



# REGULATORY SERVICES COMMITTEE

15 March 2018

# REPORT

**Subject Heading:**

**P0485.17**

123 Victoria Road, Romford

The demolition of a redundant joinery workshop and store and the construction of a terrace of four 2 bedroom homes (Application received 23-03-2017)

**Ward:**

Romford Town

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

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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**

The application was previously considered by members on June 29<sup>th</sup> 2017 and the resolution was made to grant planning permission subject to the completion of a legal agreement to secure a contribution towards education infrastructure and to prevent future occupiers from obtaining residents parking permits. The timescale set out in the recommendation for completion of the Section 106 required that if it was not completed by December 29<sup>th</sup> 2017 that the application would be referred back to planning committee. The reasons for the application not adhering to those timescales are due to the applicant entering into a dialogue with the Local Authority regarding the Section 106 Agreement and planning conditions imposed.

As with the previous submission the proposals comprise of the demolition of two existing buildings within a commercial yard and the formation of a terraced row comprising of four, two bedroom dwellings with off-street parking and private amenity space. It 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. It is worth noting that the development remains identical to that previously considered.

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 874 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £500 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 and that if by 22<sup>nd</sup> June 2018 the legal agreement has not been completed, the Assistant Director Development is delegated authority to refuse planning permission.

- A financial contribution of £24,000 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 Director of Neighbourhoods 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**

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.

### **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. Landscaping**

No development above ground level 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

#### **5. Boundary Treatment**

No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are 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.

#### **6. 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.

## **7. 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.

## **8. Removal of permitted development rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

**Reason:** In the interests of retaining a satisfactory level of amenity for future occupiers given the size of the plots, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## **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.

## **10. Hours of Construction**

No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

**Reason:** To minimise the impact of the development on the surrounding area in the interests of amenity.

## **11. Railway noise**

Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

- a) Railway noise (in accordance with the Technical memorandum, 'Calculation of Railway Noise', 1995)
- b) Vibration noise from the use of the railway lines

Upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to, approved in writing by, the Local Planning Authority, implemented prior to occupancy taking place.

**Reason:** To protect residents from transportation noise and vibration

## **12. 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:** Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

### **13. Air Quality Assessment**

Prior to the commencement of any works pursuant to this permission, the developer shall submit for the written approval of the Local Planning Authority;

- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
- b) The air quality assessment shall include a prediction of future air quality without the development in base (future baseline)
- c) The air quality assessment shall predict air quality with the development in place (with development)
- d) The air quality assessment should also consider the following information;
  - A description containing information relevant to the air quality assessment
  - The policy context for the assessment- national, regional and local policies should be taken into account.
  - Description of the relevant air quality standards and objectives.

- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/ mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see: 'EPUK Guidance Development Control: Planning for Air Quality (2015 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

**Reason:** To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

#### **14. Contaminated Land 1**

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for



contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

## **15. Contaminated Land 2**

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

**Reason:** To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

## **16. Access**

The 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.

## **17. 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.

## **18. Sound Insulation**

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties.

## **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 required**

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

### **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 £500 (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. Changes to the Public Highway**

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 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.

### **5. 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 works on the highway is an offence.

## **6. 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 license is required and Streetcare should be contacted on 01708434343 to make the necessary arrangements.

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

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

## **8. AQA Modelling**

The applicant shall be aware of the following:

- AQ modelling must be based transport related inputs which have been approved by LB Havering's Transport Assessment team.
- It is essential that junctions and heavily congested roads are modelled accurately and this is reflected in the choice of relevant node spacing and vehicle speed inputs.
- Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing.
- It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation.
- Margin of error must not exceed 4 (refer to LAQM guidance as best practice).
- A cumulative assessment of major committed developments in the area must be incorporated into the modelling.
- Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5 µg/m<sup>3</sup> is considered significant in areas where present concentrations are breaching limit values and shall be

assessed as such. Such changes do not contribute towards EU limit values (NPPF paragraph 124).

- Any other scenarios should be considered which are relevant to this site

## **9. Sprinkler System**

The attention of the applicant is drawn to comments received from the Fire Brigade who suggest that if a suitably sized turning facility for a pump appliance is not provided at the far end of the site, that the provision of domestic sprinklers throughout each of the dwellings should be considered as an alternative.

## **Background**

The application has previously been considered by members. The previous resolution of members required that if the Section 106 Agreement to secure a financial contribution towards education infrastructure and a restriction on future occupiers obtaining residents parking permits was not completed by December 29<sup>th</sup> 2017 that the application would need to be returned to Regulatory Services Committee. The revised wording in this report would allow the Council to refuse planning permission should the applicant not complete the Section 106 Agreement in the timeframe given.

The reason that the deadline was not adhered to previously was due to the applicant entering into a dialogue with the Council to query planning conditions imposed and also other details relating to the S106 agreement. The Council has set out its position and justification for the conditions which have been applied to this current iteration of the development proposals in writing to the applicant and save for the removal of three planning conditions and the addition of an informative in place of one of those conditions the Council are not willing to consider any further changes. It is understood that the applicant would consider their options in the event of members resolving to grant planning permission. The conditions that have been removed were not considered to alter the acceptability of the current proposals. Two of the conditions which were removed from the current proposals were highways related and were not recommended by the Highway Authority. The other condition removed has been applied as an informative, consistent with other applications where a sprinkler system has been requested as an alternative to a turning facility for a pump appliance by the Fire Brigade.

As the proposed development remains identical to that previously considered, the report is therefore reproduced below with the sole addition being point 12.7 of the Highways section. This addition references the requirement to secure a restriction on future occupiers obtaining parking permits.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises of an area of land located on the North side of Victoria Road. The site at present has two existing buildings, both observed at the time of site inspection to be in a general state of disrepair and of no architectural merit.
- 1.2 The application site is located to the rear of an existing detached building in use as offices presently and backs onto the Railway Line to the north of the site.
- 1.3 The site is set back from the highway and is accessed via an existing service road which runs perpendicular to the shared boundary. Ground level is relatively even.

### 2. Description of Proposal

- 2.1 Permission is sought for the demolition of the existing redundant joinery building and lock-up store and the formation of a terraced row of four, two bedroom dwellings.
- 2.2 The existing vehicular access will be utilised, however the site will be resurfaced to accommodate vehicle parking. A total of 12 spaces are shown.

### 3. History

ES/ROM/411/53 - Use for joinery shop - APPROVED

ES/ROM/411/B/53 - Permanent use of existing joinery workshop - APPROVED

408/58 - Extension to joinery workshop - APPROVED

1981/70 - New Storage Building - APPROVED

P1970.16 - The demolition of a redundant joinery workshop and construction of a terrace of five two bedroom homes - REFUSED

- The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 and the Residential Design SPD.

- The proposed development would, by reason of its size, scale, design, position and proximity to neighbouring properties represent intrusive and overbearing development, which would be out of character with its surroundings and have a serious and adverse effect on the living conditions of adjacent occupiers, including potential for overlooking and loss of privacy, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 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.

#### **4. Consultation/Representations**

- 4.1 Neighbour notification letters were sent to 45 neighbouring occupiers. One letter of representation was received at the time of writing which expressed a concern over the access to the site and inadequate parking for residents/visitors. The highways impacts of the development will be fully assessed within the body of this report.
- 4.2 Highway Authority - No objections, subject to conditions.
- 4.3 Environmental Health - No objections, subject to conditions.

#### **5. Relevant Policy**

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), 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 In addition the Residential Extensions and Alterations SPD and the Residential Design SPD
- 5.2 Policies 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 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.
- 5.3 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

## **6. Mayoral CIL implications**

- 6.1 The proposed development will require the demolition of approximately 298m<sup>2</sup> of existing built form and the formation of four two bedroom units with a gross internal floor area of 323m<sup>2</sup>.
- 6.2 In total the proposal would create 25m<sup>2</sup> of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £500 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 impact on local character/the established pattern of development, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.
- 7.2 In addition, this application follows a previous submission in 2016 and therefore whether the previous reasons for refusal have been addressed is a primary factor in the assessment of this current application.

## **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. The proposal is therefore acceptable in land use terms.

## **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 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas 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 For two storey, two bedroom, three person dwellings the required gross internal floor area is set at a minimum 70m<sup>2</sup>. Each of the proposed units would exceed this standard, with floor area of 80m<sup>2</sup> measured internally. In addition to a satisfactory gross internal floor area, the proposed dwellings would benefit from sufficient headroom and bedroom size/mix. It is the opinion of staff that the proposed dwellings would comply with all other standards which must be applied. It can therefore be concluded that an

internal arrangement capable of providing a standard of living acceptable for future occupiers which would meet the aims and expectations of the London Plan is demonstrated.

- 9.4 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The previous application was unable to demonstrate an adequate arrangement of amenity space in line with the requirements of the SPD.
- 9.5 The current submission has relocated the terraced row from a position perpendicular to the shared boundary, to a position more central within the site. Whilst still allowing for adequate space for the manoeuvring of vehicles to/from the dwellings, the altered position and reduced number of units allows for a greater degree of separation from the rear boundaries of the site and thus an increased area set aside for amenity space. The rear gardens for the proposed dwellings in terms of size vary from between 35m<sup>2</sup> and 42m<sup>2</sup>. This is a significant improvement over the previous submission which demonstrated an outdoor area of only 15m<sup>2</sup> for each of the dwellings.
- 9.6 It is recognised that the surrounding dwellings within this location are characterised by private spacious rear gardens and therefore the view could be taken that the arrangement shown does not replicate that prevailing character.
- 9.7 However, the amenity space shown would nevertheless align with the requirements of the Residential Design SPD. Staff consider that an adequate and functional space would be provided. Therefore the previous reason for refusal has in the view of staff been overcome.

## **10. Design/Impact on Street/Garden Scene**

- 10.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the NPPF reinforces this by placing emphasis on good quality, design and architecture.
- 10.2 The proposed terraced row would share the same overall ridge height/eaves height among other unifying architectural qualities.
- 10.3 The previous submission sought a terraced row of five units, perpendicular to the shared boundary with adjacent residential occupiers. The current submission reduces the number of units and thereby the scale, bulk and mass of the development equivalent to one dwelling and relocates the terraced row to a position more central within the site with greater separation from site boundaries - and adjacent neighbouring occupiers.
- 10.4 The wider locality is not entirely devoid of backland development. It is recognised that parts of Victoria Road, particularly to the west of the site are characterised by development to the rear and that this is also a feature of the application site. The previous submission was judged to result in a discordant feature, visually out of scale with its surroundings.



- 10.5 The reduction in scale implemented by the applicant seeks to address the previous refusal reason. Whilst materially larger than the existing buildings which would be replaced, the terraced row would be satisfactorily set in from site boundaries so as not to appear overly cramped as is often the case with such development.
- 10.5 Staff consider the proposed development to represent an acceptable redevelopment of the site from its historic commercial use and that previous reasons for refusal have been overcome.

## **11. Impact on Amenity**

- 11.1 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.
- 11.2 It is unlikely that the proposed development would result in any unacceptable loss of light, or give rise to a level of overshadowing outside of acceptable parameters due to the positioning of the terraced row within the plot and the orientation of the site relative to neighbouring premises/rear gardens.
- 11.3 The closest neighbouring property would now be in excess of 33 metres from the front elevation of the terraced row, which is an increase of some 10 metres. Previously, the close proximity to shared boundaries and unimpeded views from first floor rear windows was deemed to result in an unacceptable level of overlooking, harmful to neighbouring amenity. Staff consider that this has now been addressed.
- 11.4 The relocation of the terraced row to a more central position has allowed for a greater separation from site boundaries and in reducing the number of units the bulk of the terraced row has also been scaled down. Therefore the visual impact of the dwellings from the rear windows of adjacent neighbouring occupier's rear gardens/windows has been lessened when seen within the context of the previous submission.

## **12. Highway/Parking**

- 12.1 The site would utilise an existing vehicle crossover from Victoria Road which has historically been used to gain access to the joinery/storage unit. The access would appear to be of a sufficient width to accommodate traffic to/from the proposed dwellings with adequate space for manoeuvring.
- 12.2 The public transport accessibility level rating for the site is 6A which is the second highest rating and translates to good access to public transport.

Consequently there are grounds to allow a reduced level of off-street parking, owing to the relatively central location of the proposed development.

- 12.3 The proposal makes provision for one off-street parking space per dwelling. It is considered that this arrangement is acceptable.
- 12.4 The development also shows the provision of a parking area to be laid out to the rear of no.123 Victoria Road. This has not been taken into consideration however as is not shown to be within the application site by the site location plan provided with the submission. Cycle storage could be secured by condition.
- 12.5 It must be recognised that the Highway Authority have not raised any objection, subject to the imposition of appropriate conditions.
- 12.6 The site does not enable access for refuse collection but no objection has been raised to this providing a communal bin or collection point is provided within 30m of the main road. Although not provided for in the proposals, this could be secured by condition in event of approval.
- 12.7 Members in resolving to grant permission included a parking permit restriction due to concerns with regards to capacity and overspill onto the surrounding highways network.

### **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 £24,000 would be expected. On the basis that this scheme is recommended for refusal, the failure to secure this contribution forms grounds for refusal.

## **14. Conclusion**

- 11.1 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 completion of the Section 106 agreement and the monitoring of planning conditions given earlier in this report.

## **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.