



REGULATORY SERVICES COMMITTEE

25 June 2015

REPORT

Subject Heading:

**P0634.15 – 65 Lambs Lane South,
Rainham**

**Alteration of existing residential
property at 65 Lambs Lane South along
with the construction of two new self
contained bungalows to the rear of the
site. (Received 5 May 2015)**

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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

Havering will be clean and its environment will be cared for
People will be safe, in their homes and in the community
Residents will be proud to live in Havering

[x]
[x]
[x]

SUMMARY

This report concerns an application for the erection of 2no. detached bungalows and a single garage to the rear of 65 Lambs Lane South along with a reduction in width of the existing dwelling at 65 Lambs Lane South in Rainham. The application follows on from previously approved application P0400.14 which granted permission for the erection of 2no. detached bungalows and a single garage to the rear at 65 Lambs Lane South along with the demolition and replacement of the existing dwelling. The current application proposes the same development to the rear of the site with the only change consisting of the works to the existing dwelling which would now be retained with alterations rather than demolished and replaced.

The residential development on the site is considered to be acceptable in principle. As a matter of judgement, staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The previous application was subject to a Unilateral Undertaking in respect of a payment of £12,000 for infrastructure contributions and the current application is considered to be acceptable subject to a Deed of Variation to link this undertaking.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the Unilateral Undertaking completed on 3rd July 2014 (the original agreement) in respect of planning permission P0400.14 by varying the definition of Proposed Development in Recital D, Planning Application and Planning Permission in Clause 1 of the original agreement which shall mean either Proposed Development planning permission P0400.14 as originally granted or planning permission P0634.15.

Save for the variation set out above and necessary consequential amendments the Unilateral Undertaking dated 3rd July 2014 and all recitals, terms, covenants and obligations in the said Unilateral Undertaking dated 3rd July 2014 will remain unchanged, a summary of which is set out below:

- A financial contribution of £12,000 towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- 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 Staff 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.

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a combined net increase in floor area of 373 square meters which equates to a Mayoral CIL payment of £7,460.

That Staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

1. Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the decision notice.

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

3. Storage of refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing and maintained permanently to the satisfaction by the Local Planning Authority.

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.

4. Cycle Storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and 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.

5. 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

6. Removal of permitted development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden areas unless 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 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 the LDF Development Control Policies Development Plan Document Policy DC61.

7. Landscape: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season

following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

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

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

9. Materials samples: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external 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 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.

10. Trees: Prior to the commencement of the development hereby approved the trees to be retained on site shall be protected in accordance with the appropriate recommendations contained in British Standard 3998:1989 (Tree Works) to the satisfaction of the Local Planning Authority.

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.

11. Secure by Design: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be 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 Havering Crime Prevention Design Advisor 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.

12. Access: Prior the first occupation of dwellings hereby permitted, the access drive shall be fully constructed to the satisfaction of the Local Planning Authority.

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

13. Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings No.65a and No.65b hereby approved. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason: In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

14. Contamination 1: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the

intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings No.65a and No.65b hereby approved. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. Contamination 2:

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

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

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

16. Parking provision: Before the buildings hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently

thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

17. Flank windows: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank walls of the buildings 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 the LDF Development Control Policies Development Plan Document Policy DC61.

18. Alterations to Public Highway: The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that 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. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and

Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.

4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. 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 £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
6. 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 £7460 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. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the north side of Lambs Lane South. It is currently occupied by a single detached dwelling, with a group of flat roofed outbuildings to the rear.
- 1.2 The site is bordered on all sides by residential dwellings, to the west are the properties of The Glen, to the north, Vincent Road and to the east, Orchard Avenue.

2. Description of Proposal

- 2.1 This application follows on from previously approved application P0400.14 which granted permission for the erection of 2.no detached bungalows and a single garage to the rear at 65 Lambs Lane South along with the demolition and replacement of the existing dwelling.
- 2.2 The current application is the same as the previous approval in respect of the development to the rear of the site and only differs in relation to the

existing dwelling which would be retained with alterations rather than demolished and replaced.

- 2.3 As with the previous application, the development would consist of 2 x 3 bedroom detached bungalows to the rear of the site; no.65a and no.65b.
- 2.4 The southernmost of the two bungalows to the rear of the site, no.65a, would accommodate 3 bedrooms and would have its main entrance from the west elevation with the principal outlook to the south. To the east and south of the dwelling would be garden area with an area of approximately 159 square metres incorporating cycle and refuse storage. Two dedicated parking spaces would also be provided to the south of the property.
- 2.5 No.65b would be located directly to the north of 65a and would also accommodate 3 bedrooms. The property would have its principal outlook to the north with the main entrance located to the west elevation. A large private garden with an area of approximately 349 square metres would adjoin the north elevation of the dwelling, extending 31 metres to the north boundary of the site. Cycle and refuse storage would be accommodated within the garden whilst two parking spaces would be provided directly to the south.
- 2.6 Both of the proposed bungalows to the rear of the site would be accessed from an access road running parallel to the west boundary of the site. There is an existing vehicular access from Lambs Lane South which would be retained with the existing access road being extended further to the north to serve the proposed bungalows. To facilitate this access road, the existing dwelling would be reduced in width by 0.75 metres to allow for the road to be of an adequate width. This would result in 9 square metres of the existing dwelling being lost.
- 2.7 A new single garage would also be provided to the north of the existing dwelling to provide an additional off road parking space for the occupiers of the property.

3. Relevant History

- 3.1 P0400.14 - Demolition and replacement dwelling and 2 No detached bungalows and single garage to the rear.

Approved with conditions: 07-07-14

- 3.2 P0037.14 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P1494.10) and erection of 3 detached bungalows to the rear.

Withdrawn

- 3.3 P0699.11 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Withdrawn

- 3.4 P1494.10 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Approve with conditions: 9-12-10

- 3.5 P0606.10 - Demolition of existing dwelling and construction of a replacement chalet and one additional bungalow.

Approve with conditions: 27-7-10

- 3.6 P1187.09 - Demolition of existing dwelling and construction of 3No. detached bungalows.

Refused: 18-2-10

4. Consultations/Representations

- 4.1 43 neighbouring properties were consulted. 1 letter of objections received to date.

Objections in summary:

- The development constitutes overdevelopment of the site;
- The development could result in highway safety issues on Lambs Lane South;
- Fire engines would be unable to access the proposed bungalows to the rear of the site;
- The character of the proposed bungalows is unacceptable;
- The location of the bungalows would result a loss of privacy for adjoining residential occupiers;
- The development would result in increased noise disturbance due to the number of vehicles accommodated on site.

Officer's response: The issues outlined above were considered as part of previous application P0400.14 and found to acceptable.

- 4.2 Highways- No objections subject to visibility splay and wheel washing condition

- 4.3 London Fire Brigade Water Team - No objections
- 4.4 London Fire and Emergency Planning – Objection to application due to inability of engines to access the rear of the site
- 4.5 Environmental Health - No objections subject to appropriate conditions.
- 4.6 Essex & Sussex Water - No objections
- 4.7 Waste & Recycling - No objections, however individual bins would have to be taken out and presented on collection day.

5 Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and density), DC3 (Housing Design and layout), DC11 (Non Designated Sites), DC33 (Car parking), 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 material planning considerations together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document (Technical Appendices) and the Residential Extensions and Alterations Supplementary Planning Document. In addition, Policies 7.4 (Local Character) and 8.3 (Community Infrastructure Levy) of the London Plan and Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The issues in respect of this application are the principle of development, impact on the streetscene and design, amenity issues and parking and highways implications.

7. Principle of Development

- 7.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.
- 7.2 The site currently has a residential land use. In accordance with the objectives of Policy CP1, there is no objection in principle to residential development on this site, providing that the proposals are acceptable in all other material respects. Under the relevant definition of previously developed land within the NPPF, Local Authorities are afforded greater

control over garden development. Nevertheless, not all forms of development within gardens are unacceptable and in this instance staff consider that issues of character and setting should still be taken into account. The location of the site complies with these criteria and is considered to be acceptable.

8. Density/Layout

- 8.1 The site has an area of 0.16 hectares and three dwellings (two additional) are proposed. This gives an overall development density of 19 units per hectare. Policy DC2 recommends a density range of between 30-50 hectares in this location. However, density is only one measure of the acceptability of a development proposal and consideration has to be given to the fact this is a back garden setting.
- 8.2 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.3 The layout of the site provides for spacious private amenity areas for all dwellings with no.65 having an amenity space of 111 square metres, no.65a having an amenity space of 159 square metres and no.65b having an amenity space of 349 square metres. All of the amenity areas are also appropriately located and, subject to a condition requiring details of boundary treatments, would be sufficiently private. Staff are therefore of the view that the proposed rear garden areas would meet the objectives of the Residential Design SPD in providing usable and private spaces.
- 8.4 The overall layout of the site with the access road adjacent to the west boundary is the same as that which was approved under the previous application with the only change being that the existing dwelling would be reduced in width rather than replaced completely. This layout is therefore considered to be acceptable in that it retains the existing street frontage and enables the development of the rear part of the site.
- 8.5 Each habitable room within the dwellings would be of a suitable size and would be served with a clear opening for suitable light and outlook. The size of each of the new dwellings would also satisfy the London Plan area requirements. Whilst the existing dwelling would be reduced in width by 0.75 metres and would lose approximately 9 square metres of floor space, both the resultant overall dwelling size and the individual room sizes would accord with London Plan standards. In this regard, all of the living

accommodations of the dwellings are considered to be of an adequate quality for future occupiers.

9. Design and Appearance

- 9.1 Policy DC61 states that development should respond to local building forms and patterns of development and respect the scale, massing and height of surrounding physical context.
- 9.2 The development proposes a reduction in width by 0.75 metres of no.65 which fronts onto Lambs Lane South. The reduction in width would result in the eaves being raised in height along with the window to the west of the façade being reduced in width and as such the symmetrical appearance of the façade would be distorted. Nevertheless, there is no uniform architectural typology on Lambs Lane South with a variety of building forms and in this context staff consider that the irregular composition of the façade would not have a discernible harmful impact on the character of the streetscene.
- 9.3 The proposed dwellings to the rear of the site and the single garage remain exactly the same as was approved under the previous application and in this regard are considered to be acceptable in design terms.
- 9.4 In summary, the proposed alterations to the existing dwelling would not result in harm to the streetscene whilst the proposed dwellings to the rear of the site are considered to be acceptable in line with the assessment and determination of previous application P0400.14. The development therefore accords with the principles of Policy DC61 in respect of design and appearance.

10. Impact on Amenity

- 10.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 10.2 The existing dwelling, no.65, would be retained in its existing location and reduced in width by 0.75 metres. This element of the application would therefore not give rise to any additional amenity concerns in respect of the adjoining residential occupiers.
- 10.3 The proposed dwellings to the rear of the site would remain exactly the same as was approved under the previous application and in this regard are considered to be acceptable in amenity terms.
- 10.4 With the above taken into consideration, staff are therefore satisfied that the proposed development is unlikely to result in any material harm. The

development is considered to be acceptable and accords with the principles of Policy DC61.

11. Parking and highway issues

- 11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking.
- 11.2 The site is in a location where Policy DC2 indicates parking provision of 1.5-2 spaces per dwelling is appropriate. The development would provide 2 spaces per dwelling in appropriate and accessible locations and as such would accord with the requirements of the policy.
- 11.3 The proposed alterations to the existing dwelling would be for the purpose of facilitating the access road and ensuring that it is of an adequate width. The access road would retain the same width as approved under the previous application and would allow sufficient space for vehicular access.
- 11.4 Despite its width, the access road would not enable larger vehicles, including refuse collection vehicles to enter the site. The scheme proposes that refuse is stored within dedicated storage areas adjacent to each dwelling and then placed by occupiers at the site frontage on collection day. Although this would involve the occupier of no. 65a and 65b carrying their rubbish over a significant distance this was approved in the previous permission and is not considered to represent material grounds for refusal for the current application.
- 11.5 In respect of access, the Fire Brigade have raised objection to the previous permission however the access arrangements remain unaltered from the previously approved scheme. Conditions were attached to the previous application to address these concerns and it is recommended that these conditions are also attached to this application.
- 11.6 London Fire and Emergency Planning Authority also had concerns with regards to No.65a and No.65b not having sufficient provisions of domestic sprinklers and as such a condition is attached requiring the fitting of appropriate sprinklers to address this issue.
- 11.7 With the above taken into consideration with the appropriate conditions, it is considered that the proposals are acceptable and accords with the principles of Policy DC33.

12. Mayoral CIL and Section 106 implications

- 12.1 The proposal is liable for a Mayoral CIL contribution based on an increase in the existing Gross Internal Area. Officers have calculated a net increase in floor space of 373 square meters. Based on this calculation the applicant is liable to pay a Mayoral CIL payment of £7,460.00.

- 12.2 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.
- 12.3 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 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.
- 12.4 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.
- 12.5 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.
- 12.6 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.
- 12.7 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for 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, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought.

It is considered that this is reasonable when compared to the need arising as a result of the development.

12.8 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. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate which in this case would represent a contribution of £12000.

12.9 The application is a resubmission of a previous application for which there was a Unilateral Undertaking securing the requisite contribution. Given that the current application is a resubmission of the application covered by the undertaking, a Deed of Variation is required in link the undertaking to the new permission. The application is therefore recommended for approval subject to the execution of an appropriate Deed of Variation.

13. Other Issues

13.1 There are no preserved trees on site and it is considered, given the back garden location, that there would not be any justification to preserve the existing trees or landscaping. A new landscaping scheme can be secured via condition.

14. Conclusion

14.1 Staff consider that the principle of residential development in this location is suitable, the site and design is considered to be appropriate for a new dwelling.

14.2 For the reasons outlined above within the report, the proposal is considered to be acceptable and approval is recommended as it would not be contrary to the provisions of the Havering Supplementary Planning Documents and Policy DC61 and DC72 of the LDF Core Strategy and Development Control Policies DPD.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None directly arising from this application.

Legal Implications and risks:

Legal resources will be required for the completion of a legal agreement.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None directly arising from this application.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 5th May 2015.