



## REGULATORY SERVICES COMMITTEE

26 April 2018

**Subject Heading:**

**P1592.17: Mardon, Maywin Drive,  
Hornchurch**

Construction of two single storey dwellings with private amenity space, on-site car parking with bin & cycle storage. (Application received 2<sup>nd</sup> October 2017)

**Ward:**

**St. Andrew's**

**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	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

## SUMMARY

The proposal is for the erection of two residential buildings comprising 1 x 3 bed bungalow and 1 x 4 bed bungalow with one bedroom in the roof. The development will be located in between the rear boundary of properties on Maywin Drive (1A-4). Access will be secured via an existing track which runs to the east of 1A Maywin Drive and parking for 4 vehicles is proposed.

The proposal raises considerations in relation to the impact on the character and appearance of the streetscene, 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 215 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4,300 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 £12,000 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 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 28<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 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 buildings 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. 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.

#### 5. Landscaping

No development above shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard (to include permeable surfacing), 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 their 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. Tree Protection Measures

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.

#### 7. Noise and Vibration Insulation measures

No works shall take place in relation to any of the development hereby approved until a scheme for protecting the proposed dwellings from noise from the railway (including proposed ventilation measures and materials with affected railway facing rooms), is submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the noise insulation measures to be employed. Submission of the information prior to commencement will prevent noise nuisance to the development from the neighbouring railway in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

#### 8. Secure by Design

No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason:-

Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

#### 9. Contaminated Land

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 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.

## 10. 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.

## 11. 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.

## 12. 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.

## 13. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, refuse and recycling 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 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 the necessary facilities for the occupiers of the development, protecting their and neighbouring amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 14. 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.



## 15. Boundary Fencing

The proposed dwellings 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.

## 16. Lighting

No building shall be occupied or use commenced until external lighting is 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.

## 17. Highway Access Detail

No part of the development hereby approved shall be occupied until access to the highway has been completed in accordance with the details that have been previously submitted to and approved in writing by the Local Planning Authority.

Reason:-

In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17 and DC61.

## 18. Boilers

Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NO<sub>x</sub> boilers with maximum NO<sub>x</sub> Emissions less than 40mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be

permanently retained. Following installation emissions certificates will need to be provided to the Local Planning Authority to verify boiler emissions.

Reason:-

In the interests of living conditions of occupiers of nearby properties and future occupiers of the site.

#### 19. 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.

#### 20. Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse hereby permitted, or any detached building erected or additional hardsurfacing created, without the express permission in writing of the Local Planning Authority.

Reason:-

In the interests of amenity and to safeguarded the character of the area 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 Policies DC45, DC61 and DC69.

## **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 throughout the course of the application process. The revisions involved the amendment of the scheme from a single block comprising six units to 2 individual dwellings.
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 £4,300 (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. 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.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover).

#### 4. **Highways Informative**

##### 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 is 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 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. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.
6. 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.
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.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

9. Network Rail Informative

### Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space. For buildings sited less than 2m (3m for overhead lines and third rail) from Network Rail land, there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset

Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

### Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

### Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

### Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

### Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

### Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts [AssetProtectioanglia@networkrail.co.uk](mailto:AssetProtectioanglia@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at [www.networkrail.co.uk/asp/1538.aspx](http://www.networkrail.co.uk/asp/1538.aspx).

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises of a piece of land to the side and rear of 1a Maywin Drive, stretching around to the space between the rear of nos. 1-7 Maywin Drive and that of the London Overground railway line to the north. The area is currently used as garden space for 'Mardon', 1a Maywin Drive, and incorporates a single storey outbuilding together with an electricity sub-station in the north eastern corner of the plot, accessed directly off Maywin Drive. A number of mature trees run along the rear boundary of the site.
- 1.2 Aside from the bungalow at 1a Maywin Drive, the area is residential in character and comprises a mix of predominantly two storey semi-detached and terraced housing most built over 50 years ago, except two properties on land to the immediate south east on Maywin Drive adjacent to the junction with Wingletye Lane which were constructed within the last 10 years.

### 2. Description of Proposal

- 2.1 The planning application under consideration proposes the demolition of the existing outbuilding on the site and the erection of two residential dwellings comprising a 1 x 3 bedroom bungalow and 1 x 4 bedroom bungalow, the latter containing one bedroom within the roof space.
- 2.2 The buildings are proposed to run at 90 degrees to the existing properties on Maywin Drive in the space between the rear gardens of nos.1-3 Maywin Drive and the railway. The property situated closest to the neighbouring dwellings would be finished with a hipped roof with subservient front and rear extensions whilst the property closest to the railway is finished with a crown roof, having a dormer in the railway facing roof and a subservient hipped roof extension to the front. The buildings would be predominately finished in render with a brick plinth and plain clay tiles. The properties would each have 2 parking spaces plus a bin store located off the access into the site within a space formerly part of the rear garden of 'Mardon'.
- 2.3 The application has been significantly amended since submission. The original proposal sought the erection of a single storey block containing 5 x 2 bedroom dwellings which in Officer's opinion was of a scale out of character with the area and one which could undermine neighbouring amenity.

### 3. Relevant History

- 3.1 D0303.17 - Certificate of Lawfulness for construction of side dormer windows – Approved 17<sup>th</sup> August 2017

## 4. Consultations/Representations

- 4.1 Notification letters were sent to 23 properties both on receipt of the original planning application and following the submission of the amended scheme. In response to the initial consultation 10 letters of objection were received, and 5 to the revised submission.

In response to the latter consultation exercise the following objections were raised:

- The access to the property off Maywin Drive is unsafe for pedestrians and road users;
- Cars will not be able to turn adequately within the site;
- Application is 'garden grabbing';
- Loss of privacy;
- Loss of light;
- Noise disturbance;
- Potential light disturbance;
- Increase in local traffic congestion;
- Location of bin storage in rear garden area inappropriate;
- Properties could have further rooms in the roof, undermining neighbour privacy;
- Loss of green land, negative impact on nature conservation (Hornchurch Site of Special Scientific Interest);
- Impact on visual amenity;
- Issues with delivery/emergency vehicles safely accessing the site;
- Negative impact on sewerage;
- Loss of trees;
- Development could encourage unsociable activities.

These matters will be addressed within section 6 of this report.

- 4.2 The following consultation responses have also been received:

- Thames Water – No objection. Advises that there are public sewers crossing or close to the development site and that separate approval should be sought from Thames Water if the development works would come within 3 metres of the sewers.
- London Fire Brigade Water Team - No objection. Happy for works to go ahead as planned.
- Network Rail – No objections. Planning informatives requested.
- London Fire and Emergency Planning Authority – No objection, subject to the installation of sprinklers
- Natural England – No response at the time of writing. Update will follow ahead of Committee.



- Street Care - No objection.
- Environmental Health - No objection, recommended conditions in relation to contaminated land; boiler type and noise insulation.
- Local Highway Authority - No objection, subject to a condition relating to the submission and approval of highway access details; cycle storage and vehicle cleansing during construction and the applicant entering into an agreement restricting future occupiers from obtaining car parking permits.
- Waste and Recycling – The storage of waste should accord with local planning guidance.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP10 (Sustainable Transport); CP15 (Environmental Management); CP16 (Biodiversity and Geodiversity); CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout); DC4 (Conversions to Residential and Subdivision of Residential Uses); DC7 (Lifetime Homes and Mobility Housing); DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise), DC56 (Light); DC58 (Biodiversity and Geodiversity); DC59 Biodiversity in New Developments); DC60 (Trees and Woodlands); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places), 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, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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); 5.13 (Sustainable Drainage); 5.14 (Water Quality); 5.21 (Contaminated Land); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking); 7.1 (Building London's Neighbourhood's); 7.3 (Designing out crime), 7.4 (Local character), 7.6 (Architecture); 7.13 (Safety); 7.14 (Improving Air Quality); 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), and 7 (Requiring good design), 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 area, 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 Policy CP1 indicates that outside town centres and the Green Belt, priority will be given on all non-specifically designated land for housing. The provision of additional housing is consistent with the NPPF and Havering policy as the application site is within a sustainable location in an established urban area. The loss of garden space is not in itself justification for disallowing residential development in itself, particularly given that the host property (Mardon) will retain adequate garden space. Notwithstanding that, other policy considerations are of however of relevance. These will be discussed below.

### ***Density/Layout and Quality of Development***

- 6.3 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. The proposal would provide 2no. residential units at a density equivalent to approximately 20 dwellings per hectare, short of the London Policy 3.4 density matrix, which suggests that a dwelling density of between 35 to 65 dwellings per hectare would be appropriate in this location.
- 6.4 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.
- 6.5 The proposed dwellings would both meet the internal floor space standards required for the developments proposed. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Conditions are also recommended in respect of the type of boilers installed and water efficiency to ensure that air quality is safeguarded in the development and water usage is minimised.
- 6.6 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space is a key consideration for new residential developments and every home should have access to suitable private or communal amenity space which should be quality and usable with consideration given to privacy, outlook, sunlight, planting and materials. Both units will have over 150 square metres of private amenity, consisting of a patio and a grassed garden space in each case. Both will have access to daylight/sunlight and be private set sufficiently away from neighbouring housing to prevent

overlooking. Landscape and boundary details will be conditioned to promote quality in the final design of the site.

- 6.7 The applicant submitted a noise and vibration survey alongside the application. This concluded that additional noise abatement measures would be required to windows facing onto the railway (there are three), including additional ventilation in order to safeguard against noise pollution. The report was reviewed by the Council's Environmental Health team and a condition in this regard is recommended.

### ***Design/Impact on Streetscene***

- 6.8 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.
- 6.9 The proposed new buildings will be located within space between the rear gardens of property and Maywin Drive and the railway. This would interrupt an established pattern of development by introducing buildings into this area where none currently exist. However, this of itself is not sufficient reason to state that the proposal would contravene policy and undermine local character. The plot attached to 1a Maywin Drive is unique in the vicinity, it wraps around the rear of four other dwellings, separating the houses from the railway, foreshortening their gardens and introduces a boundary line not seen in the established housing to the north-west. Hence, the impact of any interventions into this space should be viewed with regard to this locally unique context.
- 6.10 The application development would not be readily visible in the streetscene, being hidden behind existing housing and in that sense the character of the area would not be affected. From the rear of Maywin Drive housing, the biggest impact will be from the properties adjoin the site, in particular 1-4 Maywin Drive. The bungalows rise from 2.5 metres at eaves level to finish at 5.5 metres at ridge level, with the lower element commencing 1 metre off the shared boundary and the peak of the nearest roof being 4.5 metres away. From these four dwellings there will be impact however Officers consider that given the scale of the proposed development and the distance from the houses (19.5 metres at its closest), the impact on the character of the rear garden character of Maywin Drive will be limited in scope and focussed on a small number of properties which already have a unique rear garden and boundary form. It is therefore considered that the proposed development would not have a detrimental impact on the locality and would serve to maintain and enhance its character and appearance, in accordance with Policy DC61.

### ***Impact on Amenity***

- 6.11 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.

- 6.12 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the occupants of the dwellings south of the site on Maywin Drive.
- 6.13 Objection has been received from neighbours that the development will result in daylight/sunlight loss to their property. This will not be the case given the distance from neighbours. The bungalows are proposed to be located to the north east of neighbouring houses and hence will not prejudice sunlight given the east-south-west path of the sun.
- 6.14 The dwellings will not have windows above ground floor level except for the dormer facing the railway. With appropriate boundary treatment opportunities for over-looking will be no different to the present situation and neighbouring privacy will be maintained. That said, in order to prevent the loss of amenity through future building works, it is considered prudent to restrict permitted development rights for the new dwellings so that any works would require planning consent and accordingly in such scenarios an assessment of amenity impact would be required and relevant neighbours consulted. This would be added by condition should approval be given.
- 6.15 Policy DC56 requires that artificial lighting should not have a negative impact on the amenity of residents. Detail on this has not been supplied however a planning condition is recommended which will seek further detail in this regard so that the placement of external lighting and the levels of illuminance will be limited and controlled.
- 6.16 In terms of noise and general disturbance, the addition of two homes will have some impact on existing residents but not sufficient in Officer's view to significantly undermine amenity. The presence of cars plus the additional movements etc to the rear of existing will create some noise that does not currently occur however, it should not be of a scale to disrupt amenity given the likely limited quantum of vehicle/people movements, the screening around the site and against the backdrop of what is a railway line. Indeed, it is not unreasonable to suggest that the presence of the two properties will mitigate against the noise and disturbance to existing residents to some degree. It should also be noted that no noise objection has been received from the Council's Environmental Health team.
- 6.17 A planning condition is recommended to ensure that the proposal meets Secure by Design criteria. The additional units should contribute towards increased surveillance of any unsociable activity that occurs in the vicinity of the site.

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

- 6.18 The site has a Public Transport Accessibility Level (PTAL) rating of 2-3; meaning that the premises has poor to moderate access to surrounding public transport.
- 6.19 The proposal would include 2 dedicated off street car parking spaces for each of the residential units. The use of the existing access route has been accepted by the Council's Transport team and the quantum of parking spaces held acceptable. There is an existing crossover off Maywin Drive, the location of which would have to be altered to ensure that there is safe egress from the site and that highway safety is safeguarded. This detail will be dealt with by planning condition. Other conditions in respect of cycle storage and vehicle cleansing are also recommended.
- 6.20 The Local Highway Authority has requested that the applicant enter into a S106 to prevent future residents from applying for any future resident parking permits. This would help to prevent any overspill onto the surrounding highway network.
- 6.21 The existing property would retain 2 spaces to the front.
- 6.22 The residential refuse stores would be positioned towards the end of the rear garden of 1a Maywin Drive. The bin store would have to be built in accordance with Havering requirements and as such should not compromise neighbouring amenity through smells etc. The refuse store would be set at a distance well within the 30 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.

### ***Trees/Nature Conservation***

- 6.23 The railway embankment to the north of the site is designated as a Site of Special Scientific Importance and also a Site of Nature Conservation (Borough) Importance. In respect to the former designation, Hornchurch Cutting provides unique sections through a series of deposits of significant importance to stratigraphical studies of the Pleistocene period. This development is not considered to be prejudicial to further research into this prime stratigraphic site.
- 6.24 In terms of the Site of Nature Conservation, policy DC58 states that biodiversity and geodiversity will be protected and enhanced and that permission will not be granted for developments which adversely affect designated sites. The application was submitted with an Arboricultural Impact Assessment. No felling of trees will take place to facilitate the construction of the two dwellings. One willow will require pruning to allow for construction access but this should not impinge on the integrity of the tree into the future. A condition requiring the submission of further detail of construction methods is recommended to protect the roots of nearby trees from damage. Otherwise the ecological value of the site is limited, however,

a landscaping condition is recommended to secure quality soft landscaping on the site should permission be granted.

### ***Other Issues***

- 6.25 In order to alleviate any concern regarding the potential for contaminants on the site, a condition requiring a contaminated land survey is recommended with remediation works following if required.

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

- 6.26 The proposed development will create 2 no. residential units with **583.7** square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of **£11,674** (subject to indexation) based on the calculation of £20.00 per square metre.

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

- 6.27 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.

- 6.28 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.

- 6.29 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.

- 6.30 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.

- 6.31 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.
- 6.32 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.
- 6.33 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, £6,000 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.
- 6.34 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 £24,000 (equating to 4no. net additional dwellings) 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 a Section 106 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 impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 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 and appearance 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.

## 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.

## BACKGROUND PAPERS

Application form, supporting statements, and received on 2 October 2017 and the amended drawings received on 12 December 2017.