



REGULATORY SERVICES COMMITTEE 11 May 2017

Subject Heading:

**P0086.17: 119 Marlborough Road,
Romford**

**Erect two storey block of four flats
(with roof accommodation), lay out
parking, refuse storage, landscaping
and amenity spaces and alter vehicular
access onto Marlborough Road
(Application received 20/1/2017)**

Ward:

Romford Town

Lead Officer:

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Planning Manager**

Report Author and contact details:

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Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework**

Financial summary:

None

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is to erect a 2 storey block of 4 flats along with 6 parking spaces, cycle and refuse storage areas, landscaping and amenity spaces and to alter the vehicular access onto Marlborough Road. The application is for outline permission but with landscaping the only reserved matter.

The development raises considerations on the principle of the development, its impact in the street scene and on the amenities of occupiers of adjoining/nearby properties as well as issues of access, parking and servicing. A 2014 appeal decision for a similar scheme is an important material consideration.

This scheme is a revised version of one approved on appeal and has to be considered largely on the acceptability of its differences with the approved scheme. On balance the proposal is considered by officers to be acceptable in planning terms in and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement by 11 November 2017.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 248 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4,960 Mayoral CIL payment (subject to indexation).

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

- A financial contribution of £24,000 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 to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate monitoring fee prior to the completion of the agreement.

- In the event that it is resolved to grant planning permission subject to completion of the s106 agreement by 11 November 2017 or in the event that the s106 agreement is not completed by 11 November 2017 the item shall be returned to the committee for reconsideration.

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. Reserved Matters

Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Time Limit

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. In Accordance with Plans

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

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

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of 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. Site Levels

No development shall take place until details of existing and proposed site, road and building levels related to Ordnance Datum, or an identifiable temporary datum, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development accords with the approved plans and with Development Control Policies Development Plan Document Policy DC61.

6. 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 treatment shall be completed before any dwelling hereby approved is first occupied or in accordance with a timetable 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.

7. Contaminated Land

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has been previously submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins.

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which was not previously identified, additional measures for the remediation of this source of contamination shall be

submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

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

Reason:-

Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

8. Construction Methodology

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

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

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

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

9. 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.

10. Wheel Washing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the

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

11. Highway Works

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.

12. 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.

13. Parking Provision

No dwelling in the development hereby approved shall be first occupied until the area set aside for car parking has been laid out and surfaced to the satisfaction of the Local Planning Authority and 6 vehicle parking spaces and storage for 4 bicycles have been made available for residents of the dwellings. The vehicle parking and cycle storage spaces shall be retained permanently thereafter for the parking of vehicles/cycles 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 that the development accords with the Development Control Policies Development Plan Document Policy DC33.

14. 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.

15. Noise Insulation

Before any development is commenced, a scheme for protecting the proposed dwellings from noise from the industrial units to the rear of 119 Marlborough Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

Reason: Insufficient information has been supplied with the application to judge the adequacy of insulation of the proposed dwellings from industrial noise. Submission of this detail prior to commencement of the development will protect the amenity of future residents.

16. 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.

17. Obscure Glazing

The proposed ground, first and second floor windows serving bathrooms, en-suite rooms and WCs shall be permanently glazed with obscure glass.

Reason:-

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

18. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plans) shall be inserted in the elevation facing No. 123 Marlborough Road.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

19. Balconies

The flat roof areas with the exception of the first floor balcony for flat 4 shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

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

INFORMATIVES

1. Approval - No negotiation required

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. Planning Obligations

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.

3. Approval & CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,960 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. Vehicle Crossover Informative

The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Streetcare on 01708 432563.

Highway Informatives

5. 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 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. 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.
7. 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.

8. Surface Water Drainage

With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

9. Discharge of Conditions

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.

10. Street Naming & Numbering

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 located to the south of Marlborough Road and formerly contained a 2 storey A2 office building, which has now been demolished and the site cleared. To the rear, the site adjoins Calgary Court (a 3 storey block of 14 flats) completed in early 2007, and to the west a 2 storey terraced house. To the east is the access road to Calgary Court and beyond that 2 storey dwellings.
- 1.2 The site has a separate vehicular access road to the west which also provides access to a garage to the rear of No.123 Marlborough Road. There is a double yellow line to this side of Marlborough Road at this point (covering the Calgary Court entrance and also the driveway to the west) which prevents parking at any time.
- 1.3 The surrounding area is characterised by predominantly two-storey semi-detached and terraced properties, with some 2-3 storey blocks of flats. There is no uniform design of buildings in this street.

2. Description of Proposal

- 2.1 The proposal is to erect a 2 storey block of 4 flats along with 6 parking spaces, cycle and refuse storage areas, landscaping and amenity spaces and to alter the vehicular access onto Marlborough Road. The application is for outline permission but with landscaping the only reserved matter.

2.2 The scheme involves provision of one 2 bedroom flat, two 1 bedroom flats and one 1 bedsit/studio flat. The two bedroom unit partly occupies the roof space. Alterations to the highway are proposed to allow provision of 2 parking spaces in front of the proposed building.

3. Relevant History

3.1 This application is the latest in a series of broadly similar proposals on this site dating back to 2006. Most of these were withdrawn or refused with one still undetermined. However, there is a 2014 approval on appeal for a 4 flat development of very similar design to the current proposal.

3.2 It is understood the current application has been submitted because it was very difficult to implement the 6 parking spaces required by the scheme approved on appeal. This was due to some of the land required not being in the applicant's ownership and an application to reduce the number of parking spaces to 5 was refused in 2016. The main differences between the current and the previously approved scheme are:

- the footprint of the building has been reduced
- the building is set 2m back further from the road with 2 parking spaces to the front of it
- only 4 parking spaces are now provided to the rear (rather than 6)
- the bulk of the roof has been reduced
- 2 x 1 bed, 1 x 2 bed and 1 x 1 bed studio are now proposed (previously 2 x 2 bed and 2 x 1 bed flats)
- the rear amenity area has been reduced from 80 to 64.5 sq m spread over two separate areas.

3.3 Prior to its approval on appeal, the 2014 application had initially been refused on the grounds that the proposal, by reason of its bulk, mass, depth and prominent side gabled feature, appears as a visually intrusive and overbearing form of development within the streetscene and the neighbouring rear garden environment, resulting in material harm to local character and amenity.

P1336.16: Variation of conditions 2 and 11 of permission P0259.14 to allow 1 parking space for each flat - refused 11 October 2016;

P0967.16: Demolition of existing building and construction of new building to provide 2 No. x 1 bedroom and 2 No. x 2 bedroom units - invalid application

P0574.16: Demolition of existing building and construction of new building to provide 2 No. x 1 bedroom and 2 No. x 2 bedroom units - withdrawn;

P0259.14: Change of Use from A2 to residential, demolition of disused commercial premises and erection of 2 No 1 bedroom flats and 2 No 2 bedroom flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 1 May 2014 but allowed on appeal December 2014;

P0969.10: Change of use from A2 to residential, and the demolition of the existing disused commercial premises and erection of 2 no. 1 bed flats and 2 no. 2 bed flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 23 August 2013;

P0291.07: To demolish existing building and erect a 2 storey 4x1 bed flats for residential use - withdrawn;

P0264.06: To demolish existing house and erect a two storey 4 x 1 bed flats for residential use - refused 21 December 2006;

P1603.05: The demolition of the existing warehouse and erect a block of flats containing 14 No. 2 beds with parking and amenity for residential use - approved 29 November 2005;

4. Consultations/Representations

4.1 Notification letters were sent to 68 properties and two representations have been received from nearby residents. One indicates the proposals appear to be taking up parking spaces currently in use by Calgary Court. The other objects to any additional parking in Marlborough Road or via the Calgary Court driveway as potentially troublesome and dangerous; this is because, although there are double yellow lines outside Calgary Court, often vehicles are parked on them making exiting the site difficult and dangerous.

4.2 The following consultation responses have been received:

Highways - no objections subject to informatives being added and conditions on visibility splays, alterations to public highway, and vehicle cleansing arrangements.

Environmental Protection - recommends refusal unless condition attached to secure noise insulation in relation to industrial buildings to the rear.

Waste & Recycling - require further clarity on access road; bins must be no further than 30m from Marlborough Road with an adequate turning circle and bin storage would be better located on Marlborough Road.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC61 (Urban Design) 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, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 The issues to be considered are the principle of the development, its impact in the street scene and on the amenities of occupiers of adjoining/nearby properties and highway/parking/servicing issues. The 2014 appeal decision for a similar scheme is an important material consideration.

Principle of Development

- 6.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for the development of residential units on this site on which residential development has been accepted in the past. As a scheme of 4 flats has been approved on appeal on this site, the principle of a residential development of flats has been accepted. The proposal is therefore acceptable in principle and in accordance with Policy CP1.
- 6.3 The site area is 0.059 ha. In density terms, Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 1, with the density recommendation being 30-50 units per hectare. The proposed development type would result in approximately 102 dwelling units per hectare based on the above site area. The proposal would therefore be above the recommended density range and could be considered to represent an overdevelopment of the site. However, a development of 4 flats has previously been accepted on this site on appeal.
- 6.4 Policy DC2 indicates that permission will be granted for new housing providing its type and size are required to meet local housing needs with regard to creating mixed and balanced communities. The indicative mix for market housing is for 41% of 2-bedroom and 24% of 1 bed flats. The proposal would provide one 2-bedroom unit and three 1-bed units which would not accord well with this policy. However, the scheme approved on appeal did not accord with the indicative mix either.

- 6.5 The DCLG's Nationally Prescribed Space standard, which has been absorbed by Policy 3.5 of the London Plan, for 1 bedroom flats is 39-50 sq.m GIA (gross internal area) and for 2 bedroom flats is 61-70 sq.m. The proposed one bed units would have GIAs of 41.5, 53 and 57 sq m. The two-bed flat would have a GIA of approximately 89 sq.m. It is therefore considered that the proposal would exceed minimum space standards and be able to provide suitable-sized accommodation for everyday living.

Design/Impact on Streetscene

- 6.6 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.7 The proposed building is detached, with a front roof gable and is slightly higher and wider than nearby dwellings. However, it is very similar in scale and design to the scheme approved on appeal in 2014 with exactly the same front elevation. The appeal inspector in that case considered that building design was acceptable as it would maintain the prevailing pattern and rhythm of the street and reflect local design characteristics.
- 6.8 Differences between the appeal development and the currently proposed scheme include that the overall building footprint has been reduced, with a reduction in depth from 17.5m to 15.4m, the front elevation is set 2m further back from the street and the bulk of the roof has been reduced. Because of the reduced depth, the rear building line of the current scheme extends slightly less further back on the site relative to adjoining dwellings than the appeal scheme.
- 6.9 These differences do not appear so great as to significantly change the judgment made by the appeal inspector that the scheme was of acceptable design and fitted reasonably well within the streetscene. The proposal is therefore considered acceptable in terms of design and impact on the streetscene and therefore accords with Policy DC61.

Impact on Amenity

- 6.10 Policy DC61 of the LDF requires new development should not harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 6.11 The proposed development would extend beyond the rear of both existing neighbouring frontage properties. However, the previous building on the site also extended beyond the rear of these neighbours, as did the scheme approved on appeal. Because of the reduced depth of building, the current proposal actually extends less far back into the site than the appeal scheme, which was considered acceptable in terms of impact on adjoining properties.
- 6.12 In relation to No.123 Marlborough Road, the proposed development would extend approximately 4.2m beyond the rear of the neighbouring property at

first floor level with the balcony extending up to 6.3m from the rear elevation. No. 123 has some windows in its facing flank wall but it is understood these are not principal windows serving habitable rooms. In addition, the proposed building would clear the 45 degree visibility angle and as such it is considered that it would not be materially harmful to this neighbour's outlook or result in unacceptable loss of light.

- 6.13 In relation to the adjoining dwelling on the other side, No.113, this property has no windows in its flank wall facing the site. Given the separation distance and the angle/direction of overlooking it is judged that the proposal would not result in loss of privacy to an extent sufficient to justify refusal.
- 6.14 While there are first floor windows in the elevation facing No. 113 Marlborough Road, that dwelling has no windows in its flank wall. Only windows serving hallways and a landing are in the first floor flank wall facing No.123 Marlborough Road. This indicates no issues with overlooking from new windows should arise.
- 6.15 With regard to the first floor rear balcony, at 8.4 metres away from the boundary with No.123 and 9.5 metres away from the boundary of No.113, it is considered that such separation and distance is sufficient not to create unacceptable overlooking and loss of privacy.
- 6.16 Taking the above factors into consideration, it is considered that the proposed development is sufficiently well separated from neighbouring residential properties and unlikely to result in any material harm to their amenity. As the currently proposed building extends less to the rear than that approved on appeal and its design is similar, any impacts on amenity that were considered as acceptable by the appeal inspector will not have changed significantly. The development is therefore considered to be acceptable in terms of impact on residential amenity and in accordance with the principles of Policy DC61.
- 6.17 In terms of amenity space, the Havering Residential Design SPD indicates that the fundamental design considerations for amenity space should be its quality and usability. It does not set out specific standards for rear gardens but requires that they should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation and safe children's play. All dwellings should have access to amenity space that is not overlooked from the public realm. Awkwardly shaped, narrow and very steeply sloping amenity spaces should be avoided. Rear private gardens should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation, gardening and safe children's play
- 6.18 Policy DC20 of the Local Development Framework indicates that the Council will seek provision of formal/informal outdoor play space within 400 metres from the home and Policy DC61 that development should meet the needs of people of all ages.

- 6.19 In this context, the private amenity areas proposed for the new flats comprise two areas to the rear with a total of 64.5 sq m but separated by an access road to one of the parking spaces. This is significantly less than the 80 sq m provided in the previous appeal scheme. The 40 sq m area is intended as a communal area for the flats while the 24.5 sq m amenity area is to be available to the rear ground floor flat, which will have direct access to it. In addition, the grassed area to the front of the building in appeal scheme has been partly lost to 2 parking spaces.
- 6.20 The proposal also provides three balconies/terraces for the two front facing flats and the rear first floor flat. These terrace areas vary in size between 5 and 6.7 sq m. These sizes exceed the minimum areas set out in the London Plan of 5 sq m plus 1 sq m for each additional bed space above 2. The rear ground floor unit has access to a terrace and, as noted above, beyond that to one of the rear areas of private amenity space.
- 6.21 On balance, these combinations of terraces and amenity areas are considered to be of sufficient size. Although the larger rear amenity area is separated from the other area by an access to a parking space, it is considered that this area would work adequately as a communal area. The front balconies would be in front of 2 parking spaces and close to the street which would limit privacy and amenity. However, the building and these front terraces are set further back from the street than in the approved appeal scheme. While not ideal, it is not considered that the terraces provide sufficient grounds for refusal.
- 6.22 Overall, it is considered that the future occupiers would benefit from an acceptable level of reasonable quality amenity space to accord with the SPD.

Parking and Highway Issues

- 6.23 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The site has a low PTAL rating of 1b. The London Plan parking standard for this development would be up to 1.5 spaces per dwelling unit. It is proposed that there would be 6 car parking spaces which would accord with the London Plan standard and the Council's parking provision range of 1.5 to 2 parking spaces per unit.
- 6.24 Alterations to the highway are also proposed to allow provision of 2 parking spaces in front of the proposed building. While there are 2 objections regarding parking and access issues, there is no objection to the proposals from the Highways section on highway safety concerns.
- 6.25 Cycle storage provision for 4 cycles is proposed to the rear of the rearmost amenity area. This is one space short of the London Plan standard, but is nonetheless considered sufficient providing 1 storage space per flat.
- 6.26 In addition, a bin storage area is proposed to the rear of the cycle storage area, which would be 43m from Marlborough Road. The Council's Waste &

Recycling team require bin storage to be no further than 30m away from Marlborough Road with an adequate turning circle and suggest that bin storage would be better located on Marlborough Road. However, the proposed bin storage arrangement is the same as that allowed on appeal so that it is difficult to justify refusal on this ground. On a day to day basis, residents would be expected to carry their refuse to the roadside on collection days.

Mayoral Community Infrastructure Levy

- 6.27 The proposal is liable to Mayoral CIL as it would result in 4 additional residential units with 248 square metres of new gross internal floorspace created. Therefore the proposal would incur a charge of £4,960 based on the calculation of £20.00 per square metre, subject to indexation.

Infrastructure Impact of Development

- 6.28 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.
- 6.29 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.
- 6.30 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.
- 6.31 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.
- 6.32 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.

- 6.33 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.
- 6.34 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 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.
- 6.35 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 £24,000 for educational purposes would be appropriate.

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.
- 7.2 This scheme is a revised version of one approved on appeal and has been judged largely on the acceptability of its differences from the approved scheme. The building has a reduced footprint, depth and roof bulk compared with the appeal scheme but an identical front elevation, which was considered acceptable in the streetscene. The proposed dwellings exceed national space standards. No significant impacts on amenity of adjoining dwellings are identified. Parking and cycle provision meet Council standards. Private amenity space is reduced in overall area but, on balance, the combination of terraces and rear amenity areas is considered acceptable. The proposed bin storage arrangement does not meet Council requirements but is identical to that allowed on appeal. On this basis, there are no sustainable reasons to refuse the application and approval is recommended.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 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:

None