



# REGULATORY SERVICES COMMITTEE

3 August 2017

# REPORT

**Subject Heading:**

P0569.17  
St Edwards Court, London Road, Romford

Provision of 8 Residential Units with alterations to fenestration.  
(Application received 05-04-2017)

**Ward**

Romford Town

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

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**Policy context:**

Local Development Framework  
The London Plan

National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

The proposal is for the formation of eight additional self-contained residential units, comprising of two, two bedroom units and six one bedroom units with associated outdoor amenity space.

It raises considerations in relation to the impact on the character and appearance of the street-scene, the impact on the residential amenity of future occupants and that of neighbouring residents, in addition to matters relating to highways/parking.

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.

## 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 417 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £8340 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 3<sup>rd</sup> 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 £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.
- 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.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. 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.

### **3. Accordance with Plans**

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

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

### **4. Landscaping**

No development above ground level 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

## **5. Boundary Treatment**

No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are 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.

## **6. Cycle Storage**

Prior to the first occupation of the development hereby permitted cycle storage shall be 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.

## **7. Refuse and Recycling**

Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be 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. Construction Methodology**

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

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

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

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

## **9. Hours of Construction**

No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

**Reason:** To minimise the impact of the development on the surrounding area in the interests of amenity.

## **10. Road Noise Assessment**

Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from London Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted, to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

**Reason:** Insufficient information has been supplied with the application to judge the impact of road noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of road noise in accordance with Development Control Policies Development Plan Document Policy DC61

## **12. Air Quality Assessment**

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 full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
- b) The air quality assessment shall include a prediction of future air quality without the development in base (future baseline)
- c) The air quality assessment shall predict air quality with the development in place (with development)
- d) The air quality assessment should also consider the following information;
  - A description containing information relevant to the air quality assessment
  - The policy context for the assessment- national, regional and local policies should be taken into account.
  - Description of the relevant air quality standards and objectives.
  - The basis for determining the significance of impacts.
  - Details of assessment methods.
  - Model verification.
  - Identification of sensitive locations.
  - Description of baseline conditions.
  - Assessment of impacts.
  - Description of the construction and demolition phase, impacts/ mitigation.
  - Mitigation measures.
  - Assessment of energy centres, stack heights and emissions.

- Summary of the assessment of results.

For further guidance see: 'EPUK Guidance Development Control: Planning for Air Quality (2015 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

**Reason:** Insufficient information has been supplied with the application to judge the potential effects of poor air quality upon those engaged in construction and those occupying the development. Submission of an assessment prior to commencement will protect those parties in accordance with Development Control Policy DC52

### 13. Contaminated Land 1

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:** Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development

accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

#### **14. 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.

#### **15. Access**

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.

#### **16. Water Efficiency**

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

**Reason:** In order to comply with Policy 5.15 of the London Plan.

#### **17. Sound Insulation**

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties.

#### **18. Parking Management Scheme**

Prior to the first occupation of the development hereby approved, parking provision within the site shall be allocated to residents of the development in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority detailing how the car parking spaces for the site



shall be apportioned and permanently retained for use by occupants of the residential conversion. The parking provision shall be retained permanently thereafter for use by residents of the development only in accordance with the approved details.

**Reason:** To ensure that the car parking is retained for the purposes intended, in the interests of amenity.

## **INFORMATIVES**

### **1. Planning Obligation**

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.

### **2. Approval following revision**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent by telephone and email July 2017. The revisions involved the omission of the first floor accommodation which was considered to be substandard and amended plans were subsequently received.

### **3. Mayoral CIL**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8340 (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. Street name/numbering**

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>

## **5. AQA Modelling**

The applicant shall be aware of the following:

- AQ modelling must be based transport related inputs which have been approved by LB Havering's Transport Assessment team.
- It is essential that junctions and heavily congested roads are modelled accurately and this is reflected in the choice of relevant node spacing and vehicle speed inputs.
- Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing.
- It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation.
- Margin of error must not exceed 4 (refer to LAQM guidance as best practice).
- A cumulative assessment of major committed developments in the area must be incorporated into the modelling.
- Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5  $\mu\text{g}/\text{m}^3$  is considered significant in areas where present concentrations are breaching limit values and shall be assessed as such. Such changes do not contribute towards EU limit values (NPPF paragraph 124).
- Any other scenarios should be considered which are relevant to this site

## **REPORT DETAIL**

### **1. Site Description**

- 1.1.1 The application relates to the property at St Edwards Court, London Road, Romford. This is a large detached office building, set out over a 'H-shaped' shaped footprint with undercroft car parking and a parking area to the rear.
- 1.2 The site is located adjacent to residential properties to the south and east and several industrial units to the west. Romford Town Centre is only 350 metres to the east.
- 1.3 The premises has previously been the subject of a prior approval application which permitted the change of use of the existing office space (B1a) to 97no self-contained residential units.

## **2. Description of Proposal**

- 2.1 Permission is sought for alterations to the undercroft parking area of the existing building to form 8 self-contained residential units. The new units will be facilitated by utilising the existing space within the undercroft and building out into the courtyard area.
- 2.2 In addition, additional windows to serve one ground floor unit and also two first floor units permitted under the prior approval office to residential conversion are proposed.

## **3. History**

- 3.1 P2042.88 - Development of 54,000 sq.ft of offices - Approved, July 1989
- 3.2 J0012.16 - Change of Use from offices (use class B1a) to 97 residential units (use class C3) - Prior Approval Given

## **4. Consultation/Representations**

- 4.1 Neighbour notification letters were sent to 105 neighbouring occupiers. One letter of representation was received at the time of writing which expressed the following concerns.
- Overdevelopment of the site
  - Density of development too great
  - First floor flat uses space occupied by existing commercial uses
  - Development will cause unacceptable noise/disturbance to existing office users.
  - Unacceptable mix of residential/office uses
- 4.3 In response to the above, the letter of objection received would infer that a mixed use environment would result from the proposed development. The previous decision relevant to the site (J0012.16) sought permission for the conversion of all existing floors to form 97 residential units. Therefore, if implemented accordingly St Edwards Court would be fully occupied by residential units and no conflict would result.
- 4.4 Whilst it is reasonable to assume that during the conversion some offices may remain occupied, the noise and disturbance associated would be transient and not a material planning consideration.
- 4.2 Highway Authority - No objections subject to Section 106 Agreement to prevent future occupiers obtaining residents parking permits.
- 4.3 Environmental Health - No objections, subject to conditions.
- 4.4 Fire Brigade - No objection

## **5. Relevant Policy**

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC52 (Air Quality), 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 In addition the Residential Extensions and Alterations SPD, the Residential Design SPD and the Planning Obligations SPD (Technical Appendices) are considered be relevant.
- 5.2 Policies 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

## **6. Mayoral CIL implications**

- 6.1 In total the proposal would create 417m<sup>2</sup> of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £8340 based on the calculation of £20.00 per square metre.

## **7. Staff Comments**

- 7.1 The main considerations relate to the principle of the development and the layout of the scheme, the impact on local character/the established pattern of development, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

## **8. Principle of Development**

- 8.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable. The proposal is therefore acceptable in land use terms.

## **9. Density/Site layout**

- 9.1 The London Plan provides guidance in relation to the dwelling mix within residential developments. To this end, the number of units on site resulting from the proposed development in conjunction with the previous prior approval decision would total 105 units. This would translate to a total of 236 units per hectare which would comply with the density matrix which

suggests that a density of between 200 and 450 units per hectare is acceptable in urban environments.

- 9.2 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.3 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. To this end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 9.4 Each of the proposed units would exceed the required standard measured internally. In addition to a satisfactory gross internal floor area, the proposed dwellings would benefit from sufficient headroom and bedroom size/mix. It is the opinion of staff that the proposed dwellings would comply with all other standards. It can therefore be concluded that an internal arrangement capable of providing a standard of living acceptable for future occupiers which would meet the aims and expectations of the London Plan is demonstrated. The flats have a reasonably open aspect and the attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats.
- 9.5 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.
- 9.6 A small area is set aside for each of the proposed units of varying size, ranging between 7m<sup>2</sup> and 15m<sup>2</sup>. Whilst the quality and functionality of this space is questionable, given the close proximity of nearby parks and other amenities it would not in the view of staff be possible to substantiate a refusal on this basis. The areas shown would be capable of providing an area to sit outside, to dry clothes and would generally align with the requirements of the Residential Design SPD.
- 9.7 The new window openings at first floor level would serve units permitted under the prior approval office to residential conversion located beneath the southern arch. The quality of accommodation is not considered when determining prior approval applications as the legislation requires a sole focus on parking, land contamination and flood risk. Whilst the outlook from these windows would be poor, the inclusion of new window openings would nevertheless improve the existing arrangement.

## **10. Design/Impact on Street/Garden Scene**

- 10.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the NPPF reinforces this by placing emphasis on good quality, design and architecture.

- 10.2 The development comprises of the infilling of existing undercroft parking areas and therefore the visual impacts of the development are limited to the existing courtyard/parking area of the subject premises. It is envisaged to use materials and finishes which would match with the existing building. In this context the visual impact of the flat roofed additions at ground floor level and alterations to the parking layout of the central hub are considered to be negligible.
- 10.3 The fenestration to be introduced at first floor level would be positioned on the western flank wall beneath the southern archway. It is envisaged to use windows to match those elsewhere on the subject building. Given the positioning of these windows, it is unlikely that they would be readily visible in any event.

## **11. Impact on Amenity**

- 11.1 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.
- 11.2 By the nature of the development proposed, which is limited to infilling of existing undercroft parking there would be no implications relating to neighbouring amenity in terms of loss of light or overshadowing.
- 11.3 The proposed window openings at first floor level would represent the only fenestration at first floor level on either side of the archway and therefore presents no issues in terms of inter/overlooking.
- 11.4 The letter of objection received raised concerns over the impact of the development on existing office uses.

## **12. Highway/Parking**

- 12.1 The public transport accessibility level rating for the site is 2/3, with the application site encompassing two zones. It is considered that the site benefits from a fair access to public transport.
- 12.2 The site retains 82 car parking spaces for the use of the proposed units and those permitted by the prior approval office to residential conversion in 2016.
- 12.3 The units sought by this application comprise of one and two bedroom units. The table below sets out the types of units to be provided on the upper floors as a result of the prior approval:

	One bedroom	Two bedroom	Studio	Total
Ground Floor	10	1	1	12
First Floor	30	0	1	31
Second Floor	30	4	2	36
Third Floor	13	1	4	18
				97

The London Plan gives a maximum residential parking standard of less than one space per one or two bedroom unit. On this basis, the level of parking available would (with consideration given to the previous prior-approval decision) equate to 0.77 spaces per unit. This would align with the policy requirement.

- 12.4 A parking management plan is recommended via condition and further control could be exercised by securing a Section 106 agreement to prevent future occupiers of those self-contained units proposed by this application from obtaining residents parking permits. For the avoidance of doubt, this restriction could not apply to the units within the upper floors of the building.
- 12.4 Secure cycle storage is provided at a ratio of one space per dwelling.
- 12.5 Members may wish to consider that the Highway Authority have not objected to the proposals.

### **13. Section 106**

- 13.1 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.
- 13.2 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.
- 13.3 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.

- 13.4 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.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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 £6000 per new residential unit for educational purposes would be appropriate.
- 13.9 On the basis that eight additional residential units are proposed, a financial contribution of £42,000 would be expected.

## **14. Conclusion**

- 11.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form



and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or result in any highway issues subject to the monitoring of safeguarding conditions.

## IMPLICATIONS AND RISKS

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

None

### **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.