



REGULATORY SERVICES COMMITTEE

21 September 2017

Subject Heading:

P2010.16: Land off Harlow Gardens

Retention of terrace of 3 houses and 2 detached bungalows together with changes to ground level on part of the site, and erection of a 2m high timber fence on top of the concrete wall on site boundaries. (Application received 23/12/2016; revised plans received 03/08/2017)

Ward:

Havering Park

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
Places making Havering
Opportunities making Havering
Connections making Havering

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[X]
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SUMMARY

This proposal seeks retrospective permission for a terrace of 3 two storey houses and 2 detached bungalows, as well as changes to ground levels at the northern end of the site and erection of a 2m high close boarded timber fence on top of the concrete retaining wall around the site boundaries. All these dwellings have already been constructed under planning permission P1053.13 and, when this was done, ground levels at the northern end of the site were raised.

The ground levels have now been reduced and this application seeks retrospective permission for these works as well as to screen the adjoining dwellings from overlooking with a 2m high fence. Permission is also sought for retention of the dwellings as constructed, including raising the roof height of the bungalows on Plots 1 and 2, and the addition of rooflights in each of the units.

As the 5 dwellings have already been built, the main issues to be considered are the changes to ground levels on part of the site, the increased height of the bungalows and the 2m high fence around part of the site boundary, as well as any impacts of this on the street scene or on the amenities of occupiers of adjoining/nearby properties and any highway/parking/servicing issues that arise. The 2013 approval for the dwellings on the site is a material consideration.

A breach of condition notice has been served in respect of the changes to ground levels. As a result, the developer has made some reduction in ground levels within the site but also proposes the erection of timber fencing around the site boundaries to prevent overlooking of adjoining dwellings and is considered an acceptable compromise. On balance the proposal is considered to be acceptable 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 388 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £7,760 for the Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 31 December 2017, entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 13 October 2014 in respect of planning permission P1053.13 by varying the definition of Planning Permission which shall

mean either planning permission P1053.13 as originally granted or planning permissions P1809.15 and P2010.16.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 13 October 2014 and all recitals, terms, covenants and obligations in the said Section 106 agreement will remain unchanged.

In the event that the Deed of Variation is not completed by such date the item shall be returned to the committee for reconsideration.

The Developer/Owner shall furthermore pay the Council's reasonable legal costs in association with the preparation of the agreement, irrespective of whether the legal agreement is completed.

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. In Accordance with Plans

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

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

3. Parking Standards

Before the dwellings hereby permitted are first occupied, provision shall be made for 10 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. External Materials

The materials to be used in the external construction of the buildings shall be as approved under application Q0029.15.

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

5. Landscaping

The landscaping for the site shall be implemented according to the details shown on drawing number 4840/2E hereby approved and shall be carried out prior to first occupation of the dwellings hereby permitted. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6. Flank Wall Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank walls or roofs of the buildings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. Obscure Glazing

The development shall not be occupied until the following has taken place:

- 1) The rooflights to Bungalow 1 have all been fitted with obscure glass. Those rooflights to the front and side facing roofslopes have been permanently fixed shut. The rooflight to the rear facing elevation to be not less than 1.7m above internal finished floor level.
- 2) The rooflight to the side roofslope of Bungalow 2 has been fitted with obscure glass and permanently fixed shut. The rooflights to the front and rear facing roofslopes to be not less than 1.7m above internal finished floor level.
- 3) The rear facing loft windows serving en-suite bathrooms and store rooms shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut. The rear facing rooflights shall be a minimum of 1.7m above internal finished floor level.

Thereafter these windows shall be maintained to the satisfaction of the Local Planning Authority in accordance with the approved details.

Reason:-

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

8. Cycle Storage

Prior to first occupation of the dwellings hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

9. 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.

10. Construction Methodology

The development shall be carried out in accordance with the Construction Method statement approved under application Q0029.15.

Reason: In order to ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

11. Highway Agreements

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to first occupation of the dwellings hereby permitted.

Reason:

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12. Refuse & recycling

Prior to the first occupation of the dwellings 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 approved 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 Development Control Policies Development Plan Document Policy DC61.

13. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment) (England) Order 2016, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, D or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In view of the changes in ground level adjacent to the site and the relationship to neighbouring residential development, a restriction on permitted development rights is considered necessary to protect the privacy and amenity of occupiers of

neighbouring property and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

14. Screen Fencing

Prior to the first occupation of the dwellings hereby permitted, the 2 metre high close boarded timber boundary fence hereby approved shall be implemented and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

15. External Lighting

The scheme for external lighting including the low level lighting of the access road shall be as approved under application Q0029.15. The approved details shall be implemented in full prior to first occupation of the dwellings hereby approved and permanently maintained in accordance with the approved details.

Reason:

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

16. Wheel washing

Wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details approved under application Q0029.15. The approved facilities shall be used at relevant entrances to the site throughout the duration of construction works.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

17. Ground levels

The ground levels of the site hereby approved shall be permanently retained. The development shall be carried out in accordance with the approved plans unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of neighbouring amenity and to accord with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

18. Tree protection

The scheme for the protection of preserved trees on the site as approved under application Q0029.15 shall be kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason:

To protect the trees on the site and to accord with Policy DC60 of the Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Fee Informative

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 dwelling house, is needed.

3. Planning obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

4. Highways Informatives

The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

5. Thames Water Informative

With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

6. Approval and 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 £7,760 (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.

7. Planning Obligations

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.

8. Street Naming & Numbering

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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

9. Fire Brigade Access

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 the terrace of three dwellings at the rear of the site.

REPORT DETAIL

1. Site Description

- 1.1 Prior to development, the application site comprised a large, elongated area of open land lying between the rear of dwellings on the south west side of Harlow Gardens and the rear of dwellings on the north east side of Highfield Close. Access to the site is from the north end of Harlow Gardens. The site slopes down from Harlow Gardens and lies at a higher level than adjoining dwellings to the north, south and east.

2. Description of Proposal

- 2.1 The application seeks retrospective permission for a terrace of 3 two storey houses and 2 detached bungalows, as well as changes to ground levels at the northern end of the site. It also seeks permission for an increase in the height of the two bungalows and the addition of small rooflights to the bungalows and also to the rear of the terraced units. The development also proposes some realignment of the road layout within the site and the erection of a 2m high close boarded timber fence on top of the concrete retaining wall around the site boundaries.

- 2.2 The dwellings have already been constructed under planning permission P1053.13 and, when this was done, ground levels at the northern end of the site were raised. There has been work done to reduce ground levels within the site and this application seeks retrospective permission for these works as well as to screen the adjoining dwellings from overlooking with a 2m high fence.

3. Relevant History

- 3.1 Planning permission for 3 terraced houses and 2 bungalows was originally granted in 2013 (P1053.13).
- 3.2 A subsequent approval was granted to change the size of the rear dormers in the terraced houses (P1809.15).
- 3.3 A later application to install roof lights in the bungalows (P1036.16) was made but later withdrawn.

4. Consultations/Representations

- 4.1 48 occupiers of nearby properties were notified of this application. There are 9 objections from nearby residents. Several of these objections mainly relate to the current unsightly condition of the site and the length of time it has taken to be developed. Several others are simply seeking to clarify what is now being proposed by this application. Two objectors query why bungalows need rooflight windows and assert overlooking of their property from these rooflights. Three objectors complain about the visual impact of the 2m fence proposed and query how it will be maintained. Query also raised as to whether the properties are too close to the boundaries.

- 4.2 The following responses were received from other consultees:

Environment Health - no objection on air quality, contaminated land or noise grounds

London Fire Brigade (water) - no additional hydrants required

London Fire Brigade (access) – there appears to be insufficient space for a pump appliance to manoeuvre and turn in front of the dwellings at the end of the site. Therefore it would need to reverse over 20m to the parking spaces in the centre of the site, which is not acceptable.

Highways - no objection.

Waste and Recycling – concern about width and suitability of access roads as collection vehicle will not be able to enter and exit the site. Therefore a communal waste drop off/collection point will need to be provided at the entrance to the service road on Harlow Gardens, or a communal waste storage area located at the entrance to the service road.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC33 (Car Parking), DC61 (Urban Design) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD and the Planning Obligations SPD (technical appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments) 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 As the 5 dwellings have already been built, the main issues to be considered are the proposed changes to ground levels on part of the site, the increase in the height of the bungalows, the revisions to the site layout and the 2m high fence around part of the site boundary. In addition, any impacts of this fence and the rooflight windows in the bungalows on the amenities of occupiers of adjoining/nearby properties and on the street scene are important. Any highway/parking/servicing issues that arise also need to be considered. The 2013 approval for the dwellings on the site is a material consideration.

Principle of Development

- 6.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for the development of residential units on this site on which residential development has been accepted in the past. As a scheme of 3 terraced houses and 2 bungalows has already been approved on this site, the principle of this form of residential development has been accepted. The proposal is therefore acceptable in principle and in accordance with Policy CP1.
- 6.3 The site area is estimated at 0.25 ha. In density terms, Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 1, with the density recommendation being 30-50 units per hectare. The proposed development type would result in approximately 20 dwelling units per hectare based on the above site area. The proposal would therefore be below the recommended density range and could be considered to represent an underdevelopment of the site. However,

permission has already been granted for these dwellings and they have been constructed.

- 6.4 The DCLG's Nationally Prescribed Space standard (which has been absorbed by Policy 3.5 of the London Plan) for 2 bedroom houses of two storeys is 70-79 sq.m GIA (gross internal area) and for 2 bedroom bungalows is 61-70 sq.m. The proposed two bedroom bungalows have GIAs of 62 sq m. The two-bed terrace houses have a GIA of approximately 88 sq.m. It is therefore considered that the dwellings exceed minimum space standards and are able to provide suitable-sized accommodation for everyday living.

Design/Impact on Streetscene

- 6.5 This site is bounded by the rear gardens of dwellings on Harlow Gardens and Highfield Close and therefore does not form part of any established streetscene. Indeed, the dwellings on the site can only be seen from rear of dwellings adjoining it.
- 6.6 The terrace of houses lies at the southern end of the site and faces north. These houses have steep pitched roofs with dormer windows front and rear. One of the two bungalows is located at the northern end of the site, the other approximately mid-way between the other bungalow and the terraced houses. The layout, design and scale of these dwellings have previously been considered acceptable in this context. Approval has also subsequently been granted for alterations to dormer windows in the terraced houses.
- 6.7 As the dwellings have already been built and changes are only relatively minor in terms of their visual impact, their impact on the street and garden scene is considered acceptable.
- 6.8 The reduction in site ground levels is judged acceptable. The proposed 2m high, close boarded timber fencing around the north, west and south site boundaries would provide a high visual barrier at the end of the rear gardens of adjoining dwellings. However, this is required to address resident complaints of overlooking and appears an acceptable compromise in the circumstances, particularly as the adjoining gardens are relatively long and some have trees, sheds and outbuildings on the rear boundary.

Impact on Amenity

- 6.9 The proposed terrace of 3 houses would face northwards. They are positioned approximately 9m from the southern boundary of the site with dwellings in Highfield Road, with an overall back to back distance in the region of 26m. They are set in around 3m from the eastern and western boundaries of the site respectively. These new houses do have ground floor windows in their flank walls but these are judged not to result in loss of privacy to neighbours owing to the proposed 2m high boundary fencing around the site. There are dormer windows in the rear roof space of these

new houses. However, these windows serve a bathroom and store room and could be fixed shut, with the exception of top opening vents, and fitted with obscure glass. A condition is attached to ensure this. Small additional rooflights have been added to the rear roofslope of these dwellings but they are positioned a minimum of 1.7m above floor level preventing any material overlooking of neighbouring properties.

- 6.10 The bungalow in the middle of the site faces south. It is positioned close to the eastern boundary of the site with dwellings in Harlow Gardens and lies some 25m away from the dwellings to the west in Highfield Close. The other bungalow at the northern end of the site would face north and would be located some 30m away from the nearest dwellings to the north. Both of these bungalows have been increased in height compared to the original approval, with an overall height of 5.9m compared to 5.1m previously, which is due to the introduction of an upper floor storage area. Whilst the bungalows are higher than approved, they are still of a relatively modest height and given their separation from the neighbouring properties to the north and west and their side on relationship to the properties to the east, the increase in height is not considered to be so great as to result in material harm to amenity. These bungalows would both have rooflights in their north, south and west facing roof faces but these are small windows and would be set at a minimum height of 1.7m above the first floor level. As there is no first floor habitable accommodation in these dwellings, only storage areas, these windows should not give rise to overlooking particularly if obscure glass, and fixing shut of the windows where necessary, is required by condition.
- 6.11 As noted above, a 2m high, close boarded timber fencing would be erected around the site boundaries to provide a screen to prevent overlooking of adjoining dwellings and rear gardens. The fencing would be erected on top of an existing concrete wall around the north, south and western boundary of the site. 2m high close-boarded fencing is also proposed to the eastern boundary of the site. The acceptability of this arrangement is a matter of judgement for Members. It should be noted that the site, even with the ground levels now reduced, is on a higher level than neighbouring properties to the north and west and, to a lesser extent, those to the south of the site. The combination of the change in ground levels and the fact that the fence will be built atop the existing concrete wall means that the overall height of the boundary treatment will be substantially more than 2m in comparison to ground levels in neighbouring rear gardens. It is however also the case that existing outbuildings and boundary vegetation to neighbouring properties will, in the main, substantially mitigate the visual impact of the proposed boundary treatment. Whilst some residents have objected to the height of the boundary fencing, others welcome the additional security. The fencing will also create an effective screen that protects neighbouring rear gardens from overlooking and pedestrian and vehicular activity within the site. On this basis, and with the distances involved to adjoining dwellings, it is considered, as a matter of judgement, that the proposed boundary treatment would be acceptable.

- 6.12 Rear garden areas of between 53 and 114 sq m in size are proposed for the terraced houses. These would back on to the rear of gardens of dwellings on Highfield Road but would be screened from these by the proposed 2m high timber fence. For the bungalows, rear garden areas of over 120 sq m in size are proposed; these would face each other. This amenity space provision is considered adequate.
- 6.13 It is however considered that, owing to the garden sizes and arrangement of dwellings within the plot, combined with the change in ground levels and proximity to neighbouring residential properties, that it would be reasonable to remove permitted development rights for extensions, roof alterations and outbuildings for this development, which is also consistent with the original approval.

Parking and Highway Issues

- 6.14 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The application site has a PTAL of 1 for which a parking requirement of 2-1.5 spaces per dwelling unit would apply.
- 6.15 Parking provision of 2 spaces per unit for the terraced houses is provided in front of each house. For the bungalows, 2 spaces per unit are provided at the end of the rear garden of each property. This accords with the parking provision range of 1.5 to 2 parking spaces per unit and is consistent with the parking levels considered acceptable for planning permission P1053.13.
- 6.16 There have been some changes to internal layout within the site. Highways have confirmed that they have no objection to the proposals. The Council's Waste and Recycling team advise that a refuse collection vehicle could not enter the site, therefore arrangements will need to be made for a waste drop off/collection point or a waste storage area at the entrance to the site. Details of this could be required by condition and secured prior to occupation of the development. The Fire Brigade advise that pump appliance access would be insufficient to serve the three dwellings at the rear of the site. On this basis it is considered a sprinkler system would be appropriate within these dwellings and an informative has been suggested to bring this to the applicant's attention.

Mayoral Community Infrastructure Levy

- 6.17 The proposal is liable to Mayoral CIL as it would result in 5 additional residential units with 388 square metres of new gross internal floorspace created. Therefore the proposal would incur a charge of £7,760 based on the calculation of £20.00 per square metre, subject to indexation.

Infrastructure Impact of Development

- 6.18 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.19 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.20 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.21 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.
- 6.22 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.23 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 year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.24 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444

infrastructure impact. It is considered that, in this case, £6,000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

- 6.25 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £30,000 for educational purposes would be appropriate. A Deed of Variation is needed to link the financial contribution previously secured in connection with the original planning permission to this planning application.

7. Conclusion

- 7.1 This is a resubmission of a previously approved residential scheme with the main changes being lowering of site ground levels and erection of a 2m high, close boarded timber fencing around the site boundaries. The height of the two bungalows within the development is also greater than originally approved to accommodate storage at roof level and rooflights have been added to all of the properties. Minor changes to the layout of the site have also taken place. The reduction of site levels responds to a Council enforcement investigation. The timber fencing around the site boundaries is required to prevent overlooking of adjoining dwellings and is considered, on balance, to be an acceptable compromise. The rooflights are very small, do not serve habitable rooms and would have obscure glass or be located above head height; on that basis they are considered acceptable.
- 7.2 Approval is therefore recommended subject to a Deed of Variation.

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