



# REGULATORY SERVICES COMMITTEE

26 April 2018

# REPORT

**Subject Heading:**

**P1887.17**

Scout Hall adjacent 16 Queens Park Road, Romford

Demolition of existing scout hut and erection of four two bedroom properties

(Application received 16-11-2017)

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

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**Ward:**

Harold Wood

**Policy context:**

Local Development Framework  
The London Plan

National Planning Policy Framework

**Financial summary:**

None

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

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

## SUMMARY

This proposal seeks consent for the demolition of the existing scout hut and the erection of four, two bedroom properties. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## RECOMMENDATIONS

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

- A financial contribution of £24,000 to be used for educational purposes.
- A financial contribution of £2,500 to re-provide lost residents' parking spaces.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- To restrict future occupiers from obtaining parking permits.

That, if by 24<sup>th</sup> August 2018 the legal agreement has not been completed, the Planning Manager has delegated authority to refuse planning permission.

That the Planning Manager 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 - The proposed development hereby approved shall be constructed in accordance with the materials detailed on Section 4 of the Design, Access and Supporting Statement unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

5. Landscaping - No works above ground shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a

scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

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

7. Railway Noise assessment - Prior to the commencement of any development, an assessment of:
  - a) railway noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995) and;
  - b) railway vibrationand their impact on the proposed development shall be undertaken. Where necessary, 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 and implemented prior to occupancy.

**Reason:** To protect residents from the adverse impacts of transportation noise and vibration.

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 amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. Refuse/recycling - No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

**Reason:** Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to

occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Cycle storage - No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

**Reason:** Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

11. Obscure glazing - The proposed ground and first floor flank windows serving a W.C and bathroom respectively on the flank wall of the proposed dwellings as shown on Drawing No.'s D1616/FE/01 Rev. b and D1616/FE/02 Rev.b shall be permanently glazed with obscure glass not less than obscurity level 4 on the standard scale of obscurity and shall thereafter be maintained.

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

12. Standard flank window condition - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

13. Hours of construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

**Reason:** To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. 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 breakdown 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.

15. Construction Method Statement - 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.

16. Minor space standards - Minor (up to 9 units): All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

**Reason:** In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

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.

## **INFORMATIVES**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5,600 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

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

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site comprises of a vacant scout hut located on the south eastern side of Queens Park Road. The surrounding area comprises of two storey terraced, semi-detached and detached houses and flats. The site backs onto a railway line.

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

- 2.1 This application seeks consent for the demolition of the existing scout hut and the erection of four, two bedroom properties in a terrace, together with 4 parking spaces and 8 cycle spaces.

### 3. **Relevant History**

- 3.1 None.

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

- 4.1 Consultation letters were sent to the occupiers of 27 neighbouring properties. Two letters of objection were received with detailed comments that have been summarised as follows:

- Greater pressure on parking.
- The proposal involves the loss of two existing parking permit spaces on the road.
- Insufficient parking for these two bedroom houses.



- There should be fewer dwellings with more off road parking for each.
  - Concerns regarding the distance between a neighbouring property and the proposed new build in terms of ensuring sufficient access for maintenance.
  - Satisfied with the look and design of the build, as it would enhance the road.
- 4.2 In response to the above, the proposed dwellings would be set in by 1 metre from both side boundaries of the site enabling maintenance to be undertaken. The remaining issues are addressed in the following sections of this report.
- 4.3 StreetCare Department - The waste storage areas are located at the rear of the building. Currently low rise properties receive a sacks collection service. The waste can be stored in the bins in the waste storage area, but waste and recycling sacks will need to be presented by 7am on the boundary of each property on Queens Park Road on the scheduled collection day.
- 4.4 Environmental Health - Recommend a condition regarding an assessment of railway noise if minded to grant planning permission. No objections regarding contaminated land.
- 4.5 The Highway Authority objects to the proposals. The site has a PTAL of 2 (poor) and is outside of the Harold Wood PTAL zone and therefore attracts a parking standard of 1.5-2 spaces per unit. 1 space per unit falls below this requirement. In addition, the vehicle access to the site will lead to the loss of 2 residents' parking permit spaces. The immediate area has a number of existing dwellings without any off street parking (or the possibility of any) and therefore the impact created by the on-site shortfall and loss of on-street parking will place additional parking pressure on Queens Park Road. DC33 applies. In the event planning consent is granted, it is requested that a legal agreement is put in place to prevent future occupiers obtaining resident parking permits and a S106 contribution to re-provide lost residents' parking spaces. The proposed cycle stores are not of sufficient size to practically access and store two cycles. The 1m wide walkways for units 1 and 4 are not wide enough to be practically useable by someone walking a cycle the front of the dwelling. Access for units 2 and 3 appears to be through the gardens of units 1 and 4 which is not practical; the fall back position of walking a cycle through units 2 and 3 is not practical. DC35 applies. There are no concerns in terms of access (other than the loss of parking), servicing and trip generation.
- 4.6 Fire Brigade - No additional fire hydrants are required.

## 5. **Relevant Policy**

- 5.1 Policies CP1 (Housing supply), CP2 (Sustainable Communities), CP8 (Community facilities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC27 (Provision of community facilities), DC29 (Educational premises), DC32 (The Road Network), DC33 (Car

Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), (Noise), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document and the Planning Obligations Supplementary Planning Document (Technical Appendices).

5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant and the Housing SPG. The DCLG Technical Housing Standards document is relevant.

5.3 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## 6. **Mayoral CIL implications**

6.1 The proposal would be liable for a Mayoral CIL contribution of £20 per square metre. The proposed dwellings have a gross internal floor area of 280 square metres and the contribution would be  $20 \times 280 = £5,600$  (subject to indexation).

## 7. **Staff Comments**

7.1 The main issues to be considered are the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements.

## 8. **Principle of Development**

8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. Policy DC27 states that planning permission which involves the redevelopment of a community facility will be granted where it can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use or where suitable alternative provision is made.

8.2 Kemsley LLP were instructed by the Scout Association Trust Corporation to market the former scout hut for sale freehold with vacant possession due to the property being surplus to requirements for the local scout group, 9<sup>th</sup> Squirrels Heath Group and lack of scout leaders to run the group. In 2010, the Group was therefore combined with the 8<sup>th</sup> Squirrels Heath Group, who meet circa 250 yards from the subject property and is well run and well supported group (with approx. 75 children) thus continuing the community group in the area.

- 8.3 The agent's supporting statement states that the scout hut was last used by the scouts in 2010 and it has not been occupied since then. The reason for the closure and subsequent sale was that the property is in very poor condition (with significant cracking to both the east and west elevations) and includes a large amount of asbestos. The Scout Association Trust Corporation was not in a position to invest significant sums of money to the property (estimated at £100,000) to make the required repairs, certainly on a cost effective basis. The property was marketed and it had interest from community groups, childcare operators and developers. However, the only offers received were from developers, as the property was considered to be unfit for alternative purposes. Other community centres can be found within the area - there are two centres on Gubbins Lane - the Harold Wood Neighbourhood Centre and Ingrebourne Centre, which are 0.5 miles from this site. These are both accessible from Harold Wood Station and are within walking distance of the proposed site. There is also the Harold Hill Community Centre, which is 1 mile from the proposed site and is accessible from the station.
- 8.4 Staff consider that the above information clearly demonstrates that there is no longer a need for the scout hut and there is suitable alternative provision nearby. As such, the principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.

## **9. Density/Site layout**

- 9.1 The site has a PTAL of 2 and the area is considered to be suburban in character. Policy 3.4 Table 3.2 of the London Plan indicates that for 2.7-3.0 habitable rooms/unit, a density range of 50-95 units per hectare would be appropriate. The application site covers an area of approximately 0.04 hectares. The proposed density of development is 99 units per hectare. The proposed development is marginally above the indicated range, however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties. The layout and scale of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF.
- 9.2 Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set this at 70m<sup>2</sup> for a two storey, 2-bed 3-person dwelling. The proposed dwellings have an internal floor space of 73 square metres, which meets the recommended guidance. The dwellings meet all the remaining criteria of the DCLG Technical Housing Standards.

9.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the proposed dwellings have a private amenity space of between approximately 27 and 35 square metres. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

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

10.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

10.2 The proposed dwellings would consist of facing brickwork, an off white coloured render and slate grey roof tiles. It is considered that the proposed dwellings would integrate satisfactorily with the surrounding area and their design is visually acceptable in streetscene terms. The dwellings have hipped roofs, which minimise their bulk and two projecting gables, which provide articulation to their front facade.

## 11. **Impact on amenity**

11.1 There is a maisonette at No. 18 Queens Park Road, which is located to the north east of the site and has a side entrance door. It is considered that the proposed dwellings would not result in a significant loss of amenity to No. 18 Queens Park Road, as it does not have any flank windows and there would be a flank to flank separation distance of between approximately 3.5 and 4 metres between the nearest proposed dwelling and this neighbouring property, which would help to mitigate their impact. The proposed dwellings have single storey rear projections with hipped ends, which would help offset their impact. It is considered that the proposed dwellings would not result in a significant loss of amenity to No. 18 Queens Park Road, as Property 1 would not impede a rule of thumb notional line was taken from this neighbouring property, created by a 2m set in and permissible depth of the first floor rear extension at 3m.

11.2 Staff consider that the proposed dwellings would not result in a significant loss of amenity to No. 14 Queens Park Road, as it has a ground and first floor rear extension, which would help to mitigate the impact of the proposal. No. 14 Queens Park Road has two first floor flank windows that serve bathrooms, are obscure glazed and are not habitable rooms. There would be a flank to flank separation distance of 1 metre between No. 14 Queens Park Road and the nearest proposed dwelling. There is favourable

orientation as the proposed development is located to the north east of this neighbouring property. The ground floor W.C and first floor bathroom windows of the proposed dwellings could be obscure glazed if minded to grant planning permission.

## 12. Highway/Parking

12.1 For a PTAL of 2-4, the London Plan car parking standard for 50-95 units per hectare is up to 1.5 spaces per unit. It is proposed to provide 4 parking spaces, which amounts to one space per unit. The Highway Authority objects to the proposals on the following grounds: the site has a PTAL of 2 (poor), is outside of the Harold Wood PTAL zone and therefore attracts a parking standard of 1.5-2 spaces per unit (as per Policy DC33 of the LDF). 1 space per unit falls below this requirement; the vehicle access to the site will lead to the loss of 2 residents' parking permit spaces; the immediate area has a number of existing dwellings without any off street parking (or the possibility of any) and therefore the impact created by the on-site shortfall and loss of on-street parking will place additional parking pressure on Queens Park Road.

12.2 When reviewing the merits of this application, consideration was given to the fact that the parking standards contained in Policy DC33 of the LDF have been superceeded by those in the London Plan, which are lower at up to a maximum of 1.5 spaces per unit. Given that the site is within five minutes walking distance of Harold Wood train station, the proposed dwellings are two bedroom, three person units and there is one off street car parking space per unit, Staff consider that there are insufficient grounds to refuse planning permission based on a lack of car parking provision, although this is a matter of judgement for Members. A legal agreement to prevent future occupiers obtaining resident parking permits and a S106 contribution of £2,500 to re-provide lost residents' parking spaces elsewhere can be secured, which Staff consider would offset any increase in on street parking as a result of the development. Staff also note that single yellow line markings preventing parking between the hours of 10.30am and 11.30am are present outside of the permit bays. The servicing arrangements are considered to be acceptable.

12.3 The Highway Authority has raised additional concerns regarding the practicality of the proposed cycle storage arrangements for each of the units. Whilst the issue of access is a buyer beware issue, further details of the storage solution can be secured by condition to ensure that the most practicable solution is achieved.

## 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. The proposal seeks consent for four dwellings. It is considered that a contribution equating to £24,000 for educational purposes would be appropriate.

#### 14. **Conclusion**

14.1 Having regard to all relevant factors and material planning considerations, Staff are of the view that this proposal would be acceptable. Staff consider that the proposal would integrate satisfactorily with the streetscene and would not be unduly harmful to residential amenity. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement to secure the education contribution and to restrict future occupiers from obtaining parking permits.

## IMPLICATIONS AND RISKS

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

None

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

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

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

None

#### **Equalities implications and risks:**

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