



REGULATORY SERVICES COMMITTEE

6 April 2017

REPORT

Subject Heading:

P1513.16 - Newstead House, Troopers Drive, Romford

The development involves the conversion, adaption and extension of a vacant care home into 28 no. self-contained residential units (C2 to C3). (Received 03/11/16, revision received 03/01/17 and 03/02/17).

Ward:

Gooshays

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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 report considers an application for the conversion of the former Newstead House Residential Care Home into 28 no. residential units. The proposal will also involve extensions to increase the height to the north elevation of the existing building.

The proposal raises considerations in relation to the loss of a care home, impact on the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking.

Staff consider that, subject conditions on the planning permission the proposal is acceptable and it is recommended that planning permission is granted subject to conditions and completion of an agreement under s106 of the Town and Country Planning Act 1990 to secure planning obligations.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee based on an internal gross floor area of 423m² amounts to £8,460.

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 obligations by 6 October 2017 and [in the event that the s106 agreement is not completed by such date the item shall be returned to the committee for reconsideration::](#)

- A financial contribution of £168,000 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 Director of Neighbourhoods 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

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy 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: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. Boundary treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

11. 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.

12. Vehicle Access

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

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61

13. 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 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: In order to 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

14. New Plant and machinery

Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to assess the noise levels of the plant or machinery to be used 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 prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

15. Noise and vibration

Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

16. 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.

17. Car Parking Management Strategy

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

permanently retained thereafter for use by residents for the lifetime of the development.

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

18. Accessible and Adaptable Dwellings

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

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

19. 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

20. Surface water storage

No works shall take place in relation to any of the development hereby approved until details of surface water attenuation/storage are submitted to and approved in writing by the Local Planning Authority. Surface water attenuation/storage shall be provided in accordance with the approved details.

Reason: Surface water attenuation/storage works are required on site to prevent the risk of flooding. Submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

21. Secure 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 across the external areas of the development. 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: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved an increase to the parking provision and a reduction in the amount of units proposed. The amendments were subsequently submitted on 3 January 2017 and on 03 February 2017.
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.
4. 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 as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets 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.
5. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
6. 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. 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. Please note that unauthorised use of the highway for construction works is an offence.

7. 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. 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 a three-storey building, which was previously in use as a residential care home. The site is located on the south junction of North Hill Drive and Whitchurch Road. The site takes access off Troopers Drive, with a hardsurfaced parking area provided to this side of the building.
- 1.2 The surrounding area is characterised by predominantly 2-storey residential properties. The levels of the site significantly fall towards the south, with a slight slope towards the east.

2. Description of Proposal

- 2.1. The report considers an application for the conversion of the former Newstead House Residential Care Home into 28 no. residential units. The proposal will provide a mix of 10 No. 1-bedroom and 18 No. 2-bedroom units.
- 2.2 The proposal will adopt a contemporary design, sympathetic to the host building. The existing building is broken down into multiple blocks all

with individual, though similarly designed roofs. The complex forms are held together with consistent materials and detailing: low pitched overhanging roofs, red brickwork and apex shaped bay windows. The proposed extensions will reproduce this character. The existing triangular bay motif will be reproduced to form covered balconies which will result in a harmonious connection between the new and existing and will further mitigate the scale of the building. Apart from the addition of balconies, changes to the fenestration and slight design additions to the roof form, the elevations will be similar to that of the existing dwelling.

- 6.4.3 The scale and massing of the new extension will seek to emulate the existing massing and also engages with the specific site context, which is that a large proportion of the building is 'sunk down' into the site. Furthermore the two main roads North Hill Drive and Whitchurch Road meet at the highest point of the subject site and this lends itself to an increase in height at this point without having an unacceptable visual impact when viewed from the streetscene and neighbouring properties.
- 6.5.4 The proposed additions on the northern side of the development will result in this part of the development to be transformed from the existing single and two storey elements to a 3-storey development.
- 2.4 The proposal will retain the existing access of Troopers Drive and proposes a second access in the south-eastern corner off Troopers Drive, adjacent to Joyes Close. The proposal will be able to accommodate 42 parking spaces.

3. Relevant History

- 3.1 P0227.05 - Variation of condition 8 of planning permissions P2136.86 and P2136.86A relating to age of occupants - Refused and Approved on Appeal
- 3.2 P2136.86A - 2/3 storey homes for the elderly (revised scheme) - Approved

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 102 properties and 22 letters of objection were received raising the following concerns:
- Overlooking
 - Will affect the price of the surrounding homes
 - Not enough parking spaces for flats and visitors
 - Increased amount of traffic
 - Noise and disturbance as a result of the proposed parking area to the south of the subject site
 - Creation of new access will cause accidents
 - Will be problems with construction traffic
 - Noise pollution as a result of building works
 - Additional strain on services
 - Blocking views from house
 - Will be difficult for emergency vehicle to access due to excess vehicles in the area.

- Development is too large and not in keeping with the surroundings
- Drainage concerns

4.2 The following consultation responses have been received:

- The London Fire Brigade - stated that there should be access for a pump appliance to within 45m of all points in all dwellings.
- Highways - no objection as the original scheme was amended to reduce the amount of units and increase the parking provision.
- Secure by Design Officer - suggested a secure by design condition.
- Thames Water - no objection
- Essex and Suffolk Water - no objection
- Environmental Health raised no objection provided that a condition is added for new plant or machinery and transmission of noise.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), 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 and the Planning Obligations SPD (Technical Appendices).

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.11 (affordable housing targets), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 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 The main issues to be considered by Members in this case are the principle of development, impact upon the character and appearance of the street scene and surrounding area, impact upon neighbouring occupiers and highway/parking issues.

6.2 *Principle of development*

6.2.1 Policy DC27 requires justification for the loss of a community facility

6.2.2 The applicant has stated that the Council's Social Services Department decided to withdraw the former Residential Care Home from the Care Commissions Register and changed the commissioning arrangements as part of a strategy that excluded Newstead House being re-used for its former purpose. The property failed to attract any interest from the care sector when it was marketed. There is currently a sufficient supply of Care Homes within Havering and Staff therefore consider the change of use to be acceptable in principle.

6.3 *Density Layout*

6.3.1 The proposal would provide 28 no. residential flats at a density equivalent to approximately 100 dwellings per hectare. Although this is in excess of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location, it is noted that the proposal is a change of use of an existing building rather than the erection of a brand new building. Furthermore, density is only one benchmark of the scheme's acceptability.

6.3.2 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 prescribed minimum internal space standards.

6.3.3 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.

6.3.4 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.

6.3.5 The proposal is for the conversion of an existing building and is therefore limited in the amount of amenity space that it can provide and has to utilise existing garden areas for this purpose. The proposal will utilise the existing garden areas to the south and north of the building for the provision of 3 no. of communal amenity areas measuring 177m², 180m² and 115m² respectively. Staff do acknowledge that the amenity areas will border roads, however the applicant has proposed landscaping and fencing that would protect the amount of amenity afforded to future occupiers. The proposal would also introduce balconies and private terraces for the upper floor units. The amenity space provision is considered to be acceptable for the future occupiers.

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 site is surrounded by roads on 3 sides and therefore is very visible in the streetscene. The proposal will adopt a contemporary design which is considered to be sympathetic to the host building. The existing building is broken down into multiple blocks all with individual, though similarly designed roofs. The complex forms are held together with consistent materials and detailing: low pitched overhanging roofs, red brickwork and apex shaped bay windows. The proposed extensions will reproduce this character. The existing triangular bay motif will be reproduced to form covered balconies which will result in a harmonious connection between the new and existing and will further mitigate the scale of the building.

6.4.3 The scale and massing of the new extension will seek to emulate the existing massing and also engages with the specific site context, which is that a large proportion of the building is 'sunk down' into the site. Furthermore the two main roads North Hill Drive and Whitchurch Road meet at the highest point of the subject site and this lends itself to an increase in height at this point without having an unacceptable visual impact when viewed from the streetscene and neighbouring properties.

6.4.4 In summary, Officers consider the proposed additions satisfactorily relate to the existing building and will not result in an unacceptable impact on the streetscene given the design approach and significant level changes on the subject site.

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 Staff do not consider the proposal to have an unacceptable impact on neighbouring residential occupiers situated to the south, along Joyes Close. Although the proposal will introduce balconies at first and second floors it will be to the outside of existing fenestration and is considered to have a negligible impact on neighbouring amenity given a distance of 24m to the nearest residential property. The properties to the south are situated at a much higher ground level than that of the subject building. The different height levels together with dense vegetation to this boundary will further mitigate any potential overlooking. No extensions are proposed to this side of the existing building and the outlook from neighbours would therefore remain the same.

6.5.3 Any potential impact on the properties situated to the east, on the eastern side of Troopers Drive, is considered acceptable as it would be to the front

of these properties with a separation distance of 18 metres to the nearest dwelling. No extensions are proposed to this side of the existing building and the outlook from neighbours would therefore remain the same.

- 6.5.4 Any potential impact on the properties situated to the west, on the western side of North Hill Drive, is considered acceptable as it would be to the front of these properties, with the exception of No. 121 North Hill Drive, with a separation distance of 34 metres to the nearest dwelling. The proposal will addition to the northern side of the subject site will be situated approximately 35m from the rear garden of No. 121 North Hill Drive. Given the separation distances, dense vegetation and the elevated level of North Hill Drive in relation to the application site, Officers consider any potential impact on overlooking and outlook to be acceptable.
- 6.5.5 Staff do not consider the proposal to have an unacceptable impact on neighbouring residential occupiers situated to the north, on the northern side of Whitchurch Road. Although the proposal will introduce an increase in height as a result of the additions to this part of the subject building, any potential impact would be mitigated by a separation distance of 34m to the nearest residential dwelling as well as a significant increase in land level from the subject site to the nearest residential dwelling. Any potential impact in terms of outlook would also be mitigated by the severe difference in ground levels.
- 6.5.6 Any impact in terms of additional noise and disturbance as a result of vehicles coming and going is deemed acceptable given the nature of the use, location of the existing and proposed accesses and the distance from neighbouring residential uses.

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 of 2 and requires 1.5-2 parking spaces per unit for a development of this type. The development would provide a total of 42 parking spaces, at a ratio of 1.5 spaces per flat. 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. The proposal would also be in keeping with the London Plan which requires up to 1.5 spaces per unit for a development in this locality. The Highways Authority has not raised an objection to the proposal in terms of parking provision, new access arrangements as well as impact on the surrounding streets.

6.7 *Mayoral Community Infrastructure Levy*

- 6.7.1 The development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee based on an internal gross floor area of 423m² amounts to £8,460.

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 £168,000 for educational purposes would be appropriate.

6.9 Affordable Housing

6.9.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 14 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability.

6.9.2 The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would not be able to support any affordable housing. The valuation has been independently appraised and that appraisal concluded that the proposal would be unable to provide affordable housing as it would be unviable.

6.10 *Other*

6.10.1 A condition will be added requesting refuse and recycling and cycle storage details to be submitted prior to commencement of development in the event of an approval.

6.10.2 The applicant has submitted an Urban Drainage Strategy which includes mitigation measures for water runoff and a maintenance and management plan. Officers consider the Urban Drainage Strategy to be acceptable and it will address neighbouring concerns raised.

6.10.3 A construction hours condition will be added in the event of an approval to address neighbouring concerns relating to construction noise.

6.10.4 The developer is required to make a contribution to educational spaces in order to address the need for school places and address the concerns raised relating to additional strain on services. Additional impact on community facilities is not considered sufficient to refuse the application.

6.10.5 Staff is satisfied that emergency vehicles will be able to access the site, however these requirements will also be addressed through building regulations

6.10.6 Neighbouring concerns raised regarding the impact on property value is not a material planning consideration.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a section 106 legal agreement being completed.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

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

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.

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 03 November 2016, revision received on 03 January 2017, 03 February 2017.