



# REGULATORY SERVICES COMMITTEE

23 March 2017

# REPORT

**Subject Heading:**

P2031.16: Land r/o Kent House, Durham House and Cumberland House White Hart Lane, Romford

Erection of 16 residential units (10 houses and 6 apartments) comprising a part two / part three storey residential block, plus terraced housing and detached housing, car parking, landscaping and other associated works. (Application received: 19-12-2016; revised plans submitted 10-01-2017)

**Ward**

Mawneys

**Lead officer**

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Local Development Framework

**Policy Context:**

The London Plan  
National Planning Policy Framework  
National Planning Policy Practice  
Guidance  
Local Development 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 [x]  
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 redevelopment of part of the open space to the rear of four blocks of three-storey flats on the west side of White Hart Lane. The site, which is Council owned, currently comprises an area of informal amenity space used by the occupants of the flats. The space is gated and fenced off so that it is not publically accessible. The proposal is to erect 16 new affordable dwellings comprising 6 flats and 10 houses. The site lies within a predominantly residential area where the redevelopment of the land for housing would be acceptable in principle. The proposal raises issues of impact on adjoining residential occupiers, the provision of an adequate standard of accommodation for future occupiers and the loss of existing amenity space for the flats. Consideration also needs to be given to the need for affordable homes. Accordingly there are matters of judgement in relation to these issues and the weight that should be given to them. However, Staff consider that on balance, and subject to the prior completion of a S106 planning obligations unilateral undertaking, the development would be acceptable.

## RECOMMENDATIONS

1. That the Committee notes that, subject to the exemption that applies in respect of affordable housing, the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £27,760 (subject to indexation). This is based on the creation of 1,388 square metres of new gross internal floorspace.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £96,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.

- 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 obligation (unilateral undertaking) to the date of receipt by the Council.
- The provision on site of a minimum of 50% of the units as affordable housing to remain as affordable rented units in perpetuity.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to the completion of the obligation irrespective of whether the obligation is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the unilateral undertaking.

That the Assistant Director of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed below:

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. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 1427\_PL\_101 Rev E has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development 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 interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. 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 samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. *Landscaping* - No development shall take place 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* - Prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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* - Prior to first occupation of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and 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. In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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

9. *Secured by design* - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

10. *Car parking management scheme* - No part of the development hereby permitted shall be occupied until details to show how car parking is to be managed within the site and spaces allocated to new and existing tenants. The submission shall include details of measures to be used to manage and maintain the service road free from obstruction by parked vehicles. The car parking management strategy shall be provided in accordance with the approved details prior to the first occupation of any dwelling. Such facilities shall be permanently retained thereafter for the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate how the service road that serves the development would be managed and parking controlled so as to avoid access for residents, service and emergency vehicles being restricted and the access to the electricity sub-station and flood water storage area being obstructed. The approval and provision of the management scheme is considered necessary prior to first occupation 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.

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, including any works of demolition; 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. *Vehicle Cleansing* - 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 within the site 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 vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from

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

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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 authority;
- 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.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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.

14. *Vehicle access* - No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and the development shall not be occupied until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are

maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

15. *Electric charging points* - None of the residential units hereby permitted shall be occupied until provision has been made for 20% of the parking spaces for those blocks to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

Reason: Insufficient information has been supplied with the application to demonstrate what level of provision is to be made for electric vehicle charging points. Provision prior to occupation will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the London Plan.

16. *Renewable energy* - A renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

17. *Provision of playspace* – None of the dwellings hereby permitted shall be occupied unless and until provision has been made on land adjoining the development for an equipped area of play in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority. The area of play shall be of sufficient size to provide for children in both the new and existing residential accommodation.

Reason: To meet identified needs for additional playspace for the new development and to provide secure facilities for children within the existing residential units. Insufficient information has been supplied with the application detailing the provision in the space indicated on the submitted drawings. The implementation of an approved scheme prior to occupation is considered necessary in order that the development complies with Development Control Policies Development Plan Document Policies CP7, DC18 and DC20, and London Plan policy 3.6 and the Shaping neighbourhoods: play and informal recreation SPG.

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

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

19. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

20. *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

21. *Sustainable drainage* - The development hereby permitted shall not commence until full details of a Sustainable Drainage Systems (SuDS) to be incorporated into the scheme has been submitted to, and approved in writing by, the Local Planning Authority. The SuDS shall then be carried out in accordance with the approved details and retained permanently thereafter for the lifetime of the development.

Reason:-

Insufficient information has been submitted with the application to demonstrate how surface water drainage from surfaced areas would be achieved. Submission of details prior to commencement is considered necessary to ensure that drainage and discharge from the site is managed and maintained, and that the development accords with the Development Control Policies Development Plan Document Policies DC48 and DC51 and the SuDS Developer Guide.

22. *Permitted development* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C, D or E, excepting sheds up to 10 m<sup>3</sup> in size, 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.

23 *Archaeology* - No development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and agreed in writing by the Local Planning Authority. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological significance are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be prepared and submitted to the Local Planning Authority for approval. For land that is included in the Stage 2 WSI no development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. A statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

B A programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

The development shall not be occupied until the site investigation and post investigation assessment and publication has been completed in accordance with the approved stage 2 programme set out in the Written Scheme of Investigation.

Reason: Heritage assets of archaeological interest may survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

#### Informatives

1. *DMO Statement* - 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.

2. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL) (subject to any exemption claimed). Based upon the information supplied with the application, the CIL payable would be £27,760 (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.

3. *Planning obligation* - The planning obligation required has 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.

4. *Temporary use of the highway* - If any 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. *Access* - 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. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. *Highway works* - The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

7. *Secured by Design* - 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.

8. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

9. *Sustainable development* - The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.

10. *Street naming* - Before occupation of the residential/commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

11. *Archaeology* – Written schemes of investigation will need to be prepared and implemented by a suitably qualified professional accredited archaeological practice in accordance with Historic England’s Guidelines for Archaeological Projects in Greater London. Condition 23 is exempt from deemed discharged under schedule 6 of the Town and Country Planning (Development Management Procedure England) Order 2015.

## REPORT DETAIL

### 1. Site Description

- 1.1 The site comprises grassed amenity areas to the rear of 5 blocks of three-storey flats on the west side of White Hart Lane. It amounts to 0.36 hectares. The space forms an informal amenity area used by the occupiers of the flats and which has gated access. The land to the west of the site comprises allotments which lie within the Green Belt. To the south of the site is the Crownfield Junior School and further to the west is the open countryside of the Rom Valley.
- 1.2 The site is accessed from White Hart Lane via a number of gated pedestrian entrances between the existing blocks of flats. The application site and a majority of the flats are Council owned. There is parking court to the front and a number of grassed amenity areas. The ground floor flats have a small terrace to the front with the upper floor having balconies. The open space also includes storage buildings and areas of hardstanding for drying washing.

### 2. Description of proposal

- 2.1 The proposal is for the erection of six one and two-bed flats and 10 two and three-bed houses. The flats would be contained in a single three storey block located at the southern end of the site and linked to a terrace of three houses. The remaining houses would comprise a terrace of four and a semi-detached pair parallel to the rear of the flats with a single detached dwelling at the

northern end adjacent to the rear of Kent House. All of the dwellings would be for affordable rent.

2.2 The new dwellings would be accessed via a new private road through the existing parking court between Kent House and Durham House and then along the rear of the existing blocks. Parking for the flats and all but the first three houses would be provided at the end of the road where there would be a 20 space parking court and turning head. There would be a further 18 spaces elsewhere within the development, including spaces between Kent House and Durham House, some of which would be available to existing occupiers.

2.3 The units would be of traditional design, constructed mainly in brick under a pitched tiled roof. Refuse storage would be provided to the front of the units with secure cycle storage within the garden areas. A new playspace area for children would be provided to the rear of the existing flats for use by new and existing residents.

### 3. **Relevant History**

3.1 None

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

4.1 26 letters of representation plus a 199 signature petition opposing the development for the following reasons:

- Too close to existing flats;
- Loss of view over countryside;
- Increase in crime;
- Loss of outdoor play space/communal garden area;
- Impact on amenity – noise, loss of light and overlooking;
- Not an efficient use of the land in meeting housing need - would be better to construct flats which could house more families;
- Would increase risk of flooding;
- Lack of funding for improvement of existing properties and providing additional parking - but funding for new ones;
- Noise and disturbance during construction;
- Destruction of habitats;
- Impact on local services;
- Reduce safety for children playing there;
- Cramped

4.2 Comments on objections:

Issues of impact on existing residents and how their amenities would be affected are addressed in the report. The scale and layout of the development is addressed in the report. A judgement will be required as to whether any adverse impact is acceptable judged against the need for new housing.

Matters such as flooding, impact during construction, Secured by Design (Crime), playspace and parking areas would be addressed by conditions.

The protection of existing views is not material within the planning system except where there is an impact on amenity. Maintenance and investment in the existing housing stock is not a material planning consideration.

- 4.3 Public Protection - contaminated land condition recommended
- 4.4 Historic England – recommends the need for a field evaluation of the site in respect of potential archaeology and a condition is recommended accordingly.
- 4.5 Thames Water - no objections
- 4.6 Essex and Suffolk Water - no objections
- 4.7 Streetcare (Drainage) - further calculations required.
- 4.8 Schools Service – development will generate the need for extra school spaces, both primary and secondary. S106 contribution required.
- 4.9 Metropolitan Police Designing out Crime Officer – pre-application comments incorporated. SBD condition recommended.
- 4.10 London fire and Emergency planning Authority – access required to with 45 m of all parts of the development.
- 4.11 London Fire Brigade - no additional hydrants required
- 4.12 Streetcare (Highways) - no objections subject to conditions

## 5. **Relevant Policies**

### 5.1 Local Development Framework (LDF)

Core Strategy and Development Control Policies Development Plan Document (DPD) Policies:- CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)

- Evidence base to the Planning Obligations SPD
- Residential Design SPD
- Designing Safer Places SPD

- Sustainable Design and Construction SPD

## 5.2 London Plan

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 3.8 (Housing Choice); 3.9 (Mixed and balanced communities); 3.11 (Affordable housing targets); 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); 3.13 (Affordable housing thresholds); 5.2 (Minimising Carbon dioxide emissions); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.12 (Flood risk management); 5.13 (Sustainable drainage); 5.21 (Contaminated land); 6.3 (Assessing effects of development on transport capacity); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking) 7.3 (Designing out crime); 7.8 (Heritage Assets and archaeology); 8.2 (planning obligations)

- Housing Standards Minor alterations to the London Plan
- Housing SPG
- Parking Standards Minor Alterations to the London Plan

## 5.3 National Policy Documents

- Technical housing standards - nationally described space standard
- National Planning Policy Framework
- National Planning Practice Guidance

## 6. **Staff Comments**

Principle of the development

- 6.1 This is a full application for the development of land within the urban area. It is undesignated in the LDF and in accordance with Policy CP1 the land is prioritised for new housing. It forms an open informal amenity area that is used by residents of the adjacent flats. The redevelopment of the site to meet housing need is considered acceptable in principle.

Scale, Density and Site Layout

- 6.2 The site has a PTAL of 1a which is very low and indicates that the site has poor public transport accessibility. The site is classified as 'rest of borough' under Policy DC2 with a density range of 30-50 units per hectare for the housing type proposed. The application site is 0.36 hectares giving a density of 44 units per hectare which lies within the indicated range. However, density is only one measure of acceptability and there are other relevant considerations. These include the need to make efficient use of the site taking account of site

constraints and the site layout and its impact on the character and appearance of the area. It is also necessary to provide an acceptable level of accommodation for future occupiers, including car parking.

- 6.3 In this regard all of the proposed dwellings would meet the minimum size standards in accordance with London Plan policy 3.5 and the Technical Housing Standards. There would also be private and usable amenity space in accordance with the Residential Design SPD. Whilst the layout of the amenity areas would be compact there would be no significant overlooking issues. Each dwelling would have two off-street parking spaces which accords with the upper limit in Policy DC2.
- 6.4 The relationship with adjoining residential properties would be acceptable in terms of the potential for overlooking and loss of light given the distance between the new development and existing flats and the location of the proposed amenity areas which would mainly be shielded by the new buildings. The detached dwelling at the northern end would be close to the flank of Kent House where there are windows over all three floors which are understood to serve bedrooms. Car parking was originally proposed along this boundary but would now be relocated and the house set further back into the site to minimise any impact. Whilst the relationship is not ideal there needs to be a balance between providing much needed housing within the area available. The rooms in question are also served by windows in the south elevation and subject to boundary treatment and landscaping the relationship is judged acceptable. Overall Staff consider that the proposed layout would be acceptable and not give rise to any material adverse impacts on the amenities of existing residents. The issue of the loss of amenity space is addressed in paragraph 6.7.

#### Design/Impact on the streetscene

- 6.5 The site lies behind the main residential frontage and would have no immediate impact on the streetscene. The development would be seen within its own setting and context. In terms of character and appearance, the proposed dwellings would retain the general character of the area. The new units would be of traditional design with pitched gable ended roofs and the configuration of the dwellings would be similar to those in the adjoining area. Consequentially Staff consider that the development would be acceptable in terms of design and impact on the area.

#### Impact on amenity

- 6.6 The development's location behind the main residential frontage in White Hart Lane would limit any wider impact on amenity. As referred to earlier in the report the proposed configuration of the development would not lead to any significant impact on the amenities of existing residential occupiers.
- 6.7 The proposal would involve the loss of open land currently enjoyed by existing tenants and leaseholders. This loss has been raised in a number of the objections. The applicant has advised that this space is used by existing occupiers on an informal basis and does not form part of any tenancy or



leasehold agreement. This is limited to the space immediately behind the flats, including brick storage sheds. This space would be retained.

- 6.8 While the open area is seen as an important amenity by existing occupiers, the development would retain some amenity space and a more formal children's playspace would be provided. Residents also have balconies and terraces and overall staff judge that the retained provision would meet current guidance on amenity space provision. The development would provide new affordable housing to meet Havering's housing needs and Staff consider that in taking these matters into account the loss of the space would be acceptable. The loss of amenity to existing residents is judged to be acceptable.

#### Parking and Highway Issues

- 6.9 The proposals include two parking spaces per dwelling which is considered acceptable in view of the PTAL for the site. There would additional spaces provided that would be available to existing tenants.
- 6.10 The development would be accessed via a private road through the existing car park between Kent House and Durham House. It is proposed that this is gated to restrict access to non-residents due to existing problems with parking, especially at the start and end of the school day. This would also help retain the current position where there is no general access to the rear of the existing flats. The road would be accessible to refuse and service vehicles which could turn within the new road layout.
- 6.11 No objections are raised in highway terms to the increased use of the road junctions to serve the development.

#### Contamination and ground conditions

- 6.12 Phase I and Phase II assessments have been undertaken to test for any potential contamination. No specific environmental risks were identified that would require any specific measures in relation to the proposed development.

#### Infrastructure impact of the development

- 6.13 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) 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.
- 6.14 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 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.

- 6.15 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.
- 6.16 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations 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.
- 6.17 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.
- 6.18 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's 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, unless the development is within an area of the Borough where there is a surplus of school places. Evidence has been provided from the Council's education service that there is a shortage of school places at both secondary and primary level in the Collier Row area.
- 6.19 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought and it is considered that a contribution equating to £6,000 per dwelling would be appropriate in this case. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. There would be 16 units and a charge of £96,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

## 7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, subject to any exemptions. This application is for new housing that would be 100% affordable and under the CIL Regulations relief from the payment of CIL can be applied for. Subject to a claim for relief the CIL liability would be £27,760.

## 8. **Conclusions**

- 8.1 The site currently comprises open space used informally by the residents of the existing flats. The proposed is to utilise this space to provide new affordable units comprising six apartments and ten houses to meet local housing needs. The proposed redevelopment of the site would be acceptable in principle in accordance with LDF and London Plan policies for new housing.
- 8.2 The proposal is considered acceptable in terms of impact on the character of the area, which is mainly residential and the impact on neighbouring residential occupiers. The development would involve the loss of open space used by existing residents on an informal basis. This would have an impact on these residents. This loss of amenity needs to be balanced against the need for new affordable housing. Sufficient space would be retained to meet current guidance, including balconies and terraces, and a new children's play area would be provided. All the new dwellings would have an acceptable level of amenity space.
- 8.3 The proposal would provide much needed affordable housing within Havering that would help meet housing need. 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:**

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

**BACKGROUND PAPERS**

1. Application form and revised plans received 19<sup>th</sup> December 2016 and 10<sup>th</sup> January 2017.