

**REGULATORY SERVICES  
COMMITTEE  
15 March 2018**

**Subject Heading:**

**P1020.17: 60 St Mary's Lane, Upminster**

**Demolition of existing buildings and erection of new residential block comprising 4no. apartments. (Application received 26 July 2017)**

**Ward:**

**Upminster**

**SLT Lead:**

**Steve Moore  
Director of Neighbourhoods**

**Report Author and contact details:**

**Stefan Kukula  
Principal Development Management Officer  
[stefan.kukula@havering.gov.uk](mailto:stefan.kukula@havering.gov.uk)  
01708 432655**

**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 the demolition of the existing dwelling and the construction of a new residential development consisting of 4no. flats.

It raises considerations in relation to the impact on the character and appearance of the surrounding area, the impact on the residential amenity of the future occupants and of neighbouring residents, 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 390 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £7,800 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations:

- 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.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from obtaining or purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That, if by 15 June 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 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. Ground Levels

No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application to judge proposed ground and finished floor levels. Submission of details prior to commencement will ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

#### 5. Terrace Screening Treatments

Prior to the first occupation of the development, privacy screening treatments shall be provided for the private outdoor terraces associated with the ground floor flats in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Following installation, the screening treatments shall remain in place permanently.

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.

#### 6. 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.

## 7. 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.

## 8. Vehicle Cleansing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.

e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.

f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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

#### 9. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access gates to the service road, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

#### 10. Parking Provision

Before any of the dwellings hereby permitted are first occupied, the car parking as indicated in drawing no. SP1767-2 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.

#### 11. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities 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 the storage of refuse and recycling. 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.

## 12. 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.

## 13. 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.

## 14. 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.

## 15. Lighting

Prior to the first occupation of the building external lighting shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. 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 residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 16. Road Noise Assessment

No works shall take place in relation to any of the development hereby approved until an assessment is undertaken of the impact of road noise emanating from St Marys Lane upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. 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 and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application to judge the impact of road noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of road noise in accordance with Development Control Policies Development Plan Document Policy DC61.

## 17. Protection of Trees

No works shall take place in relation to any of the development hereby approved until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

Reason: Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.



## 18. 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 Gary Cumberland, via telephone. The revisions involved changes to the layout of the building and amenity areas. The amendments were subsequently submitted on 15 January 2018.
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 £7,800 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
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. If this cannot be met, a fire main should be provided and a pump appliance should be able to approach to within 18 metres of the inlet to the main, which should be visible from the appliance. The fire main should comply with BS9990:2015. There should also be a fire hydrant within 90 metres of the inlet to the fire main. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.
4. **Changes to the public highway (including permanent or temporary access)**  
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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

**Highway legislation**

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development.

Please note that unauthorised work on the highway is an offence.

**Temporary use of the public highway**

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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

**Surface water management**

The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

5. 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.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. 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.

8. 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 relates to 60 St Mary's Lane, Upminster. The site comprises a two storey house and detached double garage, positioned centrally within a rectangular plot. The property is set out with a driveway and parking area to the front and western side and garden to east and rear.
- 1.2 The surrounding area is of a mixed nature with residential properties to the west and directly opposite to the north at Carlton Close. Immediately to the south of the site is the Sacred Heart of Mary Girl's School. The Grade II listed Old Chapel building lies to the east.
- 1.3 The land has no specific designation in the Local Development Framework (LDF).

### **2. Description of Proposal**

- 2.1 The application is seeking planning permission for the demolition of the existing building and the construction of a new residential development consisting of 4no. two bedroom flats.
- 2.2 The proposed building would be positioned centrally within the plot and brought forward from the front building line of the existing house. The proposed block would comprise two main storeys with an additional third floor contained within the roof space and served by dormers and roof light windows.

- 2.3 The new building would measure approximately 16.6 metres in width, and project back into the site with a depth of 11.6metres. The proposal would incorporate a hipped crown roof design with central gabled feature and a ridge height of approximately 8.6 metres.
- 2.4 Off street parking provision for 6no. vehicles would be set out in a linear arrangement along the western boundary of the site.
- 2.5 A communal resident's refuse store and secure cycle storage facility would be positioned to the rear of the building.

### **3. Relevant History**

- 3.1 No recent relevant planning history.

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

- 4.1 Notification letters were sent to 74 properties and 1 representation has been received.
- 4.2 The comments can be summarised as follows:
- The boundary wall which runs alongside number 58 needs to be high for security, and to prevent overlooking from the car park.
- 4.3 In response to the above: a relevant condition will be included requiring the prior submission of all boundary treatments, including fencing along the boundary with no.58.
- 4.4 The following consultation responses have been received:
- Essex Water - no objection.
  - London Fire Brigade Water Team - no objection.
  - London Fire and Emergency Planning Authority - no objection.
  - Street Care - no objection.
  - Environmental Health - no objection, recommended a condition relating to a road noise assessment.
  - Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing as well as a restriction on future residents obtaining car parking permits.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), 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), DC67 (Buildings of Heritage Interest) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Heritage SPD, and Planning Obligations SPD (technical appendices).
- 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), 7.8 (heritage assets and archaeology), 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), 7 (Requiring good design), and 12 (Conserving and enhancing the natural environment), 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 and on the setting of the adjacent listed building, 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 NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.3 Under the provisions of the NPPF there is no priority given to residential plots and gardens as re-developable brownfield land. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

- 6.4 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

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

- 6.5 Policy 3.4 of the London Plan 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.
- 6.6 The proposal would provide 4no. residential units at a density equivalent to approximately 64 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 70 to 130 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 relevant internal floor space standards for 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 The proposed flats would be served by a 100 square metre communal garden area located adjacent to the eastern flank of the building. In addition, two ground floor flats would be served by private terrace areas tot eh rear of the block comprising 30 square metres and 15 square metres respectively.
- 6.11 It is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space. Accordingly, the communal garden space and terraces would be to a functional size and which would provide a satisfactory environment for their occupiers.

### ***Design/Impact on Streetscene & Setting of Adjacent Listed Building***

- 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. Policy DC67 states that planning permission will only be granted where it does not adversely affect the setting of a Listed Building. The National Planning Policy Framework (NPPF) advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset,
- 6.13 A key characteristic of this section of St Marys Lane is the gradient which rises from west to east. The site lies towards to the brow of the hill placing the new development in a more elevated position in relation to the house at 58 St Marys Lane to the west and at a lower ground level to that of the Old Chapel to the east. In this context the proposed block would form a more prominent feature in the St Marys Lane streetscene in comparison to the detached two storey dwelling and detached double garage that currently occupies the site.
- 6.14 Whilst the replacement building would be set closer to the site frontage, and be of a greater bulk and massing, it would also be positioned more centrally within the plot allowing the larger building to sit more comfortably within the site and reducing a sense of over dominance in the streetscene. The western flank elevation of the proposed building would appear the most prominent feature, particularly from views looking east along St Marys Lane, owing to the sloping ground level. However, the existing front building line of the Old Chapel hall would still sit further forward of the new building, maintaining a staggered building line arrangement. Given the amount of spacing between the properties, it is the view of Staff that each plot can be regarded with a greater degree of isolation.
- 6.15 The proposed new block would be set approximately 11 metres from the western flank elevation of the Grade II listed Old Chapel building which lies immediately to the east of the development site. A key consideration relates to the impact on the setting of the adjacent heritage asset, and in this instance Staff are of the view that the proposal would maintain a comfortable element of separation within the streetscene between the new and existing development. In addition, the mature trees and vegetation along the boundary would be retained providing a good level of natural screening between the two sites. As such the amount of spacing, coupled with the sloping gradient and mature vegetation, would be sufficient to maintain the characteristic setting of the listed chapel.
- 6.16 The surrounding buildings are drawn from a variety of heights and designs, with traditional two storey dwellings to the west and three-storey flat roof residential blocks immediately opposite. As such there is no prevailing design type in this locality. Nevertheless, the design and style of the proposed building is considered to largely adhere to the wider architectural character of the surrounding area.

- 6.17 On balance Staff are of the opinion that the scale of the proposed development would be acceptable and in accordance with policy, given the height and massing of the surrounding buildings.

### ***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 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the adjacent property at 58 St Marys Lane, located immediately to the west of the application site.
- 6.20 The new building would be set in from the boundary with No.58 by over 12 metres. Whilst it is acknowledged that the proposal would be significantly larger in terms of the overall depth and massing, Staff consider this to be a sufficient separation distance to maintain privacy and minimise overshadowing and loss of light.
- 6.21 The proposed car parking spaces would be set out in a linear arrangement adjacent to the western site boundary with No.58. Whilst it is recognised that there would be an intensification of residential use at the site, Staff are of the view that the amount of vehicle movements would not be significantly different from that of the existing dwelling, and crucially not to such a greater extent that would justify refusing the application on the grounds of noise and disturbance. Although it is a matter of judgement, Members may wish to consider that with the removal of the detached double garage, the proposal would result in a reduction in the amount of built development directly along the boundary with no.58.
- 6.22 The three-storey apartment blocks to the north of the site at Carlton Close would be located some 20 metres from the proposed development across the public highway on the opposite side of St Marys Lane. Given this distance it is not considered that the proposed development would present any undue impact on the residential amenity of these neighbouring dwellings.
- 6.23 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. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.



### ***Environmental Issues***

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

### ***Trees***

- 6.25 There are several preserved trees on site, subject of a group Tree Preservation Order (TPO) 23/85, including a sycamore and two limes located along the eastern boundary with the Old Chapel. There is also a grouping of other (unspecified) trees immediately to the rear of the site, along the southern boundary, subject to a group TPO 34-88. The eastern flank elevation of the new building would be positioned approximately 7 metres from the protected trees, providing sufficient spacing for the protection of the tree roots. Any future works to the tree canopies would require separate TPO consent. A condition for protecting the trees during development will be included.

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

- 6.26 The application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 4, meaning that the site offers a reasonably good degree of access to surrounding public transport.
- 6.27 The scheme can demonstrate off street car parking provision for 6no. vehicles; at a ratio of 1.5 spaces per dwelling on a paved forecourt area. This level of parking provision is acceptable and meets London Plan Policy 3.5. The increase in traffic along St Marys Lane as a result of the four additional dwellings and six parking spaces, is considered to be negligible and within acceptable limits.
- 6.28 The Local Highway Authority has raised no objection subject to the applicant entering into a legal agreement to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed development would result in parking or highway safety issues.
- 6.29 A communal resident's refuse store and secure cycle storage area have been indicated on the proposed layout plan located to the rear of the block, however further details of these facilities and arrangements will be obtained through the inclusion of relevant conditions.

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

- 6.30 The proposed development will create 4no. residential units with 390 square metres of new gross internal floor space. Therefore the proposal is liable for

Mayoral CIL and will incur a charge of £7,800 (subject to indexation) based on the calculation of £20.00 per square metre.

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

- 6.31 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.
- 6.32 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.
- 6.33 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.
- 6.34 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.
- 6.35 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.
- 6.36 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.

- 6.37 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.
- 6.38 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. In this case the development would replace an existing house on the site, resulting in the net addition of 3no. dwellings. It is considered that a contribution equating to £18,000 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 the completion of a Section 106 legal 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 setting of an adjacent listed building and the impact on the amenity of the neighbouring residents.
- 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 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.
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## **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.

<b>BACKGROUND PAPERS</b>
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Application form, supporting statements, and drawings received 26 July 2017, and amended plans received on 14 December 2017.