



# REGULATORY SERVICES COMMITTEE

1 June 2017

# REPORT

**Subject Heading:**

P1507.16 - Heaton Avenue, Romford

Erection of 3 attached chalet bungalows  
(Received 20/09/16) revised drawings  
received 16/03/17 and 12/05/17

**Ward:**

Heaton

**SLT Lead:**

Steve Moore  
Director of Neighbourhoods

**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  
Places making Havering  
Opportunities making Havering  
Connections making Havering

[X]  
[X]  
[X]  
[X]

## **SUMMARY**

The application seeks full planning permission for the erection of a terrace of 3 No. three-storey 3 bed 5 person houses and the erection of a detached bungalow with associated hard and soft landscaping.

The application is being reported to committee because the site is owned and the application has been submitted by the Council.

The proposal is considered acceptable and it is recommended that planning permission be granted subject to relevant conditions and the completion of a Section 106 Legal Agreement.

## **RECOMMENDATIONS**

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 307m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £6,140 (subject to indexation).

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

- A financial contribution of £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 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.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 27 November 2017 or in the event that the s106 agreement is not completed by 27 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. 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 until the car/vehicle parking/turning area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking and turning of vehicles associated with the development

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

4. External Materials

Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

## 5. Landscaping

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

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

## 6. Refuse and Recycling

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

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

## 7. Cycle Storage

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

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

## 8. Hours of Construction

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

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

## 9. Construction Methodology

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

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

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

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

## 10. Wheel washing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first

submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

**Reason:** Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

## 11. 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.

## 12. Accessibility

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

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

## 13. 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.

## 14. Permitted development rights

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

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

## 16. Standard flank window condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

## 17. Lighting

Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting within the rear parking area, 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.

#### 18. Levels

Prior to the commencement of the development details of the existing and proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

#### 19. Land Contamination

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates



the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

## 20. Land Contamination

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

**Reason:** To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

## INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant

must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £6,140 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
7. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
8. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
9. Please note that by virtue of Condition(s) 12, you are required to notify the relevant Building Control body of these conditions as part of any application.
10. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone

through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site comprises of 21 lock up garages located to the south of the cul-de-sac at the end of an access immediately off Heaton Avenue. The site is bounded to the south by rear gardens fronting onto Coleridge Road and runs parallel with houses accessed from Heaton Avenue to the north, east and west.
- 1.2 The surrounding area is predominantly residential and is characterised by its mix of detached, semi-detached and terraced dwellings which are mainly two-storey in height with rows of terraces being of similar design and appearance.

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

- 2.1. The proposal involves the demolition of the existing garages and their replacement by:
  - A terrace of 3 two storey 2 bedroom houses with living areas and kitchens on the ground floor and bedrooms on the first floor.
  - A total of 6 car parking spaces are proposed to serve the terrace and these are situated to the front/forecourt area of the block
  - A 2 bedroom bungalow with main rooms located to the front and rear of the building.
  - 2 car parking spaces are proposed to the front/forecourt of the proposed bungalow
  - Both the terrace and bungalow include cycle storage within garden sheds to the rear of the dwellings
  - Refuse storage facilities are sited to the front of each property
- 2.2 The 2 bedroom houses and bungalow would be accessed from the former garage access, directly from Heaton Avenue with entrances from the front of the property.

### **3. Relevant History**

- 3.1 None

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

4.1 Neighbour notification letters were sent to 32 properties and 3 letters of objections were received raising the following concerns.

- The proposal might affect rights of way
- Loss of views
- rear access is required for car and Ambulance parking
- plans do not show where fencing will be erected or height of fencing
- parking arrangements may be encroaching on land at no.83 Heaton Avenue
- the plans are vague

4.2 In response to these issues:

- Concerns raised by the neighbouring occupier regarding parking encroachment has been addressed by the omission of one car parking space on land owned by the occupiers of 83 Heaton Avenue.
- No information is available regarding any rights of way over the application site. This would be a civil matter between the parties concerned. There is no adopted public right of way across the site
- The protection of views is not a consideration that would justify the withholding of planning permission.
- The plans are sufficient to enable an assessment of the application. Turning space is sufficient to enable emergency services to operate

4.3 The following consultation responses have been received:

- The London Fire Brigade - No objection subject to turning head having minimum width of 3.7m between kerbs
- London Fire Brigade Water Team - No objection
- Waste and Recycling Team - No objection subject to waste being presented at the boundary of each property
- Highways - No objection
- Thames Water - No objection subject to compliance with its requirements.
- Essex and Suffolk Water - No objection subject to compliance with their requirements and that metered water supply is provided for each of the dwellings

#### **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), 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), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the principle of the development; density and layout; design, character and appearance; standard of accommodation; the impact on the residential amenities of nearby occupiers and highways and car parking considerations.
- 6.2 *Principle of Development*
- 6.3 The site lies within a predominantly residential area wherein the principle of residential development is considered acceptable subject to compliance with the relevant policies outlined in this report.
- 6.4 *Density and Layout*
- 6.5 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.6 The proposal would provide 3 no. residential dwellings and a single bungalow with a density equivalent to approximately 46.5 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.
- 6.7 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The Technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

- 6.8 The proposal would provide 4 residential units with floor space sizes all of which would meet the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.9 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.
- 6.10 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. Amenity space for each of the houses in the proposed terrace is approximately 70m<sup>2</sup>, 74m<sup>2</sup> and 81m<sup>2</sup> while the provision of amenity space for the proposed bungalow would be 61m<sup>2</sup>.
- 6.11 It is considered that the proposed amenity space would be functional and of reasonable quality and as such would be fit for the purpose of meeting the amenity needs of future occupants. The general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 6.12 *Design, Character and Appearance*
- 6.13 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies DC61 and CP17 of the Core Strategy and Development Control Policies Development Plan Document accord with the NPPF in requiring development to be of a high standard and respecting local character with new developments being satisfactorily located and are of a high standard of design and layout, requiring development to maintain or improve the character and appearance of the local area in terms of scale and design.
- 6.14 The area is characterised by a mix of mainly semi-detached and terraced housing of two storeys in height. While bungalows are not characteristic features in this location, the introduction of a bungalow will provide choice which is encouraged by the NPPF. Moreover, given the location of the proposed bungalow, to the rear of back gardens of houses fronting Heaton Avenue, it is considered that this dwelling could be easily absorbed into the fabric and character of the area. The proposed terrace would be similarly screened from main views by dwellings fronting onto Coleridge Road and Heaton Avenue.
- 6.15 In terms of design and appearance, the design of the two storey terrace is similar to the terraces in the surrounding area. It includes gabled roofing, entrance canopies and brick soldier courses above ground floor windows and doors. The proposed building is approximately 0.5m higher than the neighbouring semi-detached dwellings Nos.82 and 83 Heaton Avenue. However, the building is separated from this pair of semi-detached houses by some 2.6m which provides an acceptable transitional distance between buildings.

- 6.16 In relation to the bungalow, this would be of similar design and appearance to the proposed terrace apart from its height and hipped roofing. The bungalow would be faced in brickwork covered by tiled roofing with soldier courses above the windows and front and rear entrance doors. Main windows would be located to the front and rear elevations of the building with side windows serving kitchen and bathrooms.
- 6.17 In terms of overall design, size scale and appearance, it is considered that the development would relate satisfactorily to neighbouring dwellings and would have an acceptable impact on the character and appearance of the locality.
- 6.18 *Impact on Amenity*
- 6.19 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.
- 6.20 It is not considered that the proposal would have a detrimental impact on the amenity of neighbouring occupiers. The main windows face the front and the rear of the properties thereby limiting any overlooking or loss of privacy to neighbouring premises. Moreover, there would be a separation distance of some 24m to the rear of the proposed terrace and the rear main walls of the nearest affected houses along the eastern boundary of the site fronting onto Tennyson Road. This relationship is considered to be neighbourly.
- 6.21 Given the distance between the nearest affected properties along Tennyson Road and the proposed terrace, it is not considered that the proposal would have an overbearing relationship. The surrounding area is characterised by buildings of varying height and it is considered that the proposal would not adversely affect this local character.
- 6.22 With regard to the proposed bungalow, it is considered that the impact of this building would be similar to that of an outbuilding. It would be set off the northern side boundary with no. 87e Heaton Avenue and no.89 to the rear by approximately 1.5 and 4m respectively moreover both of these houses would have side walls to the proposed bungalow. This relationship is considered acceptable.
- 6.23 In terms of vehicular activity and the proposed parking arrangement, Staff acknowledge that there will be some impact as a result of vehicle movement close to neighbouring dwellings however this would not be that different from the potential use of the site as a lock up garage site although it is accepted that the use of the site as housing would give rise to some limited light pollution from the headlights of vehicles entering and leaving the site. This is a common feature of housing development and is not considered to be so harmful as to warrant the refusal of planning permission.
- 6.24 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no significant adverse impact on the

amenities of neighbouring properties or future occupiers. The development is therefore considered acceptable and in compliance with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

#### 6.25 *Parking and Highway Issues*

- 6.26 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 2 and therefore requires 1.5 -2 parking spaces per unit for a development of this type. The development would provide a total of 7 parking spaces at a ratio of 1.5 spaces per unit which is within an acceptable range. The Highways Authority has raised no objection to the proposed provision but in order to encourage the use of alternative modes of transport a condition will be appended to provide details of cycle storage for each dwelling in the event of an approval.
- 6.27 Most of the garages appear to have been in use for storage purposes, it is unclear whether any of these garages were used for the garaging of vehicles. Nevertheless, apart from a single garage used for storage, all other residents have been relocated to garage sites on Veronica Close and Briar Road.
- 6.28 In terms of access and egress to and from the site, the layout involves access from Heaton Avenue with a turning space adjacent to the three houses with a minimum width of 6.9m between kerbs, thereby addressing concerns raised by the Fire Brigade. This considered to be functional and is therefore acceptable.

### 7. **Mayoral Community Infrastructure Levy (CIL)**

- 7.1 The proposed development will create 4 no. new residential units with 239m<sup>2</sup> of new gross internal floorspace (406m<sup>2</sup> minus existing floor area of 167m<sup>2</sup>). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £6,140 (subject to indexation this figure may go up or down) based on the calculation of £20.00 per square metre.
- 7.2 *Infrastructure Impact of Development*
- 7.3 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 7.4 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.

- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 In accordance with the SPD, a contribution of £6000 per dwelling is 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.
- 7.10 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.

## **8. *Other***

- 8.1 Concerns raised regarding the additional impact on infrastructure, Staff do not consider this to be excessive given that the development is only for 4 no. additional units. The development will be required to make an educational contribution to provide school places.

## **9. Conclusion**

- 9.1 Having assessed all relevant factors and material planning considerations Officers are of the view that this proposal would be acceptable subject to compliance with the relevant conditions and the completion of a legal agreement to secure the required contributions.

### **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. 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 is compliant with the statutory tests set out in the CIL Regulations to planning obligations.

This application has been determined independently of the Council's interest as land owner and applicant.

#### **Human Resources implications and risks:**

None.

#### **Equalities implications and risks:**

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

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on received on 08 November 2016 with revised drawings received on 12 May 2017.