



REGULATORY SERVICES COMMITTEE

21 September 2017

REPORT

Subject Heading:

P0965.17
R/O 7 Hamlet Close (Dekker Close)

Erection of 1 No one-bedroom, detached bungalow
(Application received 07-06-2017)

Ward:

Mawney

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

Cole Hodder
Planner
cole.hodder@havering.gov.uk
01708 432829

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 formation of a detached one bedroom bungalow with off-street parking and private amenity space within an existing, established residential setting, Dekker Close.

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.

Having carefully considered the proposals and having given consideration to all planning history relevant to the site staff are of the view that the proposed development is acceptable.

This application has been called in by Councillor Patel who considers the proposed development to represent an overdevelopment of the site.

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 40 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £800 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 8th January 2018 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 £6,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

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

That the Assistant Director of Development 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. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including porches and additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason: In the interests of retaining a satisfactory level of amenity for future occupiers given the size of the plot, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. 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.

10. 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.

11. 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.

12. Water Efficiency

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

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

13. 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.

14. Gas Protection Measures

Prior to the commencement of any groundworks or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane. The gas protection measures shall be carried out in strict accordance with the agreed details. Upon completion of installation, a 'Verification Report' must be submitted demonstrating that the works have been carried out.

Reason: Insufficient information has been submitted to ensure that the occupants of the development and property are not subject to any risks from soil gas and/or

vapour in accordance with LDF Core Strategy and Development Control Policies
DPD Policy DC53

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 no negotiation

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. 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 £800 (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. Non-standard informative

The applicant is advised that provision should be made prior to the first occupation of the development for the installation of a domestic sprinkler system to each of the dwellings as suggested by the London Fire Brigade.

CALL IN

This application has been called in by Councillor Patel who considers the proposed development to represent an overdevelopment of the site.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to an area of land to the rear of the properties which align with Hamlet Close. It presently hosts two detached chalet bungalows which are accessed via Dekker Close.
- 1.2 The surrounding area is residential with mainly two storey detached and semi-detached housing to Hog Hill Road and Hamlet Road and, with the exception of one semi-detached pair, all detached bungalows/chalet bungalows to Hamlet Close.

2. Description of Proposal

- 2.1 Permission is sought for the construction of a detached one bedroom bungalow with off-street parking/amenity space.

3. History

- 3.1 P1375.12- Land Rear of 7 Hamlet Close – 1 Bedroom detached bungalow – REFUSED / DISMISSED AT APPEAL
- 3.2 P0830.14 – Land Rear of 7 Hamlet Close – Erection of 1 no one bedroom detached bungalow – APPROVED

- 3.3 P1497.14 – 4 Hamlet Close (Land rear of)– Erection of 1 no one-bedroom detached bungalow - APPROVED

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 53 neighbouring occupiers. 13 letters of objection have been received. Several of the letters received expressed similar concerns and those relevant are summarised below.

- Cramped overdevelopment of the site
- Landuse inappropriate
- Increased competition for parking
- Highway safety
- Loss of privacy
- Loss of outlook
- Unsuitable refuse arrangements
- No access for emergency vehicles

Some comments were received which expressed concern over the disruption to neighbouring residents during development. This in itself is not a material planning consideration.

- 4.2 In addition to the above, 5 letters of support were received which cited the high quality of the proposals and the scale of development being suitable for first time buyers.
- 4.3 Highway Authority - No objections.
- 4.4 Environmental Health - No objections, subject to conditions.
- 4.5 Fire Brigade - Objection on basis of width of access. No objection subject to incorporation of domestic sprinkler system.

5. Relevant Policy

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), 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 relevant.

- 5.3 Policies 3.5 (Quality and design of housing developments) 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.
- 5.4 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

6. Mayoral CIL implications

- 6.1 In total the proposal would create 40m² of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £800 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 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.2 Staff will also seek to apply the standards offered by Policy 3.5 of the London Plan and the Technical Housing Standards - Nationally Described Space document. Contained within this document are requirements for gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 9.3 As a one bedroom unit with a sole occupier the proposed dwelling would exceed the required gross internal floor area required (39m²) with a gross internal floor area of 40 square metres. Whilst no sectional plans have been provided, calculations by staff show that provision is made for headroom in excess of the required 75%. Staff have sought to apply all of the other standards required, to which the new dwelling would comply.

- 9.4 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 flat would have a reasonably open aspect and the attractiveness of the unit as living accommodation would be a matter of choice for prospective purchasers. The living environment would be comparable to existing built development on Dekker Close.
- 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 of some 30 square metres is set aside to serve the proposed unit, positioned to the side. It is considered that having had regard to the requirements set out by the Residential Design SPD, that the area of space set aside would be suitable for a one bedroom unit. The proposed dwelling would be a small property with an intimate side garden area.
- 9.7 The host dwelling would retain an acceptably sized rear garden.

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 Houses in similar positions have been permitted close-by. The proposed dwelling itself would have little wider impact on the character or appearance of the area.
- 10.3 The dwelling would not be readily visible in the street-scene due to a combination of the site's distance from Hamlet Close, the recessed nature of the plot and accordingly the position of the new dwelling.

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.
- 11.3 Whilst the proposed dwelling is not directly comparable in terms of its design or positioning relative to its neighbours within Dekker Close, there are

nevertheless parallels between the historic development and the current proposal. The comments of the appeal inspector are still considered to be relevant.

- 11.4 To this end, the proposed dwelling is modestly proportioned with a low eaves line similar to those already permitted within the vicinity. The roof would be hipped away from neighbouring boundaries so as to reduce the visual impact of the development. Staff do not consider that the increase in built form, relative to the existing garage structure in situ would give rise to any significant impact in terms of loss of light/overshadowing or outlook outside of acceptable limits any greater than that previously found acceptable by the appeal inspector with regards to application P1375.12.
- 11.5 As the propose dwelling would be contained to single storey there is unlikely to be any impact in terms of privacy loss/overlooking. Satisfactory boundary treatment will be secured by condition and permitted development rights are to be removed.

12. Highway/Parking

- 12.1 The public transport accessibility level rating for the site is 1B which translates to a poor level of access to public transport. The policy requirement for vehicle parking as defined by the London Plan equates to “less than one space” per dwelling. The development would provide one off-street parking space and is therefore found to comply.
- 12.2 Whilst it stands to reason that the intensification of the existing residential use to the rear of Hamlet Close and the formation of an additional residential unit would lead to an increase in vehicular movement to and from Dekker Close, the relatively small scale and expected occupancy of the proposed dwelling is such that the increased trip generation would be negligible in the context of the existing units.
- 12.3 Representations received cite a lack of parking/disruption during the construction of other units within the vicinity. This in itself is not a material planning consideration, due to the impermanent nature of the concerns raised. Nevertheless a Construction Methodology will be secured by condition in order to reduce the perceived impacts stemming from the development.
- 12.4 The Highway Authority have not objected to the proposals however the Fire Brigade expressed concern over the width/quality of the access road. They have advised that the installation of domestic sprinkler systems would represent an adequate alternative however. This is drawn to the applicants’ attention via an informative.

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 one additional residential units are proposed, a financial contribution of £6,000 would be expected.

14. Conclusion

- 14.1 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.