



REGULATORY SERVICES COMMITTEE

1 February 2018

REPORT

Subject Heading:

P1674.17
168-174, 182-186 South Street

Formation of flat roofed extension to form additional floor to create five self-contained residential units.
(Application received 18-10-2017)

SLT Lead:

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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

[X]
[X]
[X]
[X]

SUMMARY

This report concerns an application for the construction of an additional floor to make provision for five self-contained residential units with associated bin stores and cycle storage.

The development 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.

Staff consider the proposed development to be acceptable in all respects and approval is accordingly recommended.

A legal agreement is required due to the limited availability of on-street parking as none would be provided for future residential occupiers on site and also in order to secure a financial contribution towards local education infrastructure.

RECOMMENDATIONS

That it be noted that the 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 357 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £7160 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 and in the event that the Section 106 agreement is not completed by 19th July 2018 the item shall be refused:

- A financial contribution of £30,000 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.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.

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

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building 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. Noise mitigation measures

Prior to the commencement of any development an assessment shall be undertaken of the impact of the road noise emanating from South Street upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1998. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233L:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise and comply with Policies DC55 and DC61 of the Development Control Policies Development Plan Document.

5. 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.

6. 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.

7. Minor Space Standards

All 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.

8. 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

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.

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 £7160 (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. 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.

6. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of the two, three-storey flanking sections of a terrace building which benefits from a 4-storey central section. There are commercial units to the ground floor to both sections. The building itself is in mixed use having previously benefited from a prior approval decision to partially convert the building to residential, the upper floors having been previously in use as offices.
- 1.2 The surrounding area is a mixture of commercial and residential uses. It is worth noting that within the immediate vicinity there are buildings of greater height than the subject premises.
- 1.3 The site is within Romford Town Centre.

2. Description of Proposal

- 2.1 This application is seeking planning permission to construct an additional floor to accommodate five residential units comprising four one bedroom units and one two bedroom unit.

3. History

P0624.12 - Construction of an additional floor to provide four self contained flats (2x2 bed, 2x1 bed) above 168-174 South Street and three self contained flats (3x1bed) above 182-186 South Street. Rear staircase extension to 168-174 South Street. Bin stores and cycle parking - Refused and dismissed on appeal

J00012.14 - Prior Approval request for the change of use of 1st and 2nd floors from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 private apartments - Granted

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 155 neighbouring properties, with 20 letters of representation received. The concerns expressed will be summarised below and where materially relevant will be addressed within this report.

- Loss of light
- Loss of views
- Lack of parking
- Noise
- Cooking smells from adjacent premises
- Disturbance during construction
- Current refuse arrangements unacceptable
- Overlooking
- Loss of privacy
- Security of existing residents compromised
- New build detracts from appearance of locality

- 4.2 If minded to proceed with an approval, the Local Authority will request a detailed construction methodology so as to reduce the impact of the proposed development on residents.

- 4.3 Comments made regarding noise and fumes associated with cooking appear to relate more closely to the existing commercial uses within the vicinity which fall outside of the scope of the current proposals which focus solely on the impact of the new residential units. Amenity impacts relevant to the current proposals will be fully considered in the amenity section of this report.

- 4.4 In response to matters of security relating to existing residents it is not considered that the surrounding environment would be compromised by the development proposals. Access to the new units would be shared with the main building and taken from South Street, an historic arrangement. The provision of cycle storage/refuse storage to the areas behind the main building are an opportunity for those areas to be improved upon and made secure.
- 4.5 The other objections raised are considered in detail below and are addressed in the amenity section of this report.
- 4.6 Highway Authority - No objections, subject to Section 106 obligation.
- 4.7 Environmental Health - No objection.
- 4.8 Fire Brigade - No objection

5. Relevant Policy

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC02 (Housing Mix and Density) DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places), DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Policy ROM14 of the Romford Area Action Plan.
- 5.3 Romford Town Centre Development Framework
- 5.4 In addition the Residential Extensions and Alterations SPD and the Residential Design SPD
- 5.5 Policies 3.5 (Quality and Design of housing developments), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 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.
- 5.6 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

6. Mayoral CIL implications

- 6.1 In total the proposal would create 358m² of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £7160 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 appearance in the street scene, the implications for the residential amenity of the future occupants and of nearby properties and the suitability of access arrangements.
- 7.2 By way of background, an application that sought an additional storey to the application building creating 7 flats was considered in 2012 at Regulatory Services Committee and planning permission was refused. The subsequent appeal, APP/B5480/A/12/2186034, is important in the consideration of the current submission, as whilst the appeal was dismissed, the Inspectorate found in favour of the appellant on all issues with the exception of the amenity impacts of the proposals which the applicant has since sought to address.
- 7.3 The appeal proposals comprised of a larger development than that currently sought, with greater areas of the third storey to be developed and limited setback from the buildings edges. The Inspector considered that the development, by way of its scale, bulk and mass would have had an overbearing impact on neighbouring residents (particularly those in Gibson Court) and that the positioning of windows/balconies were insensitively sited with the development likely to result in an unacceptable loss of privacy.
- 7.4 The Appeal Inspector raised no objections to the visual impacts of the development in terms of local character and also made no reference to loss of light/overshadowing due presumably to the position of the site and existing arrangement of built form.
- 7.5 The applicant has sought to design out the issues raised by the appeal inspector by omitting balconies with outlook onto/over Gibson Court, focusing outlook instead over South Street and Regarth Avenue and in significantly reducing the extent of built form by pulling the lines of the new floor back and away from Gibson Court with a view to reducing its appearance from those residences. The number of units has reduced from 7 to 5.

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.
- 8.2 The site lies in the Town Centre. Policy ROM14 of the Romford Area Action Plan DPD indicates that Romford will contribute to the Borough's housing target. The principle of residential development has already been established on the site and the provision of additional housing would therefore be acceptable in land-use terms.

- 8.3 The site further falls within an area of the Romford Town Centre which, according to Policy ROM14 (Housing Supply) of the Romford Area Action Plan, is currently a low density area of the town, earmarked for higher density development. Victoria Road, South Street (south of the railway) and Regarth Avenue have been identified in Policy ROM14 as higher density redevelopment areas. The policy states that the intensification of these areas presents the opportunity to replenish the dated and poor quality buildings, provide a scale, massing and height of buildings which is more fitting for these two important entrances to Romford town centre. It is therefore considered that the proposals would be acceptable in principle.
- 8.4 The Romford Town Centre Development Framework (2015) designates the area as a mixed use zone, in so far as that the surrounding environment is defined by building types and an arrangement of built form that appears informal and fragmented with few consistent characteristics. To this end the document states that there is an opportunity to develop a distinct quarter that is clearly defined and which contributes to the vitality of the town centre as a whole. The development proposals would appear to align with this vision.

9. Density/Site layout

- 9.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.2 Staff will also seek to apply the standards of the Technical Housing Standards - Nationally Described Space document which has since been adopted by the London Plan. 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 Each of the flatted units would make provision for a gross internal floor area in excess of the required standard. Similarly in terms of bedroom size and mix the units would also comply. It is reasonable to conclude based on the internal arrangement shown that the units would make adequate provision for day-to-day living.
- 9.4 Whilst the extent of built form has been reduced this has not compromised the quality of the living accommodation with primary rooms benefiting from reasonable outlook, with circulation space and staircases located adjacent to Gibson Court, with windows angled to South Street/Regarth Avenue.
- 9.5 The surrounding area is characterised by predominantly commercial uses where residential uses on upper floors are provided without access to private amenity space. In mixed use environments, where residential accommodation is located over office or retail uses, the requirement for

amenity space may be reduced or waived altogether. That approach is consistent with previous decisions within the locality.

- 9.6 Where space is provided, the Residential Design SPD states that it should be in single, usable, enclosed blocks which benefit from both natural sunlight and shading. Each of the units would have access to a balcony which would align with the depth stipulated by the Residential Design SPD. It is reasonable to conclude that this area could be used for sitting out/drying clothes and other activities typically associated with day to day living. Staff consider this arrangement to complement the accommodation provided.
- 9.7 In reaching this conclusion, consideration has been given to the town centre setting of the site and the availability of recreational space and other amenities associated with town-centre living.

10. Design/Impact on Street/Garden Scene

- 10.1 It is noted that whilst the extent of built form has been reduced from the previous submission, the appearance of the additional floor from South Street/Regarth Avenue is largely the same as that previously considered. To that end, the comments of the Appeal Inspector are of particular relevance.
- 10.2 The Appeal Inspector reasoned that as the additional storey would be setback behind balconies on the South Street and Regarth Avenue elevations, that this would reduce the bulk of the additions when viewed from the street and help to articulate their massing. Furthermore, the Appeal Inspector was of the view that given the presence of taller buildings to the north and south in conjunction with the proposed addition being setback from principal elevations that it would not have a detrimental effect on the host building or the street-scene.
- 10.3 The host building was noted to be of a restrained, modern design, although not possessing of any particular architectural merit. It was acknowledged that the materials and fenestration pattern to be used in the additional storey would not be the same as that of the rest of the building. However the inspector reasoned that as the additional storey would be setback from the principal elevations that it would read as an extension, rather than a continuation of the existing building. Accordingly it was not considered unusual for there to be a change in materials and fenestration. The view was reached that the proposed design would give a simpler, visually lighter appearance which would be appropriate to its position on the top floor of the building.
- 10.4 In view of the similarities between the current submission and the previous appeal scheme, there does not in the view of staff appear to be sufficient grounds to substantiate a decision to refuse planning permission on the visual impacts associated with the development.

11. Impact on Amenity

- 11.1 Gibson Court provides accommodation for older persons, mainly in three and four storey blocks located to the rear of the appeal site. The blocks to the rear wrap around two sides of a communal garden with the rear of the application building directly adjoining the third side.
- 11.2 In contrast to the previous submission made at the site, there would be no windows/balconies that would have outlook onto/over Gibson Court and accordingly there is no potential for loss of privacy. It is understood that the communal garden is highly valued by residents and the applicant has instead focused outlook from the new residential units to South Street/Regarth Avenue.
- 11.3 The previous application occupied a larger area of the building and accordingly made little provision for setback from Gibson Court. Accordingly, the Appeal Inspector took the view that the additional storey would increase the height of the building from around 9m to 12m and given the limited distance between the proposed development and the parallel wing of Gibson Court that the development would have had an overbearing effect on the outlook of occupiers of the ground floor flats in particular. In view of the proximity of the additional storey it was adjudged to have an oppressive effect on those using the communal garden
- 11.4 The current proposals would represent a significant reduction in built form, with the additional floor pulled back from the edges of the existing building, which would accordingly limit the visual impacts associated with the development. Staff consider that the development under consideration has satisfactorily addressed the observations made by the previous Appeal Inspector and that accordingly that there would be no significant loss of outlook.
- 11.5 In response to comments received regarding loss of view, it is important to recognise that loss of view is not in itself a material planning consideration. There is a material difference between loss of outlook and loss of view. Loss of outlook arises from development taking place in close proximity to existing development and introducing or significantly increasing a sense of enclosure, which may be judged overbearing and visually intrusive which was the case with the previous application made. The consequential loss of outlook is a material planning consideration whereas loss of a view, which relates to what can be seen over much greater distances, is not. It is not considered that any increased sense of enclosure and accordingly any overbearing impact would result from the current proposals.
- 11.6 The development would comply with Core Strategy Policy DC61 insofar as it presumes against proposals which result in an unacceptable loss of privacy, which with the omission of balconies/windows with outlook over Gibson Court the applicant has overcome. In addition, Section 9.1 of the 'Residential Design SPD' seeks to safeguard privacy and outlook in respect of windows serving habitable rooms, which in view of the reduction of built

form cannot reasonably be considered to be of any undue detriment to neighbouring occupiers.

- 11.7 Comments made by residents express concern over potential loss of light and overshadowing as a result of the proposals. Notwithstanding the clear differences between the proposals and the previous application which are acknowledged above in terms of the extent of built form, it must be recognised that neither the previous officer's report, nor the appeal decision made reference to potential for loss of light/overshadowing as a result of the development proposals. This was due primarily to the existing arrangement of built form, the existing degree of enclosure resulting from the close relationship of the application building to Gibson Court and the presence of the BT Exchange building to the south.
- 11.8 The impacts of the development in terms of loss of light/overshadowing were previously considered to be negligible and it stands to reason that given the reduction in the extent of built form to facilitate the new residential units that this conclusion stands.
- 11.9 Nevertheless for the purposes of ensuring that the impacts were fully considered and in view of comments made by residents a daylight and sunlight report was undertaken by the applicant, the results of which conclude that the impacts of the development on surrounding properties, including the communal gardens of Gibson Court are within BRE guidelines with the extension in place.
- 11.10 Of those properties understood to be at least of partial permanent residential use, the results find that in accordance with BRE guidelines in daylight and sunlight terms with the proposals in place, that those residents would experience a reduction of less than 20% in VSC (daylight) and annual and winter APSH (sunlight). The impacts of the development proposals are therefore within acceptable parameters.
- 11.11 Accordingly staff do not consider that the proposed building would give rise to any unacceptable impact on the amenity of neighbouring occupiers.
- 11.12 Comments received regarding the storage of refuse and waste are acknowledged, however appear to focus on the existing arrangement and behaviour of commercial uses within the parade which in many ways falls outside the scope of the current proposals. However, whether the introduction of residential units would worsen the existing arrangements is a material consideration and the impacts of the development should be reasonably mitigated. The positioning of the refuse storage for the flatted accommodation as shown on drawing number 12250-P304 is considered to be an acceptable location and accordingly no objections have been made by the Local Authority Streetcare department.
- 11.13 However it is considered reasonable to secure further detail by condition in order to ascertain how the arrangement for the new residential units would impact on the arrangement of existing commercial uses. At the time of site

inspection, it was unclear as to how the existing area was used and by whom. It is however not considered a substantial enough concern so as to justify a recommendation for refusal.

12. Highway/Parking

- 12.1 No provision of off-street parking is made by the proposals. However, the site has a high PTAL rating (6B) which is the highest access to public transport. On this basis, the lack of off street parking provision is acceptable.
- 12.2 No objection has been made by the Highway Authority, subject to a Section 106 obligation that would prevent future occupiers from obtaining residents parking permits which would offset the highways impacts of the development.
- 12.3 The arrangement of cycle storage and provision is acceptable, however further detail will be secured by condition.

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 five additional residential units are proposed, a financial contribution of £30,000 would be expected.

14. Conclusion

- 14.1 The Appeal Inspector previously concluded that whilst the proposals would not have a detrimental effect on the appearance of the host building or the street-scene, that it did not outweigh the material harm from the amenity impacts identified to surrounding neighbouring residents.
- 14.2 In view of the previous appeal decision and the steps taken by the applicant to address the amenity impacts of the development which in the opinion of

staff negate the adverse impacts previously identified, approval is recommended subject to the section 106 agreement and conditions.

- 14.3 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.