



# REGULATORY SERVICES COMMITTEE

23 February 2017

# REPORT

**Subject Heading:**

P1718.16 - 1 Martinstown Close,  
Hornchurch

Demolition of existing house and garage  
and construction of a replacement  
dwelling and annex (Received 03/11/16).

**Ward:**

Emerson Park

**Lead Officer:**

Helen Oakerbee  
Planning Manager

**Report Author and contact details:**

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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

This report considers an application for the demolition of an existing dwelling and attached garage and the construction of a replacement dwelling and residential annexe connected with the replacement dwelling at 1 Martinstown Close. The site is currently occupied by a two storey detached dwelling with an attached garage to the south. The surrounding locality is predominantly residential in nature. The proposal raises a main issue of the residential unit remaining as an annexe to the main building. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject conditions on the planning permission and to the prior completion of a S106 planning obligation to ensure that the unit remains as an annexe to the main dwelling and not a separate residential unit the development would be acceptable.

## RECOMMENDATIONS

That the application is unacceptable as it stands but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the proposed dwelling at 1 Martinstown Close and shall not be sub-divided or sold off separately from the main dwelling.
- 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. 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.

## 4. Removal of 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.

## 5. Subdivision

The garden area shall not be subdivided at any time.

**Reason:** In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

## 8. 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.

#### 9. 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.

#### 10. 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.

#### 11. 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.

## 12. 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.

## 13. 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 breakdown 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.

#### 14. 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.

#### 15. 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.

#### 16. Obscure windows

The proposed first floor/loft windows to the southern elevation of the annex serving a bedroom and en-suite shall be obscure glazed and any part below 1.7m from finished floor level shall be fixed shut and thereafter 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. Obscure windows

The proposed first floor windows to the north-eastern elevation of the main dwelling serving a bedroom and a study 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.

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. Balcony condition

The flat roof area of the connection between the dwelling and the annex hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

**Reason:** In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

20. Preserved Trees

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

**Reason:** To protect the trees on the site subject to a Tree Preservation Order and in order that the development accords with the Development Control Policies Development Plan Document Policy DC60.

## **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: 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.
3. 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.

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The site is located at the end of 1 Martinstown Close and is currently occupied by a two storey detached dwelling with an attached garage to the south. The surrounding locality is predominantly residential in nature. Dwellings in the immediate surroundings consist mainly of two storey detached and semi-detached dwellings in a range of architectural styles. The ground is relatively level. The property is situated in Sector 4 of the Emerson Park Policy Area. There are TPO trees situated on the southern and western boundaries of the site. The site is accessed via a private road off Wingletye Lane.

#### **2. Description of Proposal**

- 2.1. The proposal is for the demolition of the existing two storey detached dwelling and attached garage and the construction of a new dwelling and linked annex. The replacement dwelling will be in a similar position to that of the existing dwelling. The proposal will increase the offset distance from



the north-eastern boundary and the western boundary, however it will be set closer to the southern boundary by the addition of the annex.

- 2.2 The main dwelling and annex will be finished with a dual pitched roof which slopes away from neighbouring boundaries. The main dwelling will consist of a kitchen/dining room, wc, utility room and living room at ground floor and three bedrooms, bathroom, study, en-suite and walk in wardrobe at first floor. The annex will consist of a dining room and play room at ground floor and two bedrooms, en-suite and bathroom at first floor. A two car attached garage will be situated to the south-eastern side of the annex. A single storey lobby area will provide a linkage between the new dwelling and the annex.

### **3. Relevant History**

- 3.1 P1545.14 - New dwelling house - Refused and Dismissed on Appeal
- 3.2 P1071.14 - Erection of a 5 bedroom dwellinghouse with associated car parking – Refused

### **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 29 properties and 7 letters of objection were received raising the following concerns:

- Similar to previous requests for a new dwelling
- Over-development of site
- Overlooking
- Loss of outlook
- Runoff concerns
- Loss of trees
- Disruption as a result of construction traffic
- Not adequate parking for construction vehicles
- Additional strain on sewerage

- 4.2 Officers do not consider the water runoff or impact on the sewerage would be significantly greater than what is currently experienced on site given that the proposed development will have a similar footprint than that of the existing dwelling. A landscape condition will be added in the event of an approval to address concerns relating to the loss of trees. A construction method statement condition will be added in the event of an approval in order to address concerns raised relating to the parking of construction vehicles. Noise and disruption as a result of construction traffic is not a material planning consideration which can be taken into account. The other matters raised are considered below.

### **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), 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, Emerson Park Area SPD and Landscaping SPD.
- 5.3 Policies 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character) and 7.6 (architecture) 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. Background**

- 6.1 This application for a new dwelling was refused under P1545.14 for the following reasons:
  - 1. The proposed dwelling would have a significant visual impact on the perception of openness in the rear garden setting, which is a key characteristic of the Emerson Park Policy Area,
  - 2. The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking, loss of privacy and loss of outlook which would have a serious and adverse effect on the living conditions of adjacent occupiers
  - 3. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.
- 6.2 The planning inspector has agreed that there will be a loss of openness in the rear garden scene especially given the short rear gardens of the properties along Ferndown and Braemar Close. The inspector further concluded that the development would have an impact on the open outlook enjoyed by the properties along Ferndown but did not consider it to result in overlooking or loss of privacy.
- 6.3 The current proposal differs from the previous layout considered by the Inspectorate in that the location of the annex building is moved forward on the site. This provides a more spacious and open rear garden in keeping with the characteristic of the Emerson Park Policy Area. The arrangement of the proposed building on site has also addressed the previous concerns

related to outlook from the rear gardens of the properties along Ferndown and Braemar Close.

- 6.4 The current proposal is for a new dwelling and annex to replace the existing residential dwelling and would therefore not require an infrastructure or educational contribution.

## **7. Staff Comments**

- 7.1 The issues arising from this application are the principle of development, its impact on local character and amenity, the suitability of the residential accommodation and resultant living environment, the impact on the amenity of adjoining occupiers and parking and highway issues.

### *7.2 Principle of Development*

- 7.2.1 The proposed residential dwelling is acceptable in principle as it would replace an existing dwelling.

- 7.2.2 The Residential Extensions & Alterations SPD defines a residential annexe as accommodation that is ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The guidance states that the annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas.

- 7.2.3 The layout, design and physical relationship between the house and the proposed annexe are therefore important considerations, and the proposed annexe must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annexe could be used as a part of the main dwelling once any dependency need has ceased.

- 7.2.4 Although it is capable, with some adaptation, of independent occupation, it is considered that the proposed annexe would be; unlikely to be occupied by anyone other than people closely associated with the occupants of the main house, and who would therefore be content to share the remaining curtilage area to the main dwelling, and live in close proximity with, and overlooked by those in the main house. It is considered the close proximity and relationship of the proposed unit with the curtilage of the main dwelling would limit this to use as an annexe. The applicant has confirmed that the conversion is intended to be used by immediate family as residential accommodation. Staff are satisfied that the development is to be undertaken as an annexe to the main house. It is recommended that the applicant enters into a legal agreement to secure the use of the unit as an annexe to the main dwelling, as there is a concern that it would be relatively easy to sub-divide the plot in the future.

### 7.3 *Density Layout*

- 7.3.1 The proposal is for the replacement of the existing dwelling and the development of an additional of an annex and would therefore not result in an increase in the density.
- 7.3.2 The proposal will meet the internal standards as advised by Policy 3.5 of the London Plan.
- 7.3.3 The proposal will provide a suitable amount of amenity space similar to that afforded to the existing dwelling.
- 7.3.4 The proposal is centrally located within the site with a distance of 3m off the north-eastern boundary and 4m at its closest point from the south eastern boundary. The proposal has an increased offset distance of 6m from the western boundary. Staff consider the proposal to be acceptable in sitting and distances from the neighbouring boundaries.

### 7.4 *Design/Impact on Streetscene*

- 7.4.1 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.
- 7.4.2 The proposal would be located to the rear of the properties off Wingletye Lane, and would have no impact on the character of the streetscene. The design of the proposed dwelling is not out of keeping with those in the surrounding area given the variety in housing typology.
- 7.4.3 The proposal is designed with a reduced eaves height, dual pitched roof form, and two smaller linked buildings, in order to reduce the overall bulk and mass and allow for better spacing within the constraints of the site.
- 7.4.4 The proposal is considered to be largely in keeping with the size and scale of the existing residential building on site and that of the neighbour at No. 2 Martinstown Close. The proposed development is not considered to be incongruous.

### 7.5 *Impact on Amenity*

- 7.5.1 The proposal would not have a tangible detrimental impact on No.2 Martinstown Close in terms of shadowing and dominance due to the separation distance of 3m from this neighbouring boundary compared to the existing offset distance of 2.1m. The new dwelling will have a similar footprint to that of the existing dwelling in relation to this neighbouring boundary. Although the proposed main dwelling will have first floor flank

windows serving a bedroom and study, a condition will be added in the event of an approval to obscure glaze and fixed shut these windows to address any overlooking concerns. The proposed dwelling will have a reduction in the eaves height compared to the existing dwelling which will be an improvement to the perceived bulk and mass.

- 7.5.2 Two rear windows are proposed at first floor to the main dwelling and 1 rear window at first floor to the annex. These windows are not considered to result in an unacceptable impact in terms of overlooking as it will have a similar impact to the 3 no. existing first floor windows to the rear elevation of the existing house. The angle of the development would also mitigate any direct overlooking of the rear gardens of the properties along Ferndown. Any potential overlooking from the proposed ground floor windows will be mitigated by the existing high fence surrounding the subject site.
- 7.5.3 Staff do not consider any impact to result to the neighbouring occupiers to the south given the 45 degree orientation of the proposed development relative to these properties and the limited first floor windows to this elevation. A condition will be added in the event of an approval to obscure glaze and fix shut any part of the first floor windows above 1.7m to the southern elevation, to mitigate any potential overlooking.
- 7.5.4 The proposal is sufficiently set off the neighbouring boundaries and would not result in an unacceptable impact in terms of light loss, outlook loss or overshadowing.

## 7.6 *Parking and Highway Issues*

- 7.6.1 The development would replace an existing dwelling. The annex would be ancillary to the main dwelling and is expected to share facilities, including parking with the main dwelling. The proposal will be able to provide 2 no. parking spaces in the attached garage and an additional 4 no. spaces on hardstanding to the front of the proposed buildings.

## 7.7 *Infrastructure Impact of Development*

- 7.6.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 7.6.2 The Council's Residential Extensions and Alterations SPD states that in order for a residential annex to be defined as accommodation ancillary to the main dwelling within the residential curtilage the annex must form part of the same planning unit and share facilities, including access, parking and garden areas.

7.6.3 The applicant has provided information relating to the future use of the outbuilding, which will be used as an annex ancillary to the main dwelling. It will not be used as a separate unit of residential accommodation. It is not therefore judged that the proposal requires the payment of an infrastructure contribution towards education provision.

7.6.4 It would however be necessary for the applicant to enter into a legal agreement to ensure that the building will be used as a secondary and incidental part of the main residential activity on the site and not as a separate planning unit.

## **8. Conclusion**

8.1 The Site is currently occupied by a two storey detached dwelling with an attached garage to the south. The proposal is for the demolition of an existing dwelling and attached garage and the construction of a replacement dwelling and residential annexe connected with the replacement dwelling at 1 Martinstown Close.

8.2 The proposal is considered to be acceptable in principle in terms of impact on the character of the area and not considered to have any adverse impact on neighbouring residential amenity. The proposal is judged to provide a suitable level of residential accommodation provided it is used as an annexe to the main dwelling, and thereby maintains access to the shared amenity area and to off street parking provision.

8.3 It is considered that the applicant should enter into a legal agreement to prevent the sub-division and independent occupation. In order to secure the use of the residential unit as an annex to the main dwelling and given the potential for the annex to be separately occupied in the future, it is considered that the applicant should enter into a legal agreement to prevent the sub-division and independent occupation. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied

that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

Planning policies appropriately take into consideration equality and diversity. The proposal will provide a form of accommodation that meets the particular needs of an individual.

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 3 November 2016.