



## REGULATORY SERVICES COMMITTEE

26 April 2018

**Subject Heading:**

**P2106.17: 21 Pentire Close, Upminster**

New dwelling on land adjacent to Pentire Close.

(Application received 28 December 2017)

**Ward:**

Cranham

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

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Planning Officer

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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 to erect a detached 'chalet bungalow' style dwelling on the land adjacent to No.21 Pentire Close.

It raises considerations in relation to the impact on the character and appearance of the area, the impact on the residential amenity of the future occupants and of neighbouring residents, and the implications for parking, access and highway safety.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted. Due to the additional child year associated with a new family dwelling, it has been deemed reasonable to request that the applicant enter into a legal agreement in order to make an education contribution.

It is recommended that planning permission be granted subject to the conditions set out below:

This proposal is put before Members as the application has been called in by Councillor Clarence Barrett.

## 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 132 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £2420.00 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 £6,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That, if by 27 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 (details no samples)

Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the building(s) shall be 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 a written specification 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. 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.

#### 5. SC08 (Garage - restriction of use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 6. Landscaping

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

#### 7. Boundary Treatment

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

#### 8. Removal of permitted development rights

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

Reason: In the interests of 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. 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.

#### 10. Flood Mitigation Measures

The development shall be constructed in accordance with the recommended 'Resilience and Mitigation Measures' stated within section 7 (pages 19 and 20), of the Flood Risk Assessment completed by GeoSmart.

Reason: In order to ensure that satisfactory measures are put in place to mitigate the potential for flooding within the area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC48 and Policy 5.12 of the London Plan.

#### 11. Refuse and 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.

#### 12. Cycle Storage

The development hereby approved shall not be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Cycle parking shall be to the standards set out in Table 6.3 of the London Plan. Such cycle parking shall thereafter be retained to the satisfaction of the Local Planning Authority.

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 is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

#### 13. Wheel Washing

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

originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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

#### 14. Construction Methodology

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;

- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

#### 15. 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.

#### 16. Sub-division of garden area.

The proposed garden area shall not be sub-divided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason: In order that the annexe approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

#### 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: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Neil Cooper via email in February 2018. The revisions involved mitigating the impact of the development and reducing the overall bulk and scale of both the proposed dwelling and proposed garage. The final amendments were subsequently submitted on 13/04/18.
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 £2,420 (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, which came into force from 22.11.2012, a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
4. 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.
5. 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.
6. 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.
7. For any development where a flood risk is identified, the Council as the Lead Local Flood Authority want to see developers consider and implement flood resilience/resistance measures into the buildings themselves. This is

not to stop development but to ensure the protection for future residents is maintained and enhanced.

The following measures are strongly recommended, although this list is not exhaustive:-

- Raising the level of the building by at least 300mm above local levels;
- Waterproof membrane in the ground floor;
- Waterproof plaster and waterproofing to ground floor;
- Electrics from the upstairs down and sockets high up off the ground floor;
- Non return valves on the sewerage pipes;
- Emergency escape plan for each individual property;
- Air brick covers; and
- Movable flood barriers for entrances.

Alongside the resilience measures the applicant is also recommended to consider a Sustainable Drainage System (SuDS) to ensure the surface water run-off is managed appropriately.

8. The council is aware of a ditch which runs along the northern boundary of the application site. Although the ditch is outside the development boundaries, it cannot be altered or affected in any way due to the catchment it serves.

If you are the riparian owner, it is strongly recommended that you (along with any other riparian owners) maintain the ditch line in order to reduce the possibility of flooding.

The drilled culvert inlet to the rear of the proposed dwelling where the parking bays are intended must also be maintained. Access must be maintained to clear the grille on the inlet.

This development should not impede the flow of any surface or ground water to the ditch line and culvert inlet.

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

<https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## REPORT DETAIL

### 1. Call in

1.1 This application has been called in to committee by Councillor Clarence Barrett for the following reasons:

- The bulk and appearance are a concern.
- The site is in very close proximity to a stream which has a history of flooding.

### 2. Site Description

2.1 The development will be located to the north of No. 21 Pentire Close and within a corner plot which is largely rectangular in shape. The site is currently a generous area of amenity space serving an end of terrace dwelling (No.21) which is finished with a painted render exterior.

2.2 The site is not listed and is not located within a conservation area. No protected trees will be affected by the development.

2.3 The surrounding area is largely residential in nature comprising a mixture of mainly terraced and detached dwellings.

### 3. Description of Proposal

3.1 Planning permission is sought for the construction of a new dwelling on the land adjacent to No.21 Pentire Close. This property will be a single storey, 'chalet bungalow' detached structure. Benefitting from a generous amount of amenity space, the proposal will feature a hipped roof and a modest dormer to the rear.

3.2 The scheme will also include associated parking to the rear of the site. Said parking will be available within a double garage which can be accessed via a service road to the rear (east) of the site off Front Lane.

### 4. Relevant History

4.1 N/A

### 5. Consultations/Representations

5.1.1 Notification letters were sent to 22 neighbouring properties, 9 of which have objected to the proposal.

5.2 The objections can be summarised as follows:

- Parking arrangement is unsuitable for the location and access may be affected
- Detrimental impact upon the local environment and wildlife.
- Insufficient space for the development will put excessive pressure on the surrounding area.
- Negative impact upon the local road network and parking provision.
- Potential for overlooking and loss of privacy.
- Increased pollution (noise, air and general)
- Development will increase the possibility of flooding .
- Local infrastructure already under strain.
- Loss of existing view.
- Future intentions/maintenance.
- Potential for damage to neighbouring properties.

In response to the above, matters relating to material planning considerations have been noted and will be assessed in the amenity section of this report.

The following are not material planning considerations and cannot be taken into account:

- Loss of views
- Construction noise/disturbance during development
- Fears of damage to property
- Maintenance of property

5.2 The following consultation responses have been received:

- LBH Street Management - No objection, provided cycle storage and vehicle cleansing conditions are applied. The existing ditchline must not be altered and must be maintained along with the drilled culvert inlet to the rear of the proposed dwelling where parking bays are intended. Access must be maintained to clear the grille on the inlet. Development must not impede the flow of any surface or ground water to the ditchline and culvert inlet.
- National Grid - No objection. Contractor should contact plant protection prior to any works.
- LBH Refuse and Recycling - No objection. Advice and guidance has been provided. Waste and recycling sacks will need to be presented by 7am on the boundary of the property on Pentire Close on scheduled collection day.
- Essex & Suffolk Water - No objection to development subject to compliance with requirements. Consent is given on the condition that a water connection is made onto the company network.
- London Fire Brigade Water Office - No objection
- LBH Environmental Health - No comment

- LBH Emergency Planning - No objection but strongly advise flood resilience/resistance measures are put in place.

## **6. Relevant Policies**

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC03 (Housing Design and Layout), DC04 (Conversions to Residential & Subdivision of Residential Uses), DC32 (The Road Network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), 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.
- 6.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.3 SPD09 (Residential Design) along with 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.

## **7. Mayoral CIL implications**

- 7.1 The proposal is liable to Mayoral CIL as it would result in a new dwelling and a net gain of 121m<sup>2</sup> of gross internal floorspace created. Therefore the proposal would incur a charge of £2,420 based on the calculation of £20.00 per square metre, subject to indexation.

## **8. Staff Comments**

- 8.1 The main considerations relate to the principle of development, the internal layout and floor/amenity space of the proposed dwelling, the impact of the proposed extension on the character of the host building and street-scene, the amenity of other residents and any highways/parking/environmental matters arising as a result.

## **9. Principle of Development**

- 9.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established suburban area.
- 9.2 The proposal will cover an area of land which currently forms part of the garden for No.21 Pentire Close. Under the provisions of the NPPF, there is

no priority given to garden land as a re-developable brownfield site, in effect stating that each application within a garden should be considered on its own merits. In terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area.

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

## **10. Density/Layout**

- 10.1 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 10.2 The site area is 0.053 hectares. In density terms Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 1b, with the density recommendation being 35-55 units per hectare. On the basis of the site area, and the number of units proposed, this development equates to a development density of 38 units per hectare which is below the range identified. Density is however only one measure of acceptability and further assessment of the application is necessary.
- 10.3 Staff will also seek to apply the standards offered within not only the Technical Housing Standards - Nationally Described Space document, but also Policy 3.5 of the London Plan. Contained within these documents are requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy, appropriate floor areas and other dimensions for key parts of the home.
- 10.4 After applying the above, officers have concluded that the proposed dwelling conforms to the relevant standards and is therefore considered acceptable.
- 10.5 The amenity space provided also accords with Havering's own Residential Design Supplementary Planning Document and is adequate to serve the needs of the proposed 3 bedroom, family dwelling. The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. An area in the region of 140m<sup>2</sup> will be set aside as private amenity space. In terms of size the proposed amenity space is considered sufficient to serve the needs of the proposed 3 bedroom, family dwelling.
- 10.6 The 90m<sup>2</sup> which will be retained for the host property is comparable to dwellings within the vicinity. This allocation ensures that a functional area is retained for future occupiers to enjoy.
- 10.7 The neighbouring properties within this suburban area benefit from spacious rear gardens. It is considered that the proposed arrangement will be comparable and in keeping with the surrounding area.

## **11. Design/Impact on Street / Gardenscene**

- 11.1 While the proposed dwelling would contribute towards a greater level of bulk and mass on site, staff regard the development to be acceptable in this instance. After considering the spacious nature of the plot, the separation from site boundaries and the location within the site, officers do not foresee the proposal notably detracting from the street scene.
- 11.2 Positioned in the corner of Pentire Close, the new dwelling will be setback from the street and will not appear as a dominant addition to the area. Staff have taken into account the detached property at the opposite site of the terrace (No.16a) and have deemed the proposed development to be less readily visible and therefore significantly less imposing when viewed from Pentire Close. With only pedestrian access from the front of the site, there are no notable changes to the road network.
- 11.3 Policy DC61 states that development must respond to distinctive local building form and patterns of development, and respect the scale, massing and height of the surrounding context. Although the area features mainly two storey, terraced dwellings, the location of the development will ensure it does not detract from its surroundings. Again, staff have considered the conspicuous nature of No.16a nearby.
- 11.4 After considering the spacious nature of the plot, the separation from site boundaries and the removal from the main Pentire Close thoroughfare, officers do not foresee the proposal notably detracting from the public realm and is therefore not expected to have an adverse effect on the street scene.
- 11.5 Staff acknowledge how an additional dwelling could be perceived as overdevelopment and detrimental towards the character of the locality. That said, in this instance the modest scale and considerate design will sufficiently mitigate the visual impact of the development proposed. When combined with the aforementioned separation distances, officers do not envisage the new dwelling appearing excessively incongruous.
- 11.6 The new build (dwelling and the garage) will not harm the character of the garden scene as staff consider the works have been suitably designed and of a acceptable scale, bulk and mass. Not only does the proposed dwelling feature a comparable front building line with the host property, staff have noted the permission to develop No.21 which would also bring the rear elevations to a similar depth.
- 11.7 As the works will be located a significant distance from No.19 by approximately 13m, officers consider the works will be sufficiently sympathetic to those residents nearest to the site. Overall, the scheme is judged to integrate appropriately with the character of the gardenscene.

## **12. Impact on Amenity**

- 12.1 Although the proposal would increase the level of built form upon this corner plot, the new dwelling has been deemed to be acceptably designed and suitably located in order to ensure that the development does not notably impact upon the level of amenity currently afforded to neighbouring residents.
- 12.2 Not only is the property set approximately 2m from No.21, its roof is also hipped away from the boundary above a modest height of 2.7m. The new dwelling will be set back from the host property's front elevation and (as touched upon above), projects into the garden a comparable distance should No.21 construct their approved depth.
- 12.3 After combining the above, officers do not envisage the residents to the south experiencing a significant loss of light, overshadowing or general loss of amenity. The absence of flank windows will ensure that overlooking or privacy related issues do not arise.
- 12.4 This chalet bungalow style development only features ground floor windows at the front of the dwelling. When combined with the 13-14m distance which separates the proposal from No.19 Pentire Close to the west, staff do not foresee the scheme unacceptably impacting upon this neighbouring property.
- 12.5 Although the proposed property will feature a dormer window to the rear, this is well contained within the main body of the roof and is considerably removed from the site boundaries. This window will have an impact comparable to that of a first floor window, features which are common within the local area. Issues relating to privacy are not expected to arise.
- 12.6 The garage structure to the rear of the garden area is suitable in scale and its location (at the very rear of the garden) ensures it is well removed from the surrounding residents. Which officers have appreciated that the garage is generally of a larger scale when compared to neighbouring outbuildings within the vicinity, the hipped roof finish will reduce the overall bulk significantly. The structure is not deemed to be excessive or imposing upon neighbouring amenity.
- 12.7 After taking into consideration the underdeveloped and agricultural nature of the site which lies to the north, officers do not envisage a development of the scale proposed notably impacting upon this adjoining neighbour.
- 12.8 On the whole, the impact of the scheme is not expected to be excessive. In light of the above, staff do not anticipate a significant detrimental impact upon the level of amenity currently afforded to those individuals residing nearby. The development falls within the aims of Council guidelines for and is not deemed to be unneighbourly. A refusal would be unjust in this instance.



### **13. Parking and Highway Issues**

- 13.1 Appropriate parking provision is included within the scheme. In accordance with London Plan policy 6.13, both the host and the proposed dwelling will benefit from two car parking spaces to the rear of their respective sites. Staff are therefore satisfied that adequate parking provision will be maintained.
- 13.2 As the site can be accessed via a service road to the rear (east) of the site off Front Lane, the proposal is not considered to have adverse effects on the functioning of the road network.

### **14. Other Issues**

- 14.1 The Council's Environmental Health Officers were consulted on the application about the proposal and no specific objections were received with regard to pollution (general, noise or air) or local environment/wildlife impacts.
- 14.2 The effect of a modest family dwelling will not notably impact upon this already residential area.
- 14.3 There is therefore no reason to refuse planning permission with regard to pollution or environmental/wildlife issues. No evidence has been presented to suggest that protected species are present on site.

### **15. Flood Risk**

- 15.1 The Site is currently used within a residential capacity as part of the garden area of 21 Pentire Close. Development proposals comprise the construction of a residential property on the land to the north of to 21 Pentire Close with associated parking and landscaped areas.
- 15.2 According to the Environment Agency's (EA) Flood Map for Planning Purposes, the Site is located within fluvial Flood Zone 1 and is therefore considered to have a Low probability of fluvial flooding. In addition, the Risk of Flooding from Rivers and the Sea (RoFRaS) mapping, which considers the crest height, standard of protection and condition of defences, confirms the flood risk from Rivers and the Sea is Very Low.
- 15.3 That said, according to the EA's Risk of Flooding from Surface Water flood mapping is a variable risk of pluvial flooding at the Site as a result of an overland flow route which originates northwest of the Site within the Pot Kiln Wood area. Approximately 80% of the Site would be impacted by flood depths of up to between 0.15 to 0.3m during an event which has a 3.3% annual probability of occurring (High risk, 1 in 30 year event), including the area proposed for the dwelling.
- 15.4 While the Site has been modelled at moderate to high risk of pluvial flooding it should be acknowledged that there has been no record of any flood events within the site boundary, except for an incident which, according to

anecdotal information, was caused due to inappropriate land use from a downstream property which caused an unmapped drainage channel to back up and overflow.

- 15.5 It is strongly recommended that the development includes the implementation of flood resilience measures (as detailed within the Flood Risk Assessment produced by GeoSmart) in order to protect the property from pluvial flooding. This is secured via condition.

## **16. Infrastructure Impact of Development**

- 16.1 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.

- 16.2 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.

- 16.3 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.

- 16.4 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.

- 16.5 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.

- 16.6 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.

- 16.7 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.
- 16.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

## **17. Conclusion**

- 17.1 The proposal is not judged to adversely affect the character of the property or the visual amenities of the streetscene. This development would not cause a significantly detrimental impact upon the residential amenities enjoyed by neighbouring properties.
- 17.2 It is therefore recommended that planning permission be granted subject to conditions.

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

None.

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

None.

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

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