

REGULATORY SERVICES COMMITTEE

15 March 2018

REPORT

Subject Heading:

P1749.17

86 Station Lane, Hornchurch

Revised application for a part single/part two storey side extension and a single storey rear extension for the conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage and a refuse and recycling store

(Application received 25-10-2017)

SLT Lead:

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Ward:

St. Andrew's

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

This proposal seeks consent for a part single/part two storey side extension and a single storey rear extension for the conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage and a refuse and recycling store. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

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:

- A financial contribution of £18,000 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.
- To restrict future occupiers from obtaining parking permits.

That, if by 15th July 2018 the legal agreement has not been completed, the Assistant Director of Development is delegated authority to refuse planning permission.

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. Samples of 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(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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 the LDF Development Control Policies Development Plan Document Policy DC61.

4. Parking provision - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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.

5. Landscaping - No works shall take place in relation to any of the development hereby approved 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.

6. Boundary treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason: Insufficient information has been submitted to ensure that the occupants of the development and property are not subject to any risks from soil gas and/or vapour in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC53.

8. Noise assessment - Prior to the commencement of any development, an assessment of the impact of existing external noise sources on the new development shall be undertaken. Assessment shall include but not be limited to the impacts of plant, machinery and entertainment noise arising from 84 Station

Lane, Hornchurch, RM12 6LX. Reference should be made to the guideline internal noise values in BS8233: 2014 - Guidance on sound insulation and noise reduction for buildings and World Health Organisation (WHO) - Guidelines for Community Noise 1999. Thereafter, as necessary, a scheme detailing measures to mitigate and minimize adverse impacts of noise on health and quality of life shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents' health and quality of life against the adverse effects of existing noise sources.

9. Refuse/recycling - No building shall be occupied or use commenced until refuse and recycling facilities are 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.

10. Cycle storage - No building shall be occupied or use commenced until cycle storage is 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.

11. Obscure glazing - The proposed first floor flank window serving a shower room to Flat 5 on the flank wall of the proposed two storey side extension as shown on Drawing No.'s 15-1196-30 and 15-1196-31A shall be permanently glazed with obscure glass not less than obscurity level 4 on the standard scale of obscurity and shall thereafter be maintained.

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

12. Standard flank window condition - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) 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.

13. 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.

14. Minor space standards - Minor (up to 9 units): 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.

15. 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: 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. 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 £1,760 (this figure may go up or down, 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. 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.

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is a detached two storey house built in the early part of the 20th century and which faces east onto Station Lane. The house has an east facing gable feature to the right of the front door, and ground and first floor bay windows to the left. The roof is finished in a hipped end to the south. The house is set back from the footway by 7 metres and there is a generous rear garden. To the side of the house is a detached garage. The house is currently divided into two flats with a ground floor flat accessed by the original front door and the flat occupying the rest of the house by an entrance in the south flank behind the garage.
- 1.2 To the north of the property is 84 Station Lane which is another detached house, this has been considerably extended to the side and rear and is now in use as a restaurant and banqueting suite. To the south is 88 Station Lane which is a two storey detached dwelling; to the east is Station Lane and to the west are the rear gardens of houses facing north onto Stanley Road and south onto Devonshire Road.

2. Description of Proposal

- 2.1 This is a revised application for the demolition of the garage and the erection of a part single/part two storey side extension and a single storey rear extension associated with the subdivision of the property to provide 5 self-contained flats (2 one-bedroom and 3 two-bedroom) together with 1 parking space, 10 cycle spaces and a refuse and recycling store.

3. Relevant History

- 3.1 P1635.16 - part single/part two storey side extension and single storey rear extension for conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage, and a refuse and recycling store – Refused. Dismissed on appeal.
- 3.2 P0353.16 - Part single/part two storey side extension and single storey rear extension associated with subdivision of property to provide 5 self-contained flats (3 x one-bed, 1 x two-bed, 1 x three-bed) together with 3 parking spaces, 20 cycle spaces and refuse and recycling store- Refused.

4. Consultation/Representations

- 4.1 Consultation letters were sent to the occupiers of 26 neighbouring properties. Five letters of objection were received with detailed comments that have been summarised as follows:
- The garage to be demolished has an asbestos roof and the correct procedures should be followed to ensure that there is no contamination of surrounding properties.
 - There is a mature Copper Beech tree in the garden of the neighbouring property to the south which is the subject of a tree preservation order. The proposed rear extension would damage the tree's roots.
Note: the tree is identified as T9 in TPO 6/90. If permission were to be granted then a condition would be imposed requiring the submission and approval of a methodology for ensuring that no damage is caused to the tree.
 - Windows in the south elevation of the extension should be obscure glazed and fixed shut to avoid overlooking and loss of privacy.
 - Overdevelopment.
 - Noise.
 - The proposal would put pressure on on-street parking in the area.
 - Congestion.
 - The traffic survey was undertaken in the early hours of the morning and the parking survey was done after midnight and as such, they do not provide a realistic picture of the parking or traffic situation during the day.
 - The parking survey is out of date as The Avenue is now resident only parking.
 - Highway and pedestrian safety.
 - Lack of consultation and no site notice.
 - Access.
 - Impact on residential amenity.

- Overlooking and loss of privacy.
- Visual impact and out of character.
- The side extension would be out of scale with the proportions of the original building, appear cramped and lack subservience.
- Lack of accessibility to the amenity space provision.
- Loss of light.
- Ventilation.
- Nothing has changed since the previous applications.
- Reference was made to a petition that was received for the previous application, P1635.16 with 42 signatures outlining concerns that the existing parking problems in the area would be made worse by the proposal.
- Requested a Planning Officer to visit a neighbouring property.
- Reference was made to previous objections under applications P0353.16 and P1535.16, which should be taken into account for this application.

4.2 In response to the above, the Council has a duty to consult neighbouring properties that abut the application site and any wider consultation is carried out at the Council's discretion. There is no requirement to provide a site notice. Comments regarding ventilation is not a material planning consideration and is a building control matter. The remaining issues are addressed in the following sections of this report.

4.3 Highway Authority - Given the comments made by the Inspector for the appeal for P1635.16, the Highway Authority is unable to object to the proposal because of a shortfall on parking, however, a legal agreement is requested to restrict future occupiers from obtaining parking permits if at all possible (see Highways section below).

4.4 Environmental Health - No objections or comments in terms of air quality. Recommend a condition regarding a noise assessment to be undertaken including the impacts of plant, machinery and entertainment noise arising from 84 Station Lane, Hornchurch if minded to grant planning permission. The site is located within a 250m radius area of a former unlicensed landfill (land adjacent to Mill Cottage). To address any potential risks of ground gas presence and release to the proposed development, it is recommended that a condition is placed regarding gas protection measures.

5. **Relevant Policy**

5.1 Policies CP1 (Housing supply), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential and Subdivisions of Residential Uses), DC29 (Educational premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC55 (Noise), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant and the Housing SPG. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. **Mayoral CIL implications**

- 6.1 The proposal would be liable for a Mayoral CIL contribution of £20 per square metre. The additional floor space provided by the extensions is 88 square metres and the contribution would be $20 \times 88 = £1,760$ (subject to indexation).

7. **Staff Comments**

- 7.1 This application follows two previous applications on the site - references P0353.16 and P1635.16, which were both refused. P1635.16 was for a part single/part two storey side extension and single storey rear extension for conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage, and a refuse and recycling store that was refused planning permission for the following reasons:

1) The design, width and roof form of the proposed two storey extension would fail to respect the original building and detract from its appearance harmful to the character of the streetscene contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

2) The proposed development would, by reason of a lack of private amenity space provision for flats 1, 4 and 5 and due to the site layout, the communal amenity space for flats 1, 4 and 5 is not particularly useable or of a high quality given its lack of accessibility for future occupiers of these flats harmful to their residential amenity contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the Design for Living Residential Design Supplementary Planning Document.

3) The proposed development would, by reason of the creation of two, one bed and three, two bedroom residential units and the provision of only one car parking space for future occupiers result in increased parking congestion in surrounding streets, harmful to the amenity of surrounding occupiers and to the functioning of highway, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework.

4) The widening of the access to provide the parking would impact the adjacent bus stop and be detrimental to the amenity of passengers contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document.

5) In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

7.2 Application P1635.16 was subsequently dismissed on appeal, as the proposed development would be harmful to the character and appearance of the host property and the area and the proposed development would be harmful to highway safety. The Inspector concluded that the proposed development would not harm the living conditions of future occupiers and would not have an adverse impact upon on-street parking provision. The appeal decision for P1635.16 is a material consideration when reviewing the merits of this application.

7.3 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme, P1635.16, in the following key areas:

- Broken the frontage line and set the main wall of the extension back 0.5m and introduced a square bay in a similar but smaller format to the main existing frontage bay with a flat roof.
- Lowered the eaves level. The overall ridge height of the extension has reduced by approximately 0.35m.

7.4 The report covers the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements.

8. Principle of Development

8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.

8.2 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 redevelopment of this existing residential site. The proposal is therefore acceptable in principle and in accordance with Policy CP1.

9. Design/Impact on Street/Garden Scene

9.1 The appeal decision for P1635.16 stated that "The proposed side extension, whilst incorporating sash windows and being of brick construction, is of

bland design and lacks the strength of features and architectural detailing of the original building. Although the ridge of the proposal would be lower than that of the existing building, the proposal, by continuing the front building line and eaves height of the original building, would not appear as a subordinate addition to the original building. The proposal would substantially extend the frontage and create an addition out of scale with the proportions of the original building. Taken together, the proposal would create a large addition of visually inferior appearance and would diminish the attractive character and appearance of the original property and the area".

- 9.2 For this proposal, the main wall of the extension has been set back 0.5m and there is a square bay window in a similar but smaller format to the main existing frontage bay with a flat roof. The eaves of the side extension have been reduced in height and the overall ridge height of the extension has been reduced by approximately 0.35m. When reviewing the merits of this application, it is considered that the above changes have brought the proposal within the realms of acceptability and the changes to the architectural detailing of the two storey side extension represent an improvement. Overall, Staff consider that the two storey side extension would appear subservient to the existing building and would integrate satisfactorily with the streetscene.

10. Impact on Amenity

- 10.1 It is not considered that the proposal would have a material detrimental impact on the amenity of neighbouring occupiers. No. 88 Station Lane has a side door, one ground floor and one first floor flank windows that serve a hallway and landing and all of these are obscure glazed. The front of the two storey side extension is set further back than the ground floor side flank window of the dwelling to the south and does not extend far enough back to cause loss of light to the living room window to the rear of that property. The only first floor flank window in the two storey side extension serves a shower room and this could be conditioned to be obscure glazed if minded to grant planning permission. The rear windows look out onto the generous rear garden (with a depth of between 17 and 20 metres) and there is therefore no potential for loss of amenity from these. Staff consider that the proposed development would not create any additional overlooking or loss of privacy to neighbouring properties (including those to the rear of the site in Devonshire Road) over and above existing conditions.
- 10.2 The Technical Housing Standard states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. Bedroom 1 of Flat 4 (on the first floor) has a width of 1.9 metres, which technically does not meet the 2.15 metres in line with the DCLG Technical Housing Standard. However, given that the size and width of bedroom 2 meets the Technical Housing Standard and the gross internal floorspace of the proposed dwelling meets the standard, Staff consider that the resultant harm to the living conditions of future occupiers is not so severe as to recommend refusal on this ground. The proposal meets the remaining criteria of the Technical Housing Standard.

- 10.3 The previous application, P1635.16, was refused on the ground that the proposed development would, by reason of a lack of private amenity space provision for flats 1, 4 and 5 and due to the site layout, the communal amenity space for flats 1, 4 and 5 is not particularly useable or of a high quality given its lack of accessibility for future occupiers of these flats harmful to their residential amenity.
- 10.4 The appeal decision stated that "Whilst some of the proposed flats would not have individual private outdoor amenity spaces, the communal space to the rear of the building is large...and would be a private, attractive, functional and safe environment" for future occupiers. The Inspector concluded that the proposed development would not harm the living conditions of future occupiers.

11. Highway/Parking

- 11.1 In terms of parking, the third reason for refusal for P1635.16 stated that: "The proposed development would, by reason of the creation of two, one bed and three, two bedroom residential units and the provision of only one car parking space for future occupiers result in increased parking congestion in surrounding streets, harmful to the amenity of surrounding occupiers and to the functioning of highway, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework".
- 11.2 The appeal decision for P1636.15 stated that "The proposal, with one off-road car parking space, would fall well below the Borough's adopted parking standards of 1 to 1.5 spaces per unit. The appeal is supported by a transport statement that highlights the proposed development could be expected to generate a parking demand for six vehicles". The Inspector gave consideration to the good public transport links in the area, the proposed cycle parking provision and was of the view that "the increase in on-street parking would be low. Whilst normally parking provision should be made on site, there is no substantive evidence before me that would suggest vehicles could not be parked on the surrounding highways". The Inspector concluded that the proposal would not have an adverse impact upon on-street parking provision.
- 11.3 Given the comments made by the Inspector for the appeal for P1635.16, the Highway Authority have commented that they are unable to object to the proposal because of a shortfall on parking, however, a legal agreement is requested to restrict future occupiers from obtaining parking permits if at all possible.
- 11.4 The Inspector considered that any additional parking could be accommodated on surrounding streets. Given this finding, it would be difficult to sustain a refusal on parking grounds. However, a restriction on the ability of occupiers to obtain parking permits would mean that residents

would not be able to park in surrounding streets should controls be introduced in the future.

- 11.5 With regards to access, the fourth reason for refusal stated that "The widening of the access to provide the parking would impact the adjacent bus stop and be detrimental to the amenity of passengers contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document" and this was upheld on appeal.
- 11.6 For this proposal, the front boundary wall and hedge on the front boundary of the site would be retained in its entirety, which has addressed previous concerns regarding highway safety.

12. **Section 106**

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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.

- 12.6 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.
- 12.7 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.
- 12.8 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. The application dwelling currently comprises of two flats. The proposal seeks consent for five flats. It is considered that a contribution equating to £18,000 for educational purposes would be appropriate.
- 12.9 A unilateral undertaking was submitted for the appeal of P1635.16 with regard to a financial contribution for the proposed development towards the provision of school places. Given that the appeal was dismissed for other reasons, the Inspector advised that it was not necessary to consider this matter in any further detail. A unilateral undertaking for a contribution of £18,000 would be required for this proposal.

13. **Conclusion**

- 13.1 Having regard to all relevant factors and material planning considerations, including the appeal decision for P1635.16, Staff are of the view that this proposal would be acceptable. Staff consider that the proposal would integrate satisfactorily with the streetscene and would not be unduly harmful to residential amenity. 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 legal agreement to secure the education contribution and to restrict future occupiers from obtaining parking permits.

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.