



REGULATORY SERVICES COMMITTEE

27 October 2016

REPORT

Subject Heading:

P1221.16
34 Mawney Road, Romford

Construction of 3 x houses on land adjacent to no.34 Mawney Road, together with alterations to the rear and side elevations of no.34 Mawney Road (Application received 21st July 2016)

Ward:

Brooklands

Lead Officer:

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Planning Manager

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

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

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

SUMMARY

This is an application for the construction of three, three bedroom, terrace houses at land to the rear of 34 Mawney Road. A previous application for the construction of three flats and one house, on the same site, was refused planning permission in 2015, with an appeal lodged subsequently being dismissed by the Planning Inspectorate.

In the context of the previous reasons for refusal, and appeal decision, it is considered the key issues in the determination of this application are scale, mass and design and if the development satisfactory fits on to the application site. The development potential of this site is not questioned, nor is the principle of a development coming forward.

The development proposed, in comparison to that submitted previously, has a reduced footprint which has largely been achieved by reducing the proposed number of units from four to three. The decreased footprint is considered to fit much better on to the site and with the residential properties along Olive Street. By introducing design principles and features which are common in this locality, such as a pitched roof and bay window features, it is considered that the design of the development has vastly improved. It is no longer considered that the development would appear dominant in the streetscene and/or top heavy. Whilst works would be required to the preserved Sycamore tree, to the front of the site, staff do not consider that such works would be detrimental to the overall health of this tree.

One car parking space would be provided to each of the new units, a provision which complies with relevant standards and policy.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL), in accordance with policy 8.3 of the London Plan, and that the applicable levy, based on the creation of 276m² new floorspace, would be £5,520.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- A financial contribution of £18,000 to be paid prior to the commencement of development to be used towards education and projects required as a result of increased demand for school places in the Borough.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the agreement, irrespective of whether the agreement is completed; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

It is therefore recommended that the Assistant Director 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. 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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

3. Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding

area and comply with Development Control Policies Development Plan Document Policy DC61.

4. 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, including but not limited to those subject of Tree Preservation Orders, details of those to be retained, together with measures for the protection in the course of development. The scheme shall furthermore detail all boundary treatments and fencing proposed. 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 and to confirm measures proposed to protect the protected Sycamore tree to the front of the site. Submission of a scheme prior to commencement will ensure that the development accords with Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

5. No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:
 - a) A Phase I (Desktop Study) Report documenting the history of this 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 site 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation

Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

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 DC53 and DC61.

6. The proposals shall 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 shall 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 Development Control Policies Development Plan Document Policy DC32.

7. Before the building hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify the space which will be assigned to each unit within the development. All car parking areas 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 interests of highway safety, and that the development accords with Development Control Policies Development Plan Document Policy DC33.

8. The dwellings hereby approved shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise.

Reason:-

To prevent noise nuisance to adjoining properties, in accordance with Development Control Policies Development Plan Document Policy DC55.

9. 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 accord with Development Control Policies Development Plan Document Policy DC7 and London Plan Policy 3.8.

10. The development hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason:-

In order to accord with London Plan Policy 5.15.

11. 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 with Development Control Policies Development Plan Document Policy DC61.

12. 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 Development Control Policies Development Plan Document Policies DC32 and DC61.

13. 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 Development Control Policies Development Plan Document Policy DC61.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted, or any detached building erected, without the express permission in writing 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.

Informative(s)

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given

after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

3. 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: www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx
4. 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 £5,520 (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.
5. 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.
6. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and

therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1.0 Site Description

- 1.1 The application site comprises land to the rear of number 34 Mawney Road. Number 34 Mawney Road represents the corner plot with the junction with Olive Street and is currently in use as a College, offering a range of vocational and NVQ courses. The building is a large character building, similar in scale and appearance to many properties on Mawney Road. The building is brick built with rendered elements, characterised by large sash windows and a complex multi-pitch roof with chimney stack. It is considered the building positively adds to the street scene and character of the area.
- 1.2 The property is not located within a conservation area and is not listed. Within the curtilage of the property, two magnolia trees to the front and one sycamore to rear, adjacent to the highway, are subject of a Tree Preservation Order (reference: 01/14).

2.0 Description of Proposal

- 2.1 The proposal is for the demolition of an existing outbuilding/garage to the rear of number 34 Mawney Road and the construction of three houses facilitated by a small first floor extension, increased roof pitch and alterations to the fenestration on the rear and side elevations of number 34 Mawney Road, including the addition of two windows fronting onto Olive Street.
- 2.2 The applicant has suggested that the development has been designed to relate to the scale and character of number 34 Mawney Road and the adjacent residential dwellings along Olive Street. The building proposed is two storey with a third storey incorporated in the roof space, supplemented by the inclusion of three projecting dormers to the front and rear, respectively. The development is proposed in brickwork to match the parent dwelling (number 34 Mawney Road) with roof tiles similarly to match.
- 2.3 Three parking spaces are proposed to support the development; two to the rear, adjacent to number 2 Olive Street; and one to the front, perpendicular to Olive Street.
- 2.4 To facilitate the development, the Sycamore tree covered by TPO 01/14 is proposed to be pollarded, but retained. An Arboricultural Assessment has been submitted in support of the application and this work.

3.0 Relevant History

3.1 Of particular note with regard to the planning history of this site is an application which was submitted in September 2015 - application ref: P1328.15. This was an application for the construction of a new build residential development (3 flats and 1 house) on land adjacent to no.34 Mawney Road, together with alterations to the rear and side elevations of no.34 Mawney Road. The application was refused planning permission, under delegated powers, for four reasons:

- The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area. It is considered that the development with its distinctive modern appearance, including design features such as the proposed front facing dormers, fails to maintain, enhance or improve the character and appearance of the local area and as such is contrary to policy DC61 of the LDF Core Strategy and Development Control Policies DPD;
- The development would direct abut to the rear of number 34 Mawney Road and it is not considered that this is conducive to sustainable development. Number 34 Mawney Road is not in a residential use and all the rear windows and doors of the building would be required to be bricked-up to facilitate the development. This it is considered could limit the potential future use and/or occupation of this building which would be detrimental to the area and contrary to the provisions of the NPPF, as well as Policy DC61 of the LDF Core Strategy and Development Control Policies DPD;
- The proposal, by reason of the cramped and poor quality amenity areas, and the failure of the internal layout to comply with the Technical housing standards - nationally described space standard in respect of the minimum gross internal floor area, is considered to result in an overly cramped development on the site to the detriment of future residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD; and
- In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

3.2 An appeal was lodged with the Secretary of State against the decision to refuse the above application in December 2015. The appeal was dismissed on grounds that it was considered, by the Inspector, that the development would result in a substantial concentration of three-storey built form that would appear out of scale with the more domestic scale within Olive Street. Further, despite being of a similar height to number 34, the proposed crown roof and flat roofed dormers would appear as one large roof mass. This, it was considered, would

appear at odds with the variation in the college building's multi-pitched roof that is one of its key characteristics. It was furthermore considered by the Inspector that the Sycamore tree, to the front of the development site, is a prominent feature in the streetscene and whilst it is accepted that the building foundations would not likely impact upon the health of the tree, it is considered that works proposed would result in an unbalanced crown and significantly diminish the trees contribution to the streetscene.

- 3.3 Whilst, on the basis of the above, it is apparent that the Inspector agreed with the Council in terms of reasons for refusal one and three, the Inspector as part of the assessment undertaken found limited support for reason for refusal two.

4.0 Consultations/Representations

33 properties were directly notified of this application. Two letters of representation have been received. One of the letters received talks about a property which has already been converted into a HMO. On the basis of the address of the individual, and its contents, it is considered that this letter refers to a different property on Olive Street. Staff therefore will provide no further comment in respect of this representation. The other letter of representation received raises an objection to the development. The individual notes the requirement to make amendments to the existing elevations of Number 34 and, in view of this, considers that the proposals would be overly cramped. It is also questioned if sufficient space does actually exist to park three cars within the area allocated for car parking. The individual considers that the provision of two houses would be a better option.

Anglian Water - No comments received.

EDF Energy - No comments received.

Essex and Suffolk Water - No comments received.

Highway Authority - No objection subject to appropriate visibility splays and vehicle cleansing facilities during construction being secured by condition.

London Borough of Havering Environmental Health - No objection subject to the submission of a Phase I (desktop study) report, prior to any development occurring, documenting the history of the site, the surrounding area and the likelihood of contamination. Subject to the conclusions of the Phase I, a Phase II (site investigation) and Phase III (remediation strategy) may also be required. With regard to noise, the building(s) shall be constructed to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airbourne noise and 62 L'nT,w dB (maximum values) against impact noise - *consultation response from P1328.15.*

London Borough of Havering Trees - Highway trees will only be permitted to be removed when the tree is either dead, diseased, dying or is in a dangerous condition or a resident has proved that a highway tree has caused major structural damage to a property or the tree is part of the Capital Programme for

the removal and replacement of high risk nuisance trees - *consultation response from P1328.15.*

London Borough of Havering Waste & Recycling - No comments received.

London Fire Brigade - No objection.

National Grid - No comments received.

Thames Water - No objection. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

UK Power Networks - No comments received.

5.0 Relevant Policies

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP01 - Housing Supply, CP02 - Sustainable Communities, CP09 - Reducing the need to travel, CP16 - Biodiversity and Geodiversity, CP17 - Design, DC02 - Housing Mix and Density, DC03 - Housing Design and Layout, DC07 - Lifetime Homes and Mobility Housing, DC29 - Educational Premises, DC30 - Contribution of Community Facilities, DC32 - The Road Network, DC33 - Car Parking, DC36 - Servicing, DC40 - Waste Recycling, DC49 - Sustainable Design and Construction, DC50 - Renewable Energy, DC51 - Water Supply, Drainage and Quality, DC52 - Air Quality, DC53 - Contaminated Land, DC55 - Noise, DC60 - Trees and Woodlands, DC61 - Urban Design, DC72 - Planning Obligations

The Council's Landscaping SPD, Protection of Trees during Development SPD, Residential Design SPD, Residential Extensions and Alterations SPD, Sustainable Design and Construction SPD and Planning Obligation SPD

London Plan: 3.3 - Increased 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, 5.3 - Sustainable Design and Construction, 5.13 - Sustainable Drainage, 5.21 - Contaminated Land, 6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.9 - Cycling, 6.13 - Parking, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.14 - Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 7.21 - Trees and Woodlands, 8.2 - Planning Obligations and 8.3 - Community Infrastructure Levy

Government Guidance: National Planning Policy Framework and National Planning Practice Guidance

6.0 Mayoral CIL Implications

The application seeks planning permission for three residential units. In consideration of the net amount of residential accommodation which would be created, a Mayoral CIL contribution of £5,520 (this figure may go up or down subject to indexation) would be required should planning permission be granted.

7.0 Appraisal

- 7.1 It is considered that the key issues for consideration in the determination of this application are the changes made to the proposal following the refusal issued in 2015; the design and impact of the development on the street scene and character and appearance of the locality; the impact on nearby amenity; highways; and the potential impact on the tree subject of a Tree Preservation Order.

Principle of Development

- 7.2 Policy CP1 of the Core Strategy and Development Control Policies DPD states, as a headline objective, that a minimum of 535 new homes will be built in Havering each year. Table 3.1 of the London Plan sets a minimum ten year target for Havering (2015-2025) of 11,701 new homes. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.
- 7.3 Given that this is primarily a residential area, no principle policy objection is raised to the development coming forward. This is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

Density, Scale, Mass, and Design

- 7.4 Policy DC2, in respect of residential mix and density, states in an urban Romford location a moderate density of terraced houses and flats is between 55-175 dwellings per hectare and a high density development of mostly flats is between 165-275 units per hectare. Given the size of this development site (0.036ha) and the number of units proposed (3) this would be defined as a moderate density development (83 dwellings per hectare). In context of the proposed locality, this is considered acceptable.
- 7.5 Staff have, in addition to the above, assessed the development against the Technical housing standards - nationally described space standard and confirm that each unit complies with the standard for a three bedroom house, for five people, set over three storeys.

- 7.6 The supporting text to policy DC3 of the LDF details that the Council requires good design in all new housing developments in order to create attractive, safe, secure and high quality living environments which are sustainable and where people will choose to live. Expanding on this, policy DC61 seeks to ensure that development proposals maintain, enhance or improve the character and appearance of the local area. In relation to this it is detailed that (only criteria relevant to this application are listed) development should respond to distinctive local building forms and patterns of development; complement or improve the amenity and character of the area; provide structure by utilising and protecting existing views, vistas, panoramas and landmarks; and reinforce, define and embrace the street.
- 7.7 Olive Street, the road to which this development would align, is characterised by pairs of semi-detached houses with large ground floor bay-windows and first floor sash-windows. Development along Mawney Road, itself, differs as there is the retail aspect directly opposite number 34. However, the northern side of Mawney Road (irrespective of use) is still considered to be characterised by large buildings with similar characteristics to the buildings described in respect of Olive Street.
- 7.8 The proposed development would in principle form an extension to the rear of number 34. Extending to the rear, alongside Olive Street, by some 18.6m, the extension would have a maximum width of 8.4m. The development is proposed with a pitched roof with similarly pitched front and rear dormers. The eave (6m) and ridge (9m) roof line would match that of the main part of number 34, as existing.
- 7.9 Noting the amendments made from the previous version of this scheme (application ref: P1328.15) staff consider that the proposed scale and design of the development now blends much more appropriately with the residential character of Olive Street. It is noted that the previous alien and expansive crown roof has been replaced by a pitched one, and the number of units reduced from four to three which in turn has reduced the ground footprint of the development to a level which it is considered sits much more comfortably on the plot.
- 7.10 Whilst the development would have a roof ridge height circa 1m higher than the residential properties along Olive Street, a separation distance of approximately 5m to the common boundary would exist and it is considered that this is sufficient to aid the transition from the bulk and scale of this development to that further along Olive Street. The proposed provision of bay windows, to the front elevation, also helps create a relationship between that proposed, number 34 and the residential properties along Olive Street. Staff also raise no objection, from a streetscene perspective, to the proposed first floor extension and additional windows to number 34. The extension is considered modest and the proposed roof alignment in keeping with the main roof structure.
- 7.11 Although it is noted that the Residential Extensions & Alterations SPD details that dormers facing the highway are acceptable if they do not cause harm to the original house or streetscene, it is suggested that the width of any such

provision should not exceed 1.2m. Where a larger window area is required on an elevation facing the highway, the SPD suggests, a number of smaller dormers, with pitched roofs, should be provided, suitably spaced apart, to minimise the apparent bulk of the additions. In respect of this, staff note that achieving three, three bedroom units on this site is dependent on realising residential accommodation in the roof space. For the reasons outlined in the SPD, staff usually seek to resist forward facing dormers. However, in this instance, mindful of the need for the dormers to provide sufficient ceiling heights and suitable light to the proposed roof space, staff accept that this development does slightly differ from your usual residential property. By reason that this development is proposed to adjoin a significantly sized building which is in a non-residential use, and characterised by quite a complex roof arrangement with a number of different pitches and roofs at different heights, it is considered that the front dormers can effectively be incorporated without appearing out of character and/or detrimental to the streetscene.

- 7.12 The size of the dormers has been significantly reduced, in comparison to application ref: P1328.15, and staff furthermore consider that this has given the development a better balance, when in the past it appeared particularly top heavy.
- 7.13 Turning to proposed amenity space, each unit is proposed with a small front courtyard and rear garden. The rear gardens proposed for the units would range between 27m² and 54m². 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. Staff note that the reduction in building footprint, and reduction in number of units, has allowed private amenity space to be assigned to each unit. Although staff acknowledge that due to the orientation of the development, and that surrounding it, these areas may not receive a huge amount of sunlight, on balance in context of the size of amenity space proposed, no objection is raised to the development on such grounds.
- 7.14 Overall, staff consider that the applicant has taken on board previous criticisms to the proposed design and sought to re-work the scheme to better blend with the locality. Staff consider a particular issue with this site, and extending the property (number 34), is creating a relationship with the residential development along Olive Street. The existing car parking area to the rear currently acts as a transition between the different scales of development and infilling that there is the potential to adversely impact on the streetscene. In this instance, it is considered that through various design elements and the maintenance of a significant separation distance from number 2 Olive Street the applicant has successfully achieved this. For the aforementioned reasons it is considered that the development complies with policy DC61 of the LDF with regard to design.

Impact on Amenity

- 7.15 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 7.16 With regard to amenity, it is noted that the proposed development would directly abut the rear of number 34 Mawney Road and in doing so requires all the rear windows and doors of the building, as existing, to be bricked-up. In respect of this, and ensuring sufficient light and ventilation to the existing building, a first floor extension above the existing single storey lean-to projection (south-eastern corner of the building) is proposed.
- 7.17 Whilst the aforementioned extension to number 34 is generally considered acceptable, from a design perspective, concern was originally raised as part of the determination of application ref: P1328.15 about a residential use directly abutting a building used as a college (presumed to be D1 use) and the principle of this. Within the Inspector's report, pursuant to the appeal, such concerns were however dismissed and it was stated that sufficient evidence did not exist to demonstrate that the two uses could not sit comfortably together. Staff accept the conclusions formed by the Inspector and therefore no longer pursue such concerns.
- 7.18 In respect of the amenity of number 2 Olive Street, it is considered that the development has been sited and designed to ensure that it would not give rise to significant overshadowing and/or loss of daylight. In this regard the development complies with the 45 degree rule. To confirm, no windows are proposed on the flank elevation facing towards 2 Olive Street. Turning to potential overlooking afforded by the windows facing to the rear of 32 Mawney Road, staff note that these windows at first and second floor level would serve bedrooms and bathrooms respectively. The development would be set approximately 4.6m off the common boundary and therefore whilst some overlooking would exist, it is not considered that the extent of this would be particularly more acute than overlooking afforded from the existing rear and side windows of 30 and 34 Mawney Road and 2 Olive Street. Staff, in forming this conclusion, have been mindful of the existing use of 32 Mawney Road as a hotel rather than private residential property.

Highway Impact & Car Parking Provision

- 7.19 Access to this site would be via the existing access and cross-over to the rear of the site, adjacent to number 2 Olive Street. In context of the local public transport accessibility level (part PTAL 4 and part PTAL 5) and that three car parking spaces are proposed, no principle objection is raised to the development in consideration of policy 6.13 of the London Plan and policies DC2 and DC33 of the LDF. Parking for at least three vehicles would also remain for 34 Mawney Road in the front driveway hardstanding.

- 7.20 Olive Street is in the majority single yellow lined with resident permit holder parking bays. The permit holder bays are operational 08:30am to 06:30pm. At the junction with Mawney Road are eight pay and display bays. Mindful of the proposed parking provision within the development, it is not considered that the development would place undue pressure on existing street parking provision.
- 7.21 With regard to the above, and the letter of public representation received, staff confirm that the three car parking spaces proposed all comply with the Council's minimum car parking space dimensions. Although it is accepted that vehicle circulation would be relatively limited, and vehicles would likely be required to either reverse in or out of the access, depending on how the vehicle parked originally, the Highway Authority has not raised an objection to this subject to suitable pedestrian visibility splays being maintained.

Trees

- 7.22 Policy DC60 of the LDF details that the amenity and biodiversity value afforded by trees and woodland will be protected and improved. Policy 7.21 of the London Plan furthermore states that existing trees of value should be retained and any loss as a result of development should be replaced following the principle of 'right place, right tree'.
- 7.23 The Council's Protection of Trees during Development SPD states that aged or 'veteran' trees found outside ancient woodland are particularly valuable for biodiversity and their loss should be avoided. The Sycamore tree which is the subject of protection, adjacent to Olive Street, is proposed to be pollarded to facilitate the development. The proposed development, to confirm, would be within the existing crown spread and root protection area of this tree.
- 7.24 As part of the Arboricultural Assessment submitted in support of the application, it has been suggested that the works required and proposed are actually in line with good practice and it is considered that the change from the existing non-porous hard surfacing around the tree to soft landscaping and porous hard surfacing should improve the root area and better facilitate management of the tree. In context of the above, and that the tree would not be removed as part of the development proposals, it is not considered that the works required to the TPO Sycamore are sufficient to form a reason to refuse the development coming forward. In terms of the comments the Inspector made pursuant to the previous version of the scheme, and the value of this tree in the streetscene, staff note that the reduced footprint of the building sets the development further away from the crown spread and as such it is not considered that the tree would now pose a particular issue in terms of overshadowing of the internal living accommodation of unit two.

8.0 Section 106

- 8.1 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.

- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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 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.

- 8.8 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 £6,000 per dwelling for educational purposes would be appropriate.
- 8.9 In the event that planning permission is granted, this application as such would be liable for a £18,000 education contribution, in addition to any contribution under the Mayoral CIL. Should a recommendation for refusal be made, as there would be no mechanism for securing this contribution, this could form an additional reason for refusal.

9.0 Conclusion

- 9.1 The Council is under increasing pressure to find additional housing stock and as evidenced in previous decisions issued staff, in principle, have not previously raised an objection to a residential development coming forward on this site. The principal constraint has been the scale of the development and its relationship to the surroundings. This time round, staff consider that the development fits much better onto the plot and overcomes the majority of concerns about impact on streetscene and living conditions. This is an infill development and it is considered important that a relationship is created between the development proposed and that adjacent. The development put forward acceptably achieves this.
- 9.2 It is considered by reducing the proposed number of units the applicant has also been able to improve the quality of accommodation and assign suitable areas of external amenity, sufficient for the type of occupiers this development would likely secure. In context of this, the previous reasons for refusal and the subsequent appeal decision, it is not considered that there is now due justification or reason to refuse the application. It is therefore recommended that planning permission be granted subject to conditions and a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

1. Application form, plans and associated documents submitted with planning application ref: P1221.16, validated by the Local Planning Authority 21/07/2016.