



## REGULATORY SERVICES COMMITTEE 29 June 2017

# REPORT

**Subject Heading:**

**P0729.17: 9 Fairlawns Close, Emerson Park**

**Erection of a detached two-storey, 5-bedroom detached house with separate double garage and formation of a new driveway with access onto Fairlawns Close. (Application received 27 April 2017)**

**Ward:**

**Emerson Park**

**SLT Lead:**

**Steve Moore  
Director of Neighbourhoods**

**Report Author and Contact Details:**

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**Policy context:**

**Local Development Framework  
London Plan, Planning Policy  
Statements/Guidance Notes**

**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 erection of 1no. detached two-storey five-bedroom house and a detached double garage on a rectangular plot of land located to the south of a larger redevelopment site on land associated with the former property at 44 Herbert Road, and now referred to as 9 Fairlawns Close.

Planning permission for a new house was granted at the site in April 2016 and construction began in March 2017. However, the proposed house has not been built in accordance with the previously approved plans and this application is seeking to regularise the unauthorised development works. In terms of the main differences; the footprint of the building under construction has been shifted approximately 2 metres towards the northern boundary and an additional single storey rear extension to the south eastern corner of the building has been added.

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 deed of variation.

The application has been called into committee by Councillor John Glanville for the reasons set out within the report below.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £5,449.80, subject to indexation. This is based on the creation of 272.49 square metres of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement, completed on 26 April 2016, in respect of planning permission P0305.16 by varying the definition of Planning Permission which shall mean either planning permission P0305.16 as originally granted or planning permission P0729.17 and any other changes as may be required from this, to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- To 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.
- Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.
- It is resolved to grant planning permission subject to completion of the deed of variation to the original s106 agreement by 29 December 2017 or in the event that the deed of variation is not completed by 29 December 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 that planning permission is granted 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

Before the dwelling hereby permitted is first occupied, the car parking provision to the front of the proposed garage shall be laid out to the full satisfaction of the Local Planning Authority and be made available for use 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.

#### 4. External Materials

The external construction of the development shall be constructed in the materials approved under condition 4 of P0305.16; under discharge of condition reference Q0217.16.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

#### 5. Landscaping

The hard and soft landscaping shall be carried out in accordance with the details approved under condition 5 of P0305.16; under discharge of condition reference Q0217.16, and as detailed on approved drawing no. 'A9/HR/02 Revision B' as submitted with this application. The 3no. Acer negundo trees must have a minimum height of 3 metres on planting. 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:** In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 6. Refuse and Recycling

The building hereby permitted shall not be occupied until the refuse and recycling facilities are provided in accordance with details approved under condition 6 of P0305.16, under discharge of condition reference Q0217.16 and as indicated drawing no. '887 10 A'. The refuse and recycling facilities shall be permanently retained thereafter.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 7. Cycle Storage

The building hereby permitted shall not be occupied until secure cycle storage is provided in accordance with details approved under condition 7 of P0305.16, under discharge of condition reference Q0217.16 and as indicated drawing no. '887 10 A'. The secure cycle storage facilities shall be permanently retained thereafter.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents and sustainability, the amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC35.

## 8. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

## 9. Vehicle Access

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be in accordance with the details approved under condition 9 of P0305.16, under discharge of condition reference Q0217.16.

**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.

## 10. Boundary Screening/ Fencing

The boundary treatment shall be carried out in accordance with the details approved under condition 10 of P0305.16; under discharge of condition reference Q0217.16, and as shown on approved drawing no. 887 11 A.

**Reason:** To 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 and in accordance with Section 197 of the Town and Country Planning Act 1990 to enhance the visual amenities of the development, and that the development

accords with the Development Control Policies Development Plan Document Policy DC61

#### 11. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the approved plans), 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.

#### 12. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), Article 3, Schedule 2, Part 1, Classes A, B, C or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings 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 which may be harmful to the amenity of neighbouring residents and the character and appearance of the rear garden setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### 13. Internal Sprinkler System

The building hereby permitted shall not be occupied until the emergency sprinkler system has been provided in accordance with details approved under condition 13 of P0305.16, under discharge of condition reference Q0217.16 and as indicated in the Fire Safety Plan, dated 21/11/16. The emergency sprinkler system shall be permanently retained thereafter.

**Reason:** In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

#### 14. Wheel Washing

The wheel washing and vehicle cleansing shall be carried out in accordance with the details approved under condition 14 of P0305.16; under discharge of condition reference Q0217.16, as detailed in the Traffic Management Plan.

Reason: To 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.

#### 15. Construction Method Statement

The Construction Methodology shall be carried out in accordance with the details approved under condition 15 of P0305.16; under discharge of condition reference Q0217.16, as detailed in the Demolition and Construction Statement, dated July 2016.

Reason: To 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.

#### 16. 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.

#### 17. Preserved Trees

The tree protection measures shall be carried out in accordance with the submitted 'Arboricultural Method Statement - REV B', and drawing no. A9/HR/01 Revision A.

Reason: To protect the trees on the site and in order that the development accords with the Development Control Policies Development Plan Document Policy DC60.

## 18. Garage - Restriction of Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

## 19. Obscure Glazing

The proposed windows in the western elevation, namely the ground floor sitting room window and first floor ensuite bathroom window only, shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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. 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 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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. Thames Water Informative  
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.

4. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,912 (subject to indexation). Further details with regard to CIL are available from the Council's website.
5. 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.

6. Highways Informatives:

Changes to the public highway (including permanent or temporary access) Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Please note that a lamp column is affected by the new access. This will need to be relocated and potentially the lighting locally redesigned to accommodate the access. This will be at the applicant's cost.

Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary

arrangements. Please note that unauthorised use of the highway for construction works is an offence.

7. 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

### 1. Background

- 1.1 This matter is brought before committee because the application has been called in by Councillor John Glanville on the grounds that he feels that the departures which the developer has made from the original application as approved by the planning Inspector will have an adverse impact on the amenity of neighbouring residents living at nos. 6 and 7 Channing Close. He goes on to say that the house has been moved forward by approximately two metres in order to fit the house into the site, and the south-east corner of the house has been altered to provide a much larger kitchen area.

### 2. Site Description

- 2.1 The application relates to land at 9 Fairlawns Close, Emerson Park, formerly referred to as 44 Herbert Road. This is a rectangular plot of land remaining from the redevelopment of 44 Herbert Road in 2013, which has provided 3no. detached houses located to the north of the application site.
- 2.2 The site measures approximately 1,300 square metres (0.13 Hectares) with several trees which are subject to a Tree Preservation Order (TPO).
- 2.3 The site has a vehicular access onto Fairlawns Close and abuts the rear garden boundaries of houses at Channing Close and Beverley Close. The site is within the Emerson Park Policy Area and falls under the Sector Six guidance criteria.

### **3. Description of Proposal**

- 3.1 The proposal is for the erection of 1no. detached five-bedroom house and a detached double garage.
- 3.2 Planning permission for a new house was granted at the site in April 2016 and construction began in March 2017. However, the proposed house has not been built in accordance with the previously approved plans and this application is seeking to regularise the unauthorised development works.
- 3.3 The main differences relate to the footprint of the building, which under construction has been shifted approximately 2 metres towards the northern boundary of the site. An additional flat roof single storey rear extension to the south eastern corner of the building, and a front porch structure have also been included in the revised scheme.
- 3.4 As with the previously approved scheme, the proposed dwelling would still be located centrally within the plot, despite the slight adjustment to the positioning within the site. The new house would consist of two storeys, including a hipped roof design with a ridge height of approximately 8 metres as per the approved design. The western elevation would feature an extended roof slope which will incorporate a single storey side section. The main difference would be inclusion of an additional single storey section to the south eastern corner of the property.
- 3.5 Internally the house would be arranged around a spacious layout including an entrance hall, study, dining room, sitting room, kitchen and utility room at ground floor level and the five bedrooms, bathrooms and en-suites at first floor level.
- 3.6 In terms of amenity space the proposed layout would include a spacious private rear garden of approximately 492 square metres enclosed by boundary fencing. To the front and side the proposal will provide landscaped garden areas and a driveway leading to a 5.7 metre wide by 5.9 metre deep double garage incorporating a pyramid hipped roof with a ridge height of 4.7 metres.
- 3.7 It is proposed that vehicular access to the site would be provided from Fairlawns Close with off street car parking provision along the driveway and within the detached double garage.

### **4. Relevant History**

- 4.1 P0305.16 - Erection of a detached two-storey, 5-bedroom detached house with separate double garage and formation of a new driveway with access onto Fairlawns Close - Approved, 26 April 2016

4.2 P0053.14 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close - Refused. Appeal Ref: APP/B5480/A/14/2216369 - Dismissed.

4.3 P1147.13 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close - Withdrawn

## **5. Consultations/Representations**

5.1 Notification letters were sent to 35 properties and 3 representations have been received. The comments can be summarised as follows:

- The current proposal would significantly increase the scale of an already substantial, and largely blank, side elevation.
- The reduction in the scale of this elevation was considered to be critical for the acceptability of the previously approved scheme.
- The proposed dwelling would form a visually intrusive and dominant feature, with an overbearing and enclosing effect on the neighbouring property.
- The proposed house would be located too close to existing properties and would represent a loss of privacy and an overcrowding which is not in keeping with the Emerson Park planning policy.

5.2 The following consultation responses have been received:

- Essex Water - no objection.
- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - have not commented on this application, but previously suggested that the existing turning facility at the end of Fairlawns Close does not appear to be of sufficient size for a pump appliance to reverse into turn and drive out. The inclusion of a condition requiring the provision of domestic sprinklers as an alternative would overcome this issue and has been carried over from the previous planning permission.
- The Local Highway Authority - no objection, subject to conditions relating to pedestrian visibility splays, vehicle access and wheel cleaning.
- Environmental Health - no objection, requested the inclusion of conditions relating to contaminated land issues.

## **6. Relevant Policies**

- 6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), 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.
- 6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD (Technical Appendices).
- 6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

## **7. Staff Comments**

- 7.1 When considering the previous application for the new dwelling, Staff took into consideration issues in relation to the principle of development, the density and layout, the design and impact on the streetscene, the impact on amenity, and the implications for parking and highways. Under the previous application these considerations were assessed and judged to be acceptable in all material respects, which in turn led to planning permission being granted.
- 7.2 This application concerns relocating the footprint of the house approximately 2 metres towards the northern boundary, and the erection of an additional single storey flat roof rear section to the south eastern corner of the dwelling. The new material considerations with regard to the amendments to the scheme relate to the impact on the character and appearance of the rear garden setting and the implications for the residential amenity of occupants of the neighbouring dwellings.

### ***Principle of Development***

- 7.3 The principle of the development was established under planning permission P0305.16. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

- 7.4 The site was formerly part of the rear garden curtilage for the now demolished property at 44 Herbert Road. Under the provisions of the NPPF there is no priority given to garden land as a re-developable 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. Policy CP1 states that outside these areas all non-designated land shall be prioritised for housing.
- 7.5 On this basis the proposal is still considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

***Density/ Layout***

- 7.6 The density and layout of a similar single detached dwelling scheme was assessed under planning application P0305.16 and judged to be acceptable.
- 7.7 The addition of the single storey rear extension to the south eastern corner of the dwelling would increase the footprint of the house by 12.7 square metres to 172.7 square metres, in comparison to the previously approved house with a total footprint of 160 square metres.
- 7.8 This increase is considered to be relatively minimal and not to an extent that would result in an excessively large footprint, particularly given the overall size of the house and the prevailing character of the surrounding properties in Sector Six of the Emerson Park policy area.
- 7.9 Likewise, given the size of the plot the repositioning of the house by some 2 metres towards the northern boundary would have little impact on the overall layout of the associated driveway, vehicle access and parking area. The development can still comfortably include provision for a detached double garage to the front with landscaping.
- 7.10 It is still considered that occupants of the proposed house would be served by a generous provision of outdoor amenity space, which would be more than adequate for the requirements of a five-bedroom house.

***Design/Impact on Street/Garden Scene***

- 7.11 The design and impact on the streetscene and rear garden setting of the new dwelling was assessed under planning application P0305.16 and judged to be acceptable.
- 7.12 The new dwelling would be positioned around 2 metres closer to the Fairlawns Close access than the previously approved scheme, but this is

not considered to be to an extent that would materially alter the view that the design and appearance would be acceptable.

- 7.13 The additional single storey section of the new house would be located to the rear and as such would not be visible from the streetscene at Fairlawns Close.
- 7.14 In terms of the rear garden setting, the additional section of the house would be single storey in height and would be absorbed into the scale and massing of the main two storey sections of the building.
- 7.15 It is considered that the repositioned dwelling, along with the additional single storey section, would still serve to maintain the character and appearance of the area in accordance with Policy DC61.

### ***Impact on Amenity***

- 7.16 The impact on the amenity of the neighbouring residents was assessed under planning application P0305.16 and judged to be acceptable.
- 7.17 The additional single storey rear section of the new house would be located approximately 4.6 metres from the rear garden boundary of the neighbouring house at 6 Channing Close, and would include a relatively low profile flat roof height of 3 metres. Given the favourable north westerly orientation of the new house to the rear of 6 Channing Close, Staff are still of the view that the proposed house, along with the additional section rear section, would not result in an unacceptable degree of overshadowing, loss of daylight, or over-dominance to the neighbour at 6 Channing Close.
- 7.18 A landscaping scheme would also include the planting of three additional 3 metre tall trees along the boundary with 6 Channing Close to provide further screening, in order to address the concern of an overbearing impact.
- 7.19 Again, the amendment to the position of the dwelling in the site would also have a minimal impact on the neighbouring properties at Channing Close and Beverley Close, in comparison to the previously approved scheme.
- 7.20 It is not considered that the repositioned dwelling, along with the additional single storey section, would present undue issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

### ***Trees***

- 7.21 As per the previously approved scheme, several mature trees would be retained on site as well as the introduction of additional planting and trees.

The tree protection measures previously agreed under the extant planning permission will be carried over and included in this application.

### ***Environmental Issues***

- 7.22 The site was previously in use as a part of a residential garden curtilage and as such there are no historical contaminated land issues associated with the plot.
- 7.23 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.24 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

### ***Parking and Highway Issues***

- 7.25 The parking provision, servicing and highways implications were assessed under planning application P0305.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

### ***Mayoral Community Infrastructure Levy***

- 7.26 The proposed development will create 1 no. new residential unit with 272.49 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £5,449.80 subject to indexation based on the calculation of £20.00 per square metre.

### ***Infrastructure Impact of Development***

- 7.27 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.
- 7.28 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 7.29 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.

- 7.30 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.
- 7.31 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.
- 7.32 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early 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, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 7.33 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 7.34 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 £6,000 for educational purposes would be appropriate.

## **8. Conclusion**

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 8.2 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. The proposal is considered to be acceptable in all material respects.
- 8.3 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 street scene or rear garden setting nor would it 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 applicant entering into a Deed of Variation to secure the education contribution.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

Financial contributions will be sought through the Deed of Variation.

### **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, drawings and supporting statements received on 27 April 2017.