed units.
- 2.3 Parking provision for 36 no vehicles will be provided to the rear of the apartment blocks and to the front of the terrace dwellings. Provision will also be made for a cycle store area with a capacity of storing 16 no. cycles to the rear of the block of flats. Cycle storage to the terraced dwellings will be provided within sheds located in the rear gardens.
- 2.4 A turning head is provided within the site to accommodate the turning of refuse and delivery vehicles.
- 2.5 Two refuse stores are indicated serving the flat block. Refuse storage for the terrace dwellings will be provided in demarcated areas to the front of these dwellings.

2.6 Amenity space in the form of balconies would be provided to the proposed flats fronting St. Johns Road. The proposed terrace dwellings will have amenity space to the rear of approximately 45m² per dwelling.

3. Relevant History

3.1 P1241.15 - Demolition of the existing building, Erection of three storey apartment blocks with room accommodation comprising 32 no. self-contained apartments, layout 32 parking spaces and associated landscaping and amenity space - Refused

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 83 properties and 2 letters of comments and 21 letters of objection were received. A site notice was also displayed. The objections can be summarised as follows:

- loss of outlook
- proposal will be in breach of a covenant which exists on site
- increase traffic problems in front of the entrance to the infant/junior school
- will have an impact on Great Crested Newts in the pond to the rear of the site
- new development will not provide sufficient on-site parking
- will put additional strain on the existing doctor surgeries
- loss of privacy
- loss of a community asset
- scale of the building will spoil views and will not be in keeping
- overdevelopment
- too close to the Green Belt

4.2 The following consultation responses have been received:

- Thames Water - no objection.
- London Fire Brigade - no objection.
- Environment Agency - no objection
- Designing Out Crime Officer - no objection, recommends conditions relating to the development achieving Secured by Design principles, landscaping, boundary treatment and cycle storage in the event of an approval.

- Environmental Health - no objection, recommended conditions in relation to contaminated land and sound insulation.

- Highways have no object to the proposal subject to a condition for vehicle cleansing

- The flood and rivers management officer did not raise an objection to the proposal.

- The Regeneration Officer has raised concerns regarding the potential impact on the habitat of the Great Crested Newts in the pond to the north of the application site and has suggested surveys to be undertaken to confirm the presence of Great Crested Newts.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC27 (Provision of Community Facilities), DC32 (The Road Network) DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), 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, Protecting & Enhancing the Borough's Biodiversity 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), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13 (sustainable drainage), 5.16 (waste self-sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.13 (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 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

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.

Consideration should also be given the potential presence of Great Crested Newt in a pond to the north of the subject site.

6.2 *Background*

A previous application under P1241.15 for the development of 32 flat was refused planning permission under delegated authority due to the lack of sufficient parking provision. The current application has addressed the shortfall of parking spaces by reducing the amount of units proposed from 32 to 24. The current application has also reduced the overall bulk and prominence of the previously proposal by reducing the number of flatted blocks from 3 to 2 and by introducing 2-storey terrace houses to the rear of the development.

6.3 *Principle of Development*

6.3.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

6.3.2 The proposal is for the redevelopment of a commercial site. Part of the site is designated as Green Belt, however the development would be restricted to part that is not situated in the Green Belt. The development site is therefore not in the Green Belt, an employment area, or within Romford town centre in the Development Plan.

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

6.4 *Green Belt Implications*

6.4.1 Although part of the site is situated in the Green Belt, no development is proposed for the area that falls within the Green Belt. Officers recognise that the development would be more visible when viewed from the Green Belt than what is currently present on site, however it is considered that the proposal does not present a wall of development that would have an adverse impact on the openness of the Green Belt.

6.5 *Density/Layout*

6.5.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

- 6.5.2 A formal play space is provided to the rear of the flats. Amenity space is also provided to the rear of each of the proposed terraced dwellings. The ground floor flats would also have amenity space and patio areas to the front of the buildings. Balconies are provided to the front of the building for the 1st floor and 2nd floor flats. Staff do not consider the amenity space to be unacceptable given the site constraints and the close proximity of the development to a large open grass area which forms part of the application site but is situated within the Green Belt, as well as the close proximity to the Havering Country Park.
- 6.5.3 The residential density range for this site is 30 - 50 units per hectare and 150-200 rooms per hectare (PTAL 1-2). The proposal would result in a density of approximately 61 units per hectare. Although the units per hectare are in excess of the recommended range consideration should be given to the site constraints and the proposal partly being for flatted development.
- 6.5.4 In terms of site layout, the proposed development would have a larger footprint than the existing Public House, however staff do not consider the proposal to result in an overdevelopment give that the residential built form would cover less than 50% of the site. The proposed buildings are well set back from St Johns Road and Clockhouse Lane and there is sufficient spacing between the building blocks. Staff therefore consider the development to be acceptable in terms of layout and would not be an overdevelopment of the site.
- 6.5.5 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.

6.6 *Design/Impact on Streetscene*

- 6.6.1 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.
- 6.6.2 The main impact in terms of the streetscene along St Johns Road and Firbank Road relates to the character and appearance of the proposed 2 blocks in comparison to the existing 3-storey pitched roof flatted buildings along Firbank Road to the west of the subject site.
- 6.6.3 The proposal would be a significant change in overall scale and bulk from the existing two storey commercial building on site, however the proposal has been carefully considered to reduce any perceived mass or impact by means of designing the flatted accommodation within 2 apartment blocks, each reading as a 'villa' aesthetically. The 2 blocks read as independent roofs thus allowing clear identification of the individual blocks and views

between. The two blocks off are linked at ground and first floor by 1 bedroom apartments.

- 6.6.4 The proposed development is not considered to have an overbearing impact on the streetscene as it will relate satisfactorily to the existing 3 storey flatted development which is located to the west of the subject site.

The proposed bulk and mass of the development would also be mitigated by utilising the natural slope of the landscape to the southern boundary of the site from St. Johns Road and setting floor levels below pavement level. This will result in the 2-storey houses opposite St. Johns Road having a floor level on average 1.85m above pavement level which will result in similar eaves heights between these dwellings and the proposed buildings.

- 6.6.5 The buildings have further been designed as a series of blocks to allow the building to step in and out to provide articulation. The scale, bulk, height and massing of both blocks would create prominent features in the streetscene. However, this impact is not considered to be unduly harmful as previously discussed.

- 6.6.6 The proposed terraced dwelling is set towards the rear of the site and consists of 2-storeys with roof accommodation. These properties are situated at a much lower level than the properties along St. Johns Road and are not considered to have a harmful impact on the streetscene.

- 6.6.7 As such it is considered that the proposed development would be sympathetic to the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

6.7 *Impact on Amenity*

- 6.7.1 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.

- 6.7.2 The proposed development is not considered to result in an unacceptable impact on neighbouring amenity. No residential development is situated to the east of the site. To the north the nearest residential property is situated approximately 110m away, to the south the nearest residential property is situated across from St Johns Road with a separation distance of approximately 26m. These properties are also situated at a higher level than the subject site. To the west of the application site there is a separation distance of approximately 28m between the subject building and this residential block of flats.

6.7.3 It is considered that the proposed development would not 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.

6.8 *Parking and Highway Issues*

6.8.1 Car parking is proposed across the development at a rate of 1.5 spaces per unit. The site has a PTAL of 2, where the London Plan Parking Standard states that a maximum of up to 1.5 spaces per unit should be provided. A parking management scheme is recommended, to be secured by condition. The proposal therefore complies with the policy guidance.

6.8.2 The Highways Authority has raised no objection to the proposal subject to a condition for vehicle cleansing.

6.8.3 Two cycle stores are indicated providing 16 spaces for the apartments – 100% provision. Each terrace house will have a storage shed capable of storing 2 cycles - 200% provision. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

6.9 *Affordable Housing*

6.9.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 12 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability.

6.9.2 The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would not be able to support any affordable housing. The valuation has been independently appraised and that appraisal did not agree with the proposed nil contribution. After the submission of additional information and verifying of building costs it was concluded that the proposal would be able to support an affordable housing contribution of £46,881. This is to be secured through a legal agreement.

6.10 *Mayoral Community Infrastructure Levy*

6.10.1 The proposed development will create 20 no. new residential units with 995m² square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £19,900 subject to indexation based on the calculation of £20.00 per square metre.

6.11 *Infrastructure Impact of Development*

- 6.11.1 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.
- 6.11.2 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.
- 6.11.3 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.
- 6.11.4 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.
- 6.11.5 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.
- 6.11.6 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.

6.11.7 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.

6.11.8 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 £144,000 for educational purposes would be appropriate.

6.12 Other

6.12.1 Anecdotal records suggest that there are Great Crested Newts present in a pond approximately 15m to the north of the application site. The Regeneration Officer has raised concerns regarding the potential impact on the habitat of the Great Crested Newts and has suggested surveys to be undertaken to confirm the presence of Great Crested Newts.

6.12.2 It would however not be practical to undertake surveys at present as the appropriate time would be from March to June with at least 2 surveys to be conducted between April and mid-May. The application has therefore gone with the worst case scenario by preparing a Method Statement on the assumption that there are Great Crested Newts present on the site.

6.12.3 Staff considers this approach to be acceptable in order to determine the presence of Great Crested Newts in the vicinity and to put the correct measures in place to minimise any potential impact on this protected species. A condition has been attached to ensure that the Method Statement is implemented.

7. Conclusion

7.1 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. The development includes a mix of unit types, including accessible and adaptable units and wheelchair adaptable.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 14 March 2016.