



## REGULATORY SERVICES COMMITTEE

21 December 2017

**Subject Heading:**

P1868.16: 44 Victoria Road, Romford

Extension to create 3no. new apartments with retail unit at ground floor level. (Application received 14 February 2017)

**Ward:**

Romford Town

**SLT Lead:**

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**Report Author and contact details:**

**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 an extension to create 3no. new apartments with a retail unit at ground floor level.

It raises considerations in relation to the impact on the character and appearance of the area, the impact on the residential amenity of the future occupants and of neighbouring residents, the viability and vitality of Romford town centre, and parking and access.

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 198.38 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £3,967.60 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 20 April 2018, and in the event that the Section 106 agreement is not completed by such date then the application shall be refused:

- A financial contribution of £12,000 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 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. 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.

4. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;

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

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

Reason: Insufficient information has been supplied with the application in relation to 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.

## 5. 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.

## 6. Parking Provision

Before any of the dwellings hereby permitted are first occupied, the forecourt car parking provision shall laid out to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

## 7. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities as detailed on the 'Proposed Ground Floor Plan' drawing shall be provided to the full satisfaction of the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: In the interests of providing suitable refuse and recycling management on site which will protect the amenity of occupiers of the development and also the locality generally, and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 8. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the 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..

## 9. Landscaping

No development above ground works 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.

#### 10. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

#### 12. Restriction - Single Storey Extension Roof

The roof area of the single storey extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 11. Water Efficiency

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

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

### **INFORMATIVES**

1. 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 Simon Dossery via telephone. The revisions involved amendments to the design and layout. The amendments were subsequently submitted on 11<sup>th</sup> November 2017.
2. 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 £3,967.60 (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.

### 3. **Fire Safety**

The applicant is advised that a pump appliance should be able to approach to within 45 metres of all points within each dwelling measured along a line suitable for laying a hose. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.

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

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

5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

6. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

**REPORT DETAIL**

## **1. Site Description**

- 1.1 The application relates to the premises at 44 Victoria Road, Romford, which comprises a part single storey and two-storey mid terrace building with an A1 retail unit at the ground floor and residential accommodation at first floor.
- 1.2 The building forms part of the row of shops and commercial units within an area of Victoria Road designated as part of the Romford Retail Fringe. The property is located with Victoria Road to the north and backs onto residential accommodation to the rear. The surrounding area is characterised by predominantly commercial uses with residential accommodation at first floor levels.

## **2. Description of Proposal**

- 2.1 The application is seeking planning permission for the partial demolition of the first floor gabled section of the building and the erection of extensions to create 3no. new apartments with a commercial unit at ground floor level. The accommodation would comprise 1no. one bedroom unit and 2no. two-bedroom units. The commercial unit would comprise approximately 40 square metres of floor space.
- 2.2 The first and second floor element of the extension would involve raising the height of the main section of the building by approximately 1.37 metres. The flat roof block would infill the area adjacent to the neighbouring block at Centreview Court and the adjoining property at 42 Victoria Road. A single storey flat roof ground floor extension would project from the rear of the property.
- 2.3 The shopfront would comprise a central pair of glazed doors with floor to ceiling display windows on either side. A door to the right of the shopfront would provide access to the residential accommodation reached via an internal passageway and a stairwell at the rear of the building.
- 2.4 Each of the upper floor flats would be served by partially enclosed balconies positioned on the front elevation and the ground floor unit would be served by an enclosed terrace to the rear. The remaining land to the rear would form a communal garden area for the residents.
- 2.5 The existing 3no. off-street car parking spaces immediately to the front the building would be retained.
- 2.6 A communal resident's refuse store and a separate commercial refuse store would be provided off the main communal entrance corridor on the ground floor.

## **3. Relevant History**

- 3.1 P1674.14 - New build 7 No. apartments and retail unit on ground floor - Refused, 25 March 2015

3.2 The refusal reasons related to harm to the streetscene; unacceptable loss of light and outlook to a habitable room at 42 Victoria Road; a poor quality living environment for future occupiers, and; the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development.

#### **4. Consultations/Representations**

4.1 Notification letters were sent to 53 properties and 6 representations have been received.

4.2 The objections can be summarised as follows:

- The ground floor rear extension would project past the existing building line at Centreview Court resulting in a loss of light and overshadowing of the neighbouring residential properties and gardens and restrict the privacy of the apartments, balconies and garden area.
- Disruption to connected electricity, water and drainage services at neighbouring properties.
- Location of refuse stores on the frontage would be inappropriate.

4.3 In response to the above: the operation of electrical and water services is a civil matter between the adjoining land owners. The scheme has been revised to include internal refuse stores. Matters concerning residential amenity are discussed in the following sections of the report.

4.4 The following consultation responses have been received:

- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Street Care - no objection.
- Environmental Health - no objection.
- Local Highway Authority - no objection.

#### **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC16 (Core and Fringe Frontages In District and Local Centres), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and

Development Control Policies Development Plan Document are considered to be relevant.

- 5.2 Other relevant documents include the Romford Area Action Plan, Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 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 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.

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

- 6.2 The premises is located within an area of Victoria Road that is designated as part of the Romford Retail Fringe and is characterised by smaller retail and commercial units. The proposal would retain the existing ground floor commercial unit and the proposal would help to sustain the character, and continue the function, vitality and viability of the fringe area in accordance with policies DC16 and ROM11.
- 6.3 The Havering Retail and Leisure Study notes that Victoria Road has a lower demand for space and achieves lower retail and rental rates, while footfall is amongst the lowest in the town centre. However, the policy stresses the desire that any future redevelopment in Victoria Road should offer the opportunity to improve the retail environment of this part of the town centre.
- 6.4 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.5 On this basis the proposal is considered to be policy compliant in land use terms and is therefore regarded as being acceptable in principle.

### ***Density/Layout***

- 6.6 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. The proposal would provide 3no. residential units at a density equivalent to approximately 80 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 70 to 260 dwellings per hectare would be appropriate in this location.
- 6.7 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the 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.
- 6.8 The proposed dwellings would meet the internal floor space standards for two-person one-bedroom flats and four-person two-bedroom flats. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 6.9 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.10 Each of the upper floor flats would be served by partially enclosed balconies positioned on the front with a floor areas of approximately 4 square metres. The ground floor flat would benefit from a private terrace area of 25 square metres. The remaining land to the rear would form a 93 communal garden area for the residents.
- 6.11 Given the town centre location of the building, and the amenity areas associated with equivalent town centre accommodation, it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space which in this instance would be adequate for the requirements of the future occupants. In addition, to address the previous refusal reason in relation to natural lighting of the habitable rooms; full length glazed patio doors with glazing side panels would be installed to the living room areas allowing a good degree of natural daylight to enter into each of the flats.

### ***Design/Impact on Streetscene***

- 6.12 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.13 This section of Victoria Road is characterised by a mixture of traditional two-storey terraced properties as well as large detached office and residential blocks which lead out along both sides of the road from South Street towards the junction with Mercury Gardens. Most of the larger buildings in this section of the street date from the mid to late twentieth century, with each building comprising an individual appearance. Nevertheless, the properties display consistencies in terms of scale, height and bulk as well as flat roof designs.
- 6.14 Given the surrounding circumstances the appearance and style of the proposed extension is considered, on balance, to be of a relatively sympathetic design which broadly adheres to the architectural character of the surrounding area.
- 6.15 It is acknowledged that the roof extension would increase the prominence of the property within the Victoria Road streetscene. However, whilst the extension would raise the height and bulk of the building, it is recognised that the application site is set within the visual context of the taller and bulkier neighbouring development at Centreview Court. As a result the extension would, to a greater extent, be absorbed into this backdrop and built up urban environment. In addition, the recessed balconies, and fenestration proportions and position would provide an element of visual continuity with Centreview Court, which would mitigate the loss of the gabled end terrace feature.
- 6.16 In this instance Staff have taken a balanced view that the additional height and bulk is unlikely to appear overly dominant or overbearing in this setting. Therefore, Members are invited to consider, as a matter of judgement, whether the extension would appear as an unduly harmful addition in this part of the streetscene.
- 6.17 In this instance Staff are of the opinion that on balance the scale of the proposed development would be acceptable, given the subservient design and appearance of the extension in comparison to the existing building, the height and massing of the surrounding buildings and the town centre location of the site.

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

- 6.18 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.

- 6.19 In terms of surrounding residential accommodation the site is flanked by a four storey commercial and residential block at Centreview Court to the east and the first floor flat at 42 Victoria Road to the west.
- 6.20 The ground floor rear extension would project along the boundary beyond the rear building line of Centreview Court. In terms of the impact on the residents of Centreview Court, the extension would be positioned immediately adjacent to the communal rear entrance, and set away from the neighbouring ground floor habitable room windows. In this arrangement the extension would be positioned some 2.7 metres from the ground floor private terrace at Centreview and a sufficient distance from the communal amenity area, which would mitigate any undue impact in terms of overshadowing, loss of light, overbearing impact and loss of outlook.
- 6.21 The upper floor extension would be absorbed within the bulk of the Centreview Court development, and given the positioning in relation to the front and rear building lines of the neighbouring building, would not unduly harm the amenity of residents of the neighbouring block.
- 6.22 The previous planning application (P1674.14) was refused in part due to the impact on the first floor habitable room rear window at 42 Victoria Road. In order to address this issue the rear elevation of the current scheme has been set back with the section immediately adjacent to the boundary and neighbouring window stepped-in. As a result of these measures, it is the view of Staff that the proposal would not create an overbearing impact on the occupiers of the adjacent flat and that this issue has been successfully addressed.
- 6.23 The proposed single storey rear extension would sit alongside existing single storey development to the rear of 42 Victoria Road and would not unduly impact on the residents at this property.
- 6.24 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties to an extent that would justify refusing the scheme on these issues alone, and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

### ***Environmental Issues***

- 6.25 Environmental Health have raised no objections in relation to any historical contaminated land issues.

6.26 The site is not located within a Flood Zone and presents no issues in relation to local flood risk.

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

6.27 The site has a Public Transport Accessibility Level (PTAL) rating of 6b (Best); meaning that the premises has very good access to a variety of public transport facilities. South Street is a main bus route with a bus terminus and Romford Station is also located very close by. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.

6.28 Given the central location and the good public transport links there is no requirement to provide dedicated off street residents' car parking provision for the 3no. proposed flats.

6.29 The scheme can demonstrate the availability of 3no. off-street car parking spaces on the forecourt area immediately to the front the building. It is intended that these spaces would be unallocated and their use shared by the occupants of the new flats and the commercial unit. Staff have given consideration to imposing a parking management condition, however, as the proposal relates to just 3no. parking spaces this is not considered to be reasonable in this instance.

6.30 The Local Highway Authority have raised no concerns with regard to the parking and access arrangements.

6.31 A communal resident's refuse store and a separate commercial refuse store would be provided off the main communal entrance corridor on the ground floor.

6.32 A secure cycle store would be provided in the shared amenity area to the rear of the building.

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

6.33 The proposed development will create 3no. residential units with 198.38 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £3,967.60 (subject to indexation) based on the calculation of £20.00 per square metre.

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

6.34 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.

- 6.35 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.
- 6.36 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.
- 6.37 There has been a 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.
- 6.38 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.
- 6.39 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.
- 6.40 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 per unit 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.

- 6.41 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 £12,000 for educational purposes would be appropriate.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a Section 106 agreement.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character and appearance of the area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 legal agreement.

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

### **Legal implications and risks:**

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

### **Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity.

**BACKGROUND PAPERS**

Application form, supporting statements, and drawings received 14 February 2017, and amended plans received on 9 November 2017.