



REGULATORY SERVICES COMMITTEE

29 June 2017

Subject Heading:

P0433.17: 36 Collier Row Lane,
Romford

Demolition of the existing garages and
erection of 5no. two storey-houses on
land to the rear of 36, 38 & 40 Collier
Row Lane. (Application received 16
March 2017)

Ward:

Pettits

SLT Lead:

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Report Author and contact details:

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 for the demolition of the existing garages and erection of 5no. two storey-houses on land to the rear of 36, 38 & 40 Collier Row Lane.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents, and parking and access.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

The application has been called into committee by Councillor Osman Dervish for the reasons set out within the report.

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 480 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £9,600 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 obligations by 29 December 2017 and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £30,000 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.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for

their own vehicles for any existing, revised or new permit controlled parking scheme.

- Payment of the appropriate planning obligations monitoring fee prior to the 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 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.

3. Materials

Before any development above ground level takes place, 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.

4. Parking Provision

Before any of the flats hereby permitted are first occupied, the car park to the rear shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 9no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Landscaping

No development above ground works shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the

scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

10. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

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 gates to the service road, 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. 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.

13. Lighting

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

14. Contaminated Land Precautions

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.

15. Contaminated Land (2)

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.

16. 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.

17. 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.

18. Minor Space Standards

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

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

19. Obscure Glazing

The proposed windows in the northern flank elevation of the proposed detached house at plot 5 shall be permanently glazed with obscure glass not less than obscurity level 3 on the standard scale of obscurity and shall thereafter be maintained.

Reason:-

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

INFORMATIVES

1. 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. 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 £9,600 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. 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. 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.
5. 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.
6. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the

property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

REPORT DETAIL

Call-in

The application has been called-in to committee by Councillor Osman Dervish on the grounds that he believes the proposed development is an overdevelopment of the site and would harm local residential amenity.

1. Site Description

- 1.1 The application relates to land to the rear of 36 Collier Row Lane, Romford. The site comprises a land assembly of various enclosed rear garden plots which back onto residential properties at Collier Row Lane, Wainfleet Avenue, Thameshill Avenue and Oaks Avenue.
- 1.2 The properties at 36 and 38 Collier Row Lane are a semi-detached pair of houses formerly in use as a doctor's surgery, while 40 Collier Row Lane is a semi-detached dwelling house. The surrounding area is residential in character with predominantly two storey semi-detached and terraced houses.
- 1.3 The trees on site are not subject to any Tree Preservation Orders (TPO) and the site is not classified under any specific land allocation in the Local Development Framework.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the erection of 5no. two storey-houses.
- 2.2 The proposal would involve the demolition of the existing garages between 38 & 40 Collier Row Lane to provide a 5.5 metre wide access road, including a narrow footway, into the site. The access road would lead into

the central section of the site providing a turning head area and car parking spaces.

- 2.3 Two pairs of three-bedroom semi-detached two-storey houses would be positioned in a linear arrangement to the west in a section of the site which opens out towards the rear of the Wainfleet Road houses. A single detached four-bedroom two-storey house with a second floor bedroom in the attic space and rear dormer would be positioned in the north east corner of the site.
- 2.4 The proposal would provide a total of 9no. residents car parking spaces located off the main access road.
- 2.5 A communal refuse storage area would be positioned adjacent to the new garden boundary with No.40 Collier Row Lane to the south of the site. Cycle storage sheds would be provided in the rear gardens of each of the dwellings.

3. Relevant History

- 3.1 P0017.16 - Demolition of the existing garages and erection of 5no. two storey-houses on land to the rear of 36, 38 & 40 Collier Row Lane - Refused, 18 March 2016. APP/B5480/W/16/3158788 - Appeal Dismissed, 12 December 2016.

4. Consultations/Representations

- 4.1 Notification letters were sent to 60 properties and 33 representations have been received. The comments can be summarised as follows:

- Loss of privacy and overlooking.
- Overdevelopment of the site/ unsuitable location for additional houses.
- The development would compromise the security of neighbouring houses.
- Increase in noise levels and disturbance.
- Exacerbate existing parking and traffic problems in the area.
- Loss of light and overshadowing.
- Loss of trees and wildlife habitat.
- Negative impact on water drainage and flooding.
- Narrow and dangerous access to the site.
- Light pollution.
- Insufficient refuse collection arrangements.

- 4.2 The following consultation responses have been received:

- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.

- London Fire and Emergency Planning Authority - no objection, the proposed access road and turning head would be of a sufficient size to accommodate a pump appliance.
- Environmental Health - no objection, recommended a condition relating to contaminated land precautions.
- Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing.

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, 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), 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), 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 main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking, access and servicing arrangements.
- 6.2 In assessing this application Members should be aware that a similar scheme under planning application P0017.16 was refused in March 2016 on the following grounds:

- Harm to the character and appearance of the surrounding area.
- Cramped overdevelopment of the site harmful to future residential amenity.
- Noise and disturbance to neighbouring residents due to the access road and turning area.
- Highway and pedestrian safety due to an inadequate site access from Collier Row Lane.
- Absence of a legal agreement to secure the necessary Education contribution.

6.3 It is important to note that in dismissing the appeal against the refusal of the previous application P0017.16, the Inspector found for appellant in regard to the character and appearance of the surrounding area, the living conditions of future residents and the impact on the amenity of neighbours, but in favour of the Council in terms of the on impact on highway safety and the S106 towards education infrastructure.

6.4 The current proposal is effectively the same as the previously submitted scheme in terms of the site layout, dwelling design and configuration - all of which was judged to be acceptable by the Inspector. The key difference relates to the introduction of a wider vehicle access road, including a footway and a broader pedestrian visibility splay at the junction with Collier Row Lane. This element has been amended in order to address the main outstanding highway safety issue raised by the Inspector. The applicant has also stated a willingness to enter into a legal agreement to secure the education contribution.

Principle of Development

6.5 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

6.6 Under the provisions of the NPPF there is no priority given to garden land as a redevelopable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

6.7 On this basis the proposal is considered to be policy compliant in landuse terms and the continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

6.8 Policy 3.4 of the London Plan 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.

- 6.9 The proposal would provide 5no. residential units at a density equivalent to approximately 31 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 55 to 145 dwellings per hectare would still be appropriate in this location.
- 6.10 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.11 The proposed dwellings would meet the internal floor space standards for six-person four-bedroom three-storey houses. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the house would provide an acceptable amount of space for day to day living.
- 6.12 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.13 The proposed dwellings would be set out with private rear gardens ranging in size from between approximately 80 square metres and 110 square metres. Whilst the garden size of the proposed three and four-bedroom family houses are comparably much smaller than those that are characteristic of the area and those that adjoin the site, they are nevertheless considered to be of sufficient size to provide adequately for the size of dwellings proposed. Accordingly, the gardens would be usable and furthermore have favourable southwest and southeast aspects which would provide a satisfactory environment for their occupiers.
- 6.14 Staff previously raised concerns with regard to the outlook to the front of the proposed houses as it would be over a visually hard and enclosed parking and turning area, with little scope for soft landscaping. However, the Inspector found that the hard surfacing "is a noticeable characteristic of the existing housing surrounding the site, so would not make this development look out of place". The Inspector went on to say; "in that respect, living conditions would be similar to those of surrounding streets." Given the Inspector's comments, this element of the proposal is now considered to be acceptable.

Design/Impact on Streetscene

- 6.15 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. New development should maintain, enhance or improve the character and appearance of the local area and should respond to distinctive building forms and complement the character of the area through its appearance, layout and integration with surrounding land and buildings.
- 6.16 In assessing the impact on the character and appearance of the surrounding area the appeal Inspector noted that “the undeveloped area of this site, which has been largely left to run wild, is valued for its contribution to the green space formed by the rear gardens of the surrounding houses. But, it is not designated for any particular wildlife or ecological value. Were this site to be developed, those other rear garden areas, which form the majority of the space, would remain.”
- 6.17 The Inspector went on to say that “there is nothing in the height of the proposed houses or in the topography of the site to suggest that they would be any more prominent or dominant than any other house which surrounds the site. They would exist, where none presently exists, and they could be seen from within the gardens of neighbouring houses as can all the other houses which surround the site but that is not a sufficient reason to dismiss this appeal.” On this matter the Inspector states that “the gardens of the proposed houses would continue to contribute to the green area at the rear of surrounding houses, albeit to a lesser extent than at present.”
- 6.18 The Inspector concludes by stating that “the proposal would maintain the character and appearance of the local area and that although it would not retain every existing tree it would respect the scale, massing and height of its surroundings and so complement the character of the area in accordance with policy DC61. It would also comply with London Plan policies 3.5(B) and 7.4(B)(a) which require development to have regard to the pattern, scale and grain of existing spaces and streets and to take account of local character.”
- 6.19 Taking into consideration the Inspectors comments, Staff are of the view that the proposed development would be acceptable in terms of the impact on the character and appearance of the surrounding area.

Impact on Amenity

- 6.20 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable

overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

- 6.21 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook to the occupants of the surrounding houses at Collier Row Lane, Wainfleet Avenue, Thameshill Avenue and Oaks Avenue which back onto the site. It should be noted that the impact on these properties was assessed under the previous application and did not form grounds for the previous refusal decision.
- 6.22 The proposed pair of semi-detached houses would be set approximately 34 metres from the rear of houses at 2 to 10 Wainfleet Avenue, and some 11 metres at the closest point from the rear garden boundaries with these properties. The blank flank elevation of the most southerly of the semi-detached dwelling would be positioned some 25 metres from the rear of 40 Collier Row Lane. The side elevation of the most northerly semi-detached house would lie over 33 metres at an oblique angle to the rear of houses at 19 & 21 Thameshill Avenue. The rear of the proposed detached house would be located approximately 30 metres from the rear No. 3 Oaks Avenue and some 11.5 metres from the rear garden boundary with this property.
- 6.23 Given the distances and spacing between the proposed houses and the existing dwellings at Collier Row Lane, Wainfleet Avenue, Thameshill Avenue and Oaks Avenue it is not considered that the proposed development would present any undue impact on the outlook, privacy or amenity of these neighbouring houses to such an extent to justify refusing the scheme.
- 6.24 The side flank elevation of the detached house in the northern section of the site would be located approximately 24 metres from the rear of the closest houses at 11, 13 & 15 Thameshill Avenue, and some 4.5 metres from the closest point of the rear garden boundary. The immediately adjacent flank elevation in the proposed house would contain two first floor bedroom windows and two smaller second floor attic bedroom windows. These windows, if clear glazed, would afford future occupants with clear and unobstructed views into the rear gardens of 11, 13 & 15 Thameshill Avenue, resulting in overlooking and a detrimental loss of privacy to the rear garden environment. However, the windows all provide a secondary source of light to the rooms in question and if the scheme were acceptable in all other respects the impact could be addressed by a condition requiring them to be obscure glazed and non-opening.
- 6.25 In terms of noise and disturbance, the Inspector commented that “the access to the proposed development would pass between the flanks of numbers 38 and 40 Collier Row Lane and run alongside their rear gardens. But in doing so, its effects would be no different from any side road in an urban area. In the immediate vicinity of the site, Oaks Avenue and Wainfleet Avenues pass adjacent to the flanks and rear gardens of numbers 24 and 50 Collier Row Lane and 1, 2 and 37 Thameshill Avenue without

unacceptable effect although carrying larger volumes of traffic than are likely to be generated from the five houses of this appeal proposal.”

- 6.26 The Inspector went on to state that “there is no information to show that the effects of noise from the access proposed would be in excess of normally accepted conditions. I conclude that the effects of the proposal on the living conditions of occupants and potential occupants of numbers 38 and 40 Collier Row Lane would be acceptable. They would comply with Local Plan policy DC55 which would deny permission to development causing an exposure to noise above acceptable levels.”
- 6.27 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.
- 6.28 Some concerns have been raised by neighbours that the development would compromise the security of neighbouring residents. Given the proposed layout of the scheme, the neighbouring properties at Wainfleet Avenue and Thameshill Avenue would continue to share a rear garden boundary with the rear gardens of the new properties as per the current arrangements. The exceptions would be 17 & 15 Thameslink Avenue, where a communal planting area would be installed adjacent to the communal turning head, which provides a good level of natural surveillance.
- 6.29 A condition will be included to ensure that any lighting scheme is appropriate to the residential and rear garden environment and does not result in undue overspill and light pollution to neighbouring residents.

Trees & Biodiversity

- 6.30 In terms of the trees that on the site, the Inspector noted that “some trees would be lost in order to allow the development to take place, most notably a single specimen conifer in the rear garden of number 38 and a line of conifers along the boundary between the gardens of numbers 38 and 40. But none of the trees on site are subject to Tree Preservation Orders. Most of the native trees on site are on its periphery, adjacent to the rear gardens of houses in Thameshill Avenue and there would be little necessity to remove them.”
- 6.31 In terms of wildlife considerations, the site is not located within a Site of Special Scientific Interest (SSSI) or a site of Metropolitan, Borough or Local Importance for Nature Conservation.
- 6.32 Taking into consideration the Inspectors comments and that the site has no specific designation in terms of nature conservation, Staff are of the view that the proposed development would be acceptable in terms of the impact on the trees and biodiversity.

Environmental Issues

- 6.33 Environmental Health have raised no objections in relation to any historical contaminated land issues.
- 6.34 The site is not located within a Flood Zone and presents no issues in relation to local flood risk.
- 6.35 The proposal is not considered to give rise to any significant noise issues that would not normally be associated with residential occupation.

Parking and Highway Issues

- 6.36 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 2, meaning that the site offers a relatively poor degree of access to surrounding public transport.
- 6.37 The proposed development can demonstrate a total of 9no. residents car parking spaces located off the main access road. This amounts to a ratio of 1.8 spaces per dwelling. The amount of car parking provision was assessed under the previous application and did not form grounds for the refusal decision.
- 6.38 The main concern with the previous scheme related to the narrow access driveway, which would only allow for one vehicle to use at a time. This would have created a conflict between drivers accessing and leaving the site and the potential for vehicles to stop on Collier Row Lane to gain access. Collier Row Lane is a classified route (B174) and conveys a significant volume of traffic, including buses.
- 6.39 In order to address this issue, the access driveway in this current proposal has been comprehensively re-designed to include a 5.5 metre wide driveway, including a 0.9 metre wide footway, and a broad pedestrian visibility splay.
- 6.40 The Local Highway Authority has raised no objections to the revised access arrangements and the proposal is considered to have satisfactorily addressed the previous highway safety concerns.
- 6.41 A communal refuse store would be set out adjacent to the access drive and within 25 metres of Collier Row Lane, and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.

- 6.42 Cycle storage areas have been indicated in the rear gardens of each new dwelling, but no details of this provision have been provided. As a result this will be secured via condition.

Mayoral Community Infrastructure Levy

- 6.43 The proposed development will create 9no. residential units with 480 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £9,600 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.44 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.
- 6.45 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.
- 6.46 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.
- 6.47 There has been a 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.
- 6.48 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.

- 6.49 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.
- 6.50 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 unit 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.
- 6.51 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 £30,000 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 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, supporting statements, and drawings received 16 March 2017.