



# REGULATORY SERVICES COMMITTEE

2 February 2017

# REPORT

**Subject Heading:**

P1106.16 Roseberry Gardens (Parking Court) Roseberry Gardens, Cranham

Redevelopment of Parking Court for 3 no. 2 bedroom 4 person residential units with associated car parking and landscaping at Roseberry Gardens, Cranham (Received 01/07/16, revision received 11/10/16 and 19/12/16)

**Ward:**

Cranham

**Lead Officer:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

The proposal is for the construction of 3 no. two storey terraced dwellings with associated parking and private amenity space, and landscaping. The application has been submitted on behalf of the Council although this has no material bearing on the planning considerations relevant to this application

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

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions.

**RECOMMENDATIONS**

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 267m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £5,340 (subject to indexation).

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

- A financial contribution of £18,000 to be 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 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. 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

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

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

4. External Materials

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 building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development

accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

#### 5. Landscaping

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

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

#### 6. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 7. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

## 8. Hours of Construction

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

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

## 9. Construction Methodology

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

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

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

**Reason:** Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

## 10. 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.

## 12. Boundary treatment

The development hereby permitted shall be implemented in accordance with the boundary treatment details as shown on drawing No. 120 Revision D

**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.

## 13. Accessibility

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

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

14. 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.

15. Permitted development rights

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

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

16. Obscure windows

The front part (facing west) of the proposed oriel windows to the western elevation at first floor as well as the first floor window to the southern elevation shall be permanently glazed with obscure glass and shall remain permanently fixed shut and thereafter be maintained.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

17. Domestic Sprinklers

Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

18. Standard flank window condition

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

#### 19. Highway Agreements

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

**Reason:** To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

#### 20. Lighting

Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to occupation 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.

#### 21. Pedestrian visibility splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

#### 22. Car Parking Management Strategy

No part of the development hereby permitted shall 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. 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.

## **INFORMATIVES**

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved a revision to the internal layout and position of the dwellings in order to limit overlooking. The amendments were subsequently submitted on 15 July 2016.
3. 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.
4. 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.
5. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5,340 (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.

7. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
8. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
9. Please note that by virtue of Condition(s) 13, you are required to notify the relevant Building Control body of these conditions as part of any application.
10. Before occupation of the residential units 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 site is an empty piece of land which is located to the rear of No's. 111-117 Roseberry Gardens, Cranham and is currently used as a parking area. The site is surrounded by a wooded area to the east and the rear gardens of residential dwellings to the north, south and west. The ground is relatively level. The site has an overall area of approximately 1044m<sup>2</sup>.

- 1.2 Development in the vicinity is characterised by 2-storey residential dwellings which predominantly have brick and render finishes.
- 1.3 Access to the plot is via an existing access road to the south of no. 117 Roseberry Gardens.

## **2. Description of Proposal**

- 2.1. The application seeks permission for the erection of 3 no. two-storey dwellings with associated parking and amenity. The dwellings will be arranged in a terrace of 3. The dwellings will be developed by the Council's Housing Service for the provision of affordable housing.
- 2.2 The dwellings would measure 18.9m in width and 8.1m in depth. They would each have a pitched roof to the front and part side elevations and a flat roof section to the rear. From the front elevation the roof heights measures 5.3m to eaves and 8.5m to the ridge. The dwellings will be centrally located within the site.
- 2.3 The proposal would retain the existing access to the site measuring 4m in width at its narrowest section.
- 2.4 A bin collection point will be available along the access road, within an acceptable distance from the highway to facilitate refuse pickup. This will only be a collection point on the day of collection and will not function as a permanent refuse storage area.
- 2.6 Parking provision for 5 vehicles will be provided; 3 no. on a hardstanding to the side of the dwellings and 3 no spaces along the access road, adjacent no. 119 Roseberry Gardens. Provision is made for the storage of cycles in the rear gardens.
- 2.7 The dwellings would have an east - west orientation with garden spaces towards the rear, measuring 30m<sup>2</sup>, 29m<sup>2</sup> and 31m<sup>2</sup> respectively. Amenity provision in the form of terraces will be provided at roof level to each of the dwellings measuring between 23m<sup>2</sup> and 24m<sup>2</sup>.

## **3. Relevant History**

- 3.1 None

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 31 properties and 5 letters of objection were received. A second round of notification letters were sent out and 1 letter of consultation was received requesting additional information. The objection raised can be summarised as follows:
  - Added noise and disturbance
  - Not enough on-site parking spaces

- Site is too small for the size of development
- Fire engines would not be able to access the site
- Overlooking rear gardens of neighbouring properties
- Refuse area would be a dumping ground for rubbish and would lead to smells and rats
- No enough space to manoeuvre out of existing rear garden garages
- Loss of outlook
- Noise dust and disturbance as a result of building works

These issues are dealt with within the report below

4.2 The following consultation responses have been received:

- The London Fire Brigade - no objection provided that a domestic sprinkler system is installed.
- Highways - no objection subject to the addition of a visibility splay, vehicle access and vehicle cleansing conditions.

## **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (affordable housing), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD, Planning Obligations SPD (Technical Appendices) and Havering's Affordable Housing Development Strategy 2014-2017.

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), 3.11 (affordable housing targets), 6.1, 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) 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 This proposal is put before the Committee owing to Council's interest as applicant and land owner. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity

space, impact on the surrounding area, amenity implications, and parking and highways issues.

## 6.2 *Principle of Development*

6.2.1 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.

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

## 6.3 *Density Layout*

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

6.3.2 The proposal would provide 3 no. residential dwellings at a density equivalent to approximately 29 dwellings per hectare. This is only marginally below the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.

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

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

6.3.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.

6.3.6 Amenity provision in the locality is generally arranged towards the rear of dwellings. The proposal will provide garden areas of 30m<sup>2</sup>, 29m<sup>2</sup> and 31m<sup>2</sup> respectively. The amenity space proposed for each dwelling is significantly smaller than which is characteristic within the surrounding area. However Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. In order to supplement the proposed garden areas the applicant will be providing roof terraces of 24m<sup>2</sup>, 23m<sup>2</sup> and 24m<sup>2</sup> respectively.

6.3.7 The proposed dwellings will be centrally located in the site with a separation distance of approximately 6.9m from the rear boundaries of the residential properties to the west and approximately 5m from the boundary of the wooded area to the east. Staff are mindful that the quality of garden space provision will be affected by the close proximity of large trees situated on the eastern boundary, however the provision of additional amenity areas in the form of roof terraces is considered sufficient to mitigate the impact of the high trees on the ground floor amenity areas.

6.3.8 The developments relationship to the surrounding area should be balanced against the need for affordable housing as required within policy 3.11 of the London Plan and DC6 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. On balance, Staff consider that the delivery of affordable housing should be attributed greater weight in the overall balance. However, this is a matter of judgement and Members are invited to consider whether smaller gardens and a lack of setting within the site are so harmful as to justify a refusal of permission.

#### 6.4 *Design/Impact on Streetscene*

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would not form part of the Roseberry Gardens street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment. Any view along the drive is also considered acceptable given the width of the driveway leading up to the proposed dwellings and the central location of the proposed dwellings.

6.4.3 The characteristic built form in the immediate surrounding area is mainly two storey terraced dwellings built from a mix of bricks and render.

6.4.4 In terms of design and visual appearance, Staff are of the opinion that the development of terraced dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area.

#### 6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or

have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

- 6.5.2 Neighbouring dwellings to the north are separated from the nearest proposed dwelling by approximately 12.7m at the nearest point and 6.4m to the nearest rear garden boundary. These distances are considered acceptable as the proposed dwellings have no flank windows to the northern elevation at first floor. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable.
- 6.5.3 Neighbouring dwellings to the south are separated from the proposed dwellings by approximately 35m at the nearest point and 6m to the nearest rear garden boundary. These distances are also considered acceptable as the proposed dwellings will only have a landing window at first floor which will be conditioned to be obscure glazed and fixed shut in the event of an approval. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable.
- 6.5.4 Neighbouring dwellings to the west are separated from the proposed dwellings by approximately 23.5m at the nearest point and 6.9m to the nearest rear garden boundary. The proposed dwellings will have 1 high level window at first floor and a cladded oriel window to the western (front) elevation. The southern aspect of the oriel windows situated in the western elevation will be conditioned to be obscure glazed and fixed shut to limit any overlooking to the rear gardens of the properties at No's. 111-117 Roseberry Gardens. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable.
- 6.5.5 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff acknowledge that there will be some impact as a result of vehicle movement close to neighbouring dwellings however this would not be that different from the current use of the site for parking.
- 6.5.7 Neighbouring concerns were raised relating to the loss of outlook. Staff considers the separation distances of 22.7m between the rear building lines of the residential properties along Roseberry Gardens and the proposed development to be sufficient not to have an unacceptable harm on the outlook of these residential occupiers.
- 6.5.8 A construction methodology condition and the limiting of construction hours will be added in the event of an approval to address concerns relating to noise and dust during construction.
- 6.5.9 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the

opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the surrounding area and amenities of neighbouring occupiers.

6.5.10 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 *Parking and Highway Issues*

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2-1.5 parking spaces per unit for a development of this type. The development would provide a total of 6 parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 The Housing Department has confirmed that the existing parking court is used for parking on an informal basis and is not a formal parking area. The use of the subject area for parking has been very limited with one car at the most at the time of site visits conducted by Housing officials. It is further anticipated that the approved Lexington Way garage court development would provide more parking spaces than the agreed 30 spaces which would sufficiently accommodate any need that may arise from the loss of the subject parking court.

6.6.3 Provision is made for cycle storage by providing a cycle box in the rear garden area of each dwelling.

6.6.4 The access road would not have sufficient width for Fire Brigade vehicles to access the subject site, however the Fire Brigade have no objection subject to a condition requiring domestic sprinklers to the proposed dwellings.

## 6.7 *Mayoral Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 267m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £5,340 (subject to indexation)

## 6.8 *Infrastructure Impact of Development*

6.8.1 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.

- 6.8.2 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.
- 6.8.3 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.
- 6.8.4 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.
- 6.8.5 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.
- 6.8.6 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.
- 6.8.7 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.

6.8.8 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 £18,000 for educational purposes would be appropriate.

6.9 *Other*

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal will provide a bin collection point along the access road. The bin collection point will be within an acceptable distance from the highway in order for refuse collection to take place and also within an acceptable distance from the front of the proposed dwelling. The Highways Authority requires that the refuse collection point on the access road to be clearly marked out as such and that residents are advised that failure to deposit their rubbish at the required time on this point may result in their rubbish not being collected. Details of the refuse collection arrangements are proposed to be required by condition.

**7. Conclusion**

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. There is a judgement in relation to amenity space provision and the setting of the wider site and Members are invited to consider this. Overall, Staff consider the development to be acceptable and approval is recommended accordingly.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

The application relates to a land which is within the Council's ownership. This does not affect the planning considerations relating to this development.

**Legal implications and risks:**

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

The application has been submitted on behalf of the Council. However, this has no material bearing on the consideration of this planning application, which is considered independently from the Council's role as applicant.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 1 July 2016, revision received on 11 October 2016 and 16 December 2016.