

REGULATORY SERVICES COMMITTEE

REPORT

13 July 2017

Subject Heading:

P2036.16 - 2 Brooklands Road, Romford

Erection of a 2 storey apartment building to provide 8no. 2 bedroom flats and associated vehicular access, drainage works, landscaping and car parking for 10 vehicles and demolition of all existing buildings (Application received 20 December 2016)

Ward:

Brooklands

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

David Alabi
Senior Planning Officer
David.alabi@havering.gov.uk
01708 431738

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 proposal is for the demolition of all existing buildings on site and construction of a 2 storey building to provide 8 two bedroom flats and associated vehicular access, drainage works, landscaping and car parking for 10 vehicles.

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 382.4m² which, at £20 per m², equates to a Mayoral CIL payment of £7,648 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 13 November 2017, entering into a legal agreement subject to Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations. In the event that agreement is not completed by such date the item shall be returned to the committee for reconsideration.

- A financial contribution of £48,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Director of Neighbourhoods be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

The development to which this permission relates must be commenced not later

than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 10 no. 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.

4. External Materials

Before any development above ground level takes place, samples of the external finishing materials 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 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 development above ground 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 17 of the Town and Country Planning Act 1990.

6. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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 LDF Development Control Policies Development Plan Document Policy DC61.

7. 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.

8. External Lighting Scheme

No flat shall be occupied until external lighting (including along the access drive) 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. Submission of this detail prior to occupation will protect residential

amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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. The submitted scheme will provide the following details:

- 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, including their 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 washed 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.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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.

10. Boundary Screening/Fencing

No development above ground shall take place until details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to

commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

12. 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 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.

13. Accessible and Adaptable Dwellings

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

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

14. 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

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 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 £7,648.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further, details with regard to CIL are available from the Council's website.

4. 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.

5. 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.

6. 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 relates to previously developed land to the rear of No's. 4-12 Brooklands Road. The land is currently occupied by R&L Stevens used car dealership and comprises two existing buildings 1-1.5 storeys in height and an expansive area of hardstanding used for the display of vehicles and car parking.
- 1.2 An enforcement notice was served on the premises in 1972 to cease the use of the building and land for the parking, storage, display, preparation or sale, and sale of motor vehicles and to remove from the site any apparatus and equipment introduced upon the site in connection with the unauthorised use. The enforcement notice was appealed and dismissed in 1973. No action was taken until further complaints were received in 1995. Legal advice was sought in 1996 and 2002 and it was concluded that it was not expedient to prosecute non-compliance with the notice.
- 1.2 The site is relatively flat and access to the site is currently provided along a driveway to the south of No. 4 Brooklands Road.
- 1.3 The character of the immediate locality consists of predominantly 2-storey terraced dwellings with the exception of flats to the northeast of the site.

2. Description of Proposal

- 2.1 Planning permission is sought for the demolition of the existing buildings on the site and the erection a 2 storey building to provide 8 no. 2-bedroom flats.
- 2.2 Amenity space provision is in the form of a 109m² communal amenity area to the rear of the proposed building.

- 2.3 On-site parking will be provided for 10 no. vehicles to the front of the proposed building. Access to the property would be gained via an existing access drive off Brooklands Road.
- 2.4 Refuse storage would be provided in the south-western part of the site approximately 30m from Brooklands Road. Secure cycle storage providing 8 storage spaces for cycles is proposed in an outbuilding in the rear of the site.

3. Relevant History

- 3.1 Enforcement notice served on 23 March 1972 as the site was used for the parking, storage, display, preparation for sale and sale of motor vehicles, without the grant of consent. The notice came into effect on 21 April 1973 (date of appeal decision) and required the occupier to within 3 months to discontinue the use of the said building and land for the parking, storage, display, preparation for sale and sale of motor vehicles; to remove from the site any apparatus and equipment, including motor vehicles introduced upon the site, in connection with these unauthorised uses, and to restore the site to its former condition before development took place
- 3.2 ENF/430/13/ - Alleged unauthorised car repairs in the street - Determined that it was not expedient to enforce given the amount of time that had elapsed.
- 3.3 ENF/502/15 - Alleged unauthorised car sales and repairs - Activity has been determined to be on-going for more than 14 years and considered immune to enforcement.
- 3.4 In August 2016, planning permission was refused for the erection of an apartment building to provide 10 no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, reference P1652.15. A subsequent appeal was dismissed.
- 3.5 In dismissing the appeal, the Inspector made clear that the principle of development was acceptable and that the proposal would not harm the character and appearance of the area, would not lead to a loss of privacy and would make adequate provision for education. However, the Inspector considered it would result in substantial harm to outlook for existing occupiers in Brooklands Road.
- 3.6 The proposal differs from the previous scheme as follows:
- The two flats in the roof-space previously proposed have been omitted from the proposal
 - The overall height of the building has been reduced from 2 1/2 to 2 storeys
 - The maximum ridge height has been reduced by 1.3m

- The reduction in the number of units has enabled the inclusion of two visitor car parking spaces

4. Consultations/Representations

4.1 Councillor Robert Benham objects to the proposal for the following reasons: overdevelopment, cramped, lack of parking and amenity space, not in keeping with the local area and poor design

4.2 Neighbour notification letters were sent to 74 properties and 11 letters of objection were received raising the following concerns.

- Insufficient parking
- the road is too small for the plan
- no access for fire vehicles out
- out of keeping
- loss of privacy
- loss of light
- increased noise
- overbearing
- the building is too close to neighbouring dwellings
- bins will increase risk of vermin
- bats have been seen in the area

Response to concerns raised:

4.3 The main issues of concern relating to privacy, loss of light and overbearing impact, car parking and access arrangements have been considered by the Inspector as part of the appeal. In dismissing the previous appeal, the Inspector took the view that the development would not result in a material loss of privacy to neighbouring properties. The separation distance between the proposed building and neighbouring dwellings would be approximately 24m with a 2m separation to the back gardens of neighbouring premises. Staff consider that the long back gardens of these properties would mitigate against any material loss of privacy or loss of light. The Inspector did however take the view that the development would result in substantial harm to the outlook for properties in Brooklands Road, by reason of a combination of the height of the building and the number of openings. P2036.16. The height and scale of the proposed roof has been reduced and as such, Staff consider that this would address issues relating to any overbearing relationship.

4.4 Issues relating to car parking and access arrangements are addressed in the relevant sections in the body of this report. 4.5 The following consultation responses have been received:

- London Fire Brigade Water Team - Confirm that a new fire hydrant would be required for the development
- Highways - Objection raised due to the lack of pedestrian visibility splays

- Essex & Suffolk Water - No objection subject to compliance with the companies requirements
- Thames Water - No objection subject to appropriate arrangements for surface water drainage

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.

6.6 Staff Comments

6.1 The Inspector's decision is a material consideration in the assessment of this application. It is considered that the main issues for consideration relate to the impact of the proposal on the character and appearance of the streetscene, impact on residential amenity and parking and access arrangements

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 the 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 8 no. residential dwellings with a density equivalent to approximately 73 dwellings per hectare. This is in accordance with Policy DC2 which states that a dwelling density of between 50 to 110 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 8 residential units with floor areas of between 61 and 70.5 sq.m 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. Communal amenity space is provided for the proposed flats of some 109 m².
- 6.10 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.
- 6.11 *Design, Character and Appearance*
- 6.12 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 satisfactorily located and of a high standard of design and layout, requiring development to maintaining or improving the character and appearance of the local area in terms of scale and design.
- 6.13 The area is characterised by a mix of mainly semi-detached and terraced housing of two storeys in height. The design and appearance of the proposed building would vary significantly from the design of surrounding dwellings as it involves a single building with an uncharacteristic footprint. However, as the Inspector pointed out in paragraph 8 of the appeal decision, whilst the building would not replicate the form or layout of the surrounding buildings she did accept that the wider area contains flatted development. Thus considering this and given the reduction in height of the proposed building, it is considered that the development would be satisfactorily absorbed into the character of the area.

- 6.14 The revised aspects of the design of the building relate to the lowering of the height by approximately 1.3m, the removal of dormer windows and a general reduction in the mass and bulk of the roofing.
- 6.15 The Inspector's decision made it clear that, in terms of design and subject to the use of appropriate materials, the building would not be harmful to the character and appearance of the area and as such would not be in conflict with DPD policy DC61. The current scheme maintains the overall design of the original building but involves a reduction in height and scale of the roof. It is considered that the revisions respond positively to the Inspector's conclusions.
- 6.16 Impact on Amenity 6.17 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.
- 6.18 It is not considered that the proposal would have a detrimental impact on the amenity of neighbouring occupiers in terms of loss of privacy or loss of light and the reduction in height and the overall scale of the roof would improve the relationship of the building to neighbouring occupiers.
- 6.19 It is not considered that the proposal would have an unacceptable impact on the amenities of neighbouring occupiers to the north as there are no flank windows proposed at first and second floor levels, the proposed roof is hipped away and there is a separation distance of approximately 24m between the proposed building and the neighbouring dwellings and a distance of 2m to their back gardens which would mitigate against any overbearing impact.
- 6.20 Neighbouring premises to the south have a separation distance of 32m between facing elevations, with a separation distance of 8m between the development and the neighbouring rear boundaries. Given the separation distances involved, staffs do not consider that the proposal would result in an overbearing relationship or material loss of amenity
- 6.21 The separation distance between the proposed application premises and neighbouring dwellings to the southwest would be approximately 23m from the proposed development with a distance of some 8m from the rear fences of the rear gardens to the block of flats. On the previous proposal there would have been a degree of overlooking from the loft/dormer windows, however, this aspect of the proposal has been omitted from the current proposals and the relationship is not considered to be harmful.
- 6.22 With regard to privacy and outlook to premises along Brooklands Close and Como Street, the Inspector conclusions were as follows:

"The side elevation of the building would sit on the common boundary with the building in Brooklands Close. I appreciate that it would be a taller building than existing. However, the roof of the new building would slope

away from the boundary. In addition it would not extend along the entire length of the common boundary. The dwellings along Como Street have long gardens and the building would be set away from the common boundary areas. When taken together these factors would ensure that there would not be excessive loss of privacy to the garden areas of these dwellings. Overall, for these reasons, I do not consider that there would be harm to the outlook of the dwellings in Brooklands Close or Como Street". The current proposals do not materially change the relationship of the proposed development to these properties and, as such, the relationship is judged to be acceptable.

- 6.23 With regard to the impact of the proposal on the outlook of occupiers fronting Brooklands Road, the Inspector's decision considered that the proposal would result in "substantial harm to outlook for existing occupiers in Brooklands Road". This was considered by the Inspector to be the case because of the degree of visibility of the building from neighbouring rear gardens and rear facing windows, the fact it was taller than the existing buildings and as it contained a number of openings.
- 6.24 In order to address the Inspector's concerns the ridge height has been dropped by 1.3m and the dormers have been omitted from the scheme.
- 6.25 While the outlook from neighbouring occupiers fronting Brooklands Road would differ from that which currently exists, it is considered that the amendments made to the height and bulk of the proposed roof are such that a further refusal on these grounds would be difficult to justify. The height of the building has been reduced to more acceptable proportions and no accommodation is now proposed at roof level, enabling the removing of second floor dormers, windows and rooflights. On balance and given also the position some 7m from the shared boundary with the rear garden of Brooklands Road properties, on balance it is judged that the proposal would result in an acceptable relationship to neighbouring occupiers including those fronting onto Brooklands Road.
- 6.26 *Parking and Highway Issues*
- 6.27 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 4 and. The development would provide a total of 10 parking spaces including two spaces for visitors.
- 6.28 Policy 6.13 of The London Plan relates to parking provision and states that an appropriate balance is to be struck between promoting new development and preventing excessive parking provision. In this case the maximum standards are less than 1 parking space per unit for 2 bed units. Thus the proposal would also comply with the requirements of the London Plan and are considered acceptable.
- 6.29 The provision for the secure storage of cycles is included for up to 10. No. cycles. These would be provided in an outbuilding to the rear of the block of flats. Refuse storage will also be provided close to the front of entrance of the block and within 30m from the collection point which meets with the

approval from Streetcare. A refuse storage condition will be added in the event of an approval.

- 6.30 The Highways Authority has raised an objection regarding the lack of pedestrian visibility splays. Staff acknowledge that very limited weight can be given to the existing use of the site as it is not lawful; however, it has been operating since before 1972 with vehicle movements in and out of the site. The proposal utilises the existing access arrangement and given the existing vehicle movement, although associated with an unlawful use, staff do not consider that the lack of visibility splays to constitute a sufficient reason for refusal. Additionally, the lawful residential use of the site would have allowed a substantial residential dwelling with parking for at least 4 vehicles which could arguably be associated with a large dwelling. The lack of visibility splays would therefore have been an existing scenario and Staff do not consider the vehicle movements resulting from the proposed use to result in a harmful impact on pedestrian visibility over and above that which would have resulted from the lawful residential use of the building. The provision of traffic calming speed humps could be introduced close to the entrance of the site in order to mitigate against the lack of pedestrian visibility splays. 6.31 *Other Matters*

Ecology

- 6.32 The applicant has re-submitted a Bat survey undertaken in 2015 which states that no bat activity was detected at the site. Since this time there have been no significant changes in site conditions as the existing buildings are still in use. Moreover, should this application be approved, the applicant would be required to comply with the statutory obligations for the protection of bats during demolition and construction.

Affordable Housing

- 6.33 As a result of the number of dwellings being reduced from 10 to 8 which is below the threshold. Affordable housing is no longer applicable and has not been sought as part of this application.

Trees

- 6.34 There are trees on site none of which are protected, however scope for replacement planting will be considered as part of the landscaping scheme.

7. *Mayoral Community Infrastructure Levy*

- 7.1 The proposed development will create 8 no. new residential units with 382.4m² of new gross internal floorspace Therefore the proposal is liable for Mayoral CIL and will incur a charge of £7,648.00 (subject to indexation this figure may go up or down) based on the calculation of £20.00 per square metre.

8. *Infrastructure Impact of Development*

- 8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 8.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 8.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 8.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 8.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

- 8.7 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.
- 8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £48,000 for educational purposes would be appropriate.
- 8.9 On the previous application the applicant did not agree to the Council's requirement for contributions toward education as outlined above. However, following the appeal decision, in which the Inspector supported the Council's requirement for contributions, the applicant's agent has advised that the applicant is willing in principle to make a contribution towards education in the borough.

9. Conclusion

- 9.1 Having regard to all relevant factors and material planning considerations Officers are of the view that this proposal is acceptable. It is considered that the proposal as revised addresses the concerns raised by the Planning Inspector. The impact of the proposal on the amenity of the neighbouring residents is considered acceptable. The proposal relates satisfactorily to the surrounding area and car parking and access arrangements are considered appropriate. The proposal is considered acceptable in all other respects.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application form, updated drawings and supporting statements received on 21 December 2016 and 8 May 2016.