



# REGULATORY SERVICES COMMITTEE

30 July 2015

# REPORT

**Subject Heading:**

P0512.15: 9 Chase Cross Road, Romford

Demolition of existing rear workshop and construction of five apartments comprising 3 No. 2-Bed and 2 No. 1-Bed units, and revised internal layout to existing first floor residential unit at 9a Chase Cross Road.  
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**Ward**

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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	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

## SUMMARY

The application seeks permission for the demolition of the remaining part of the single storey workshop to the rear of the site and the construction of a building to provide five apartments, comprising of 3 no. 2 bedroom and 2 no. 1 bedroom units. The proposal includes the reconfiguration of the internal layout of an existing first floor residential unit at 9A Chase Cross Road to relocate a bedroom to the front of the property. Parking is provided for 5 cars.

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

1. 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 and that the applicable fee would be £10,980, subject to indexation. This is based on the creation of 549 square metres of new gross internal floor space (549 x £20 = £10,980).
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £30,000 to be used for education 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.
  - To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
  - Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to 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 detailed on page 1 of the decision notice approved by the Local Planning Authority.

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. Contaminated Land

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of this 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 site 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

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.

#### 4. Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

## 5. 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.

## 6. Boundary Treatment

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

Reason:

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

## 7. 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:

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.

## 8. 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.

#### 9. Refuse and Recycling

The refuse and recycling store shown on approved drawing 2009-139/200 Rev G shall be provided prior to occupation of any building or commencement of any use and shall be permanently retained thereafter.

Reason:

To protect the amenity of occupiers of the development and also of the locality generally and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 10. Cycle Storage

The building shall not be occupied until secure storage for 8 cycles is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:

The submitted proposals for cycle parking show an insufficient provision of spaces. Submission of a revised scheme for cycle parking prior to occupation is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

#### 11. 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.

#### 12. Noise Insulation

The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62LnT, w dB (maximum values) against impact noise.

Reason:

To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

#### 13. Flank Windows

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 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.

#### 14. Amenity of Occupiers of 9A

The new building shall not be occupied until the changes to the internal configuration of 9A Chase Cross Road shown on approved drawing 2009-139/201 Rev E have been fully implemented to the satisfaction of the local planning authority.

Reason: To preserve the amenity of occupiers of 9A Chase Cross Road and to comply with Policy DC61 of the Development Control Policies Development Plan Document.



## INFORMATIVES

1. Secure by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
2. Discharge fee - 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.
3. Drainage - 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.
4. Changes to the Highway - 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. 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 StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under 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) required during the construction of the development.

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.

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is approximately 30 metres east of the Collier Row town centre roundabout and lies between Clockhouse Lane to the north and Chase Cross Road to the south. The site is currently occupied by a semi-detached pair of properties which face south onto Chase Cross Road and are occupied by a driving school and a motor repair shop on the ground floor, with two flats, 9A and 11A on the first floor. 9A Chase Cross Road has a bedroom in the roof space. A large single storey workshop building, which is attached to the rear of the semi-detached properties, has been mostly demolished. There is an existing telecommunications mast located in the north western corner of the site.
- 1.2 The site has a generous hard standing in front of the shop units with a width of some 22 metres and a depth varying from 15 metres at its westernmost end to 8 metres in the east. A dropped kerb from Chase Cross Road provides vehicular access to the hardstanding and via an access road along the east flank of the building to the rear of the site which has a width of 22 metres and a depth measured from the rear of the semi-detached pair of 28.5 metres.
- 1.3 The surrounding area is predominantly residential in character, comprising of two storey semi-detached and terraced properties. To the north of the site is a wedge shaped piece of land in use as the playground of a day nursery and beyond this is Clockhouse Lane; to the south is Chase Cross Road; to the east are 13-15 Chase Cross Road, a semi-detached pair of houses in use as a medical centre; to the west is a parade of shops with residential accommodation above.

## **2. Description of Proposal**

- 2.1 The application seeks permission for the demolition of the remaining part of the single storey workshop to the rear of the site and the construction of a building to provide five apartments, comprising of 3 no. 2 bedroom and 2 no. 1 bedroom units. The proposal includes the reconfiguration of the internal layout of an existing first floor residential unit at 9A Chase Cross Road to relocate a bedroom to the front of the property.
- 2.2 The proposed two storey building would be arranged with one, 1-bedroom flat and one 2-bedroom flat on the ground floor with individual private gardens. One 1-bedroom flat with a Juliet balcony and one 2-bedroom flat would occupy the first floor. One 2-bedroom flat would occupy the second floor.
- 2.3 In terms of appearance the proposed building would have two areas of pitched roof with different ridge heights and two crown roof sections. The proposal features one flat roofed dormer window in the northern elevation and two flat roofed dormers in the western elevation. There is a roof light in the southern elevation and two roof lights in the eastern elevation. The materials proposed are red brickwork, white render, double glazed aluminium windows, aluminium doors and a slate roof.
- 2.4 The proposed two storey building would have a maximum width of 10.7 metres by 13.2 metres in depth. The building would have a maximum and minimum height of 8.5 and 8.2 metres respectively. The pair of two storey semi-detached properties, No.'s 9-11 Chase Cross Road, would be retained. The proposal includes a single storey element comprising cycle store, bathroom (serving a one bedroom flat) and refuse/recycling store that adjoins No. 9 Chase Cross Road, which would have a maximum width of 6.55 metres, a depth of 9.4 metres and a height of 2.7 metres. The cycle store would have a roof light.
- 2.5 In total, the proposal features five car parking spaces. There is an amenity space located to the rear of the site and both ground floor flats have private gardens.

## **3. History**

- 3.1 There is extensive planning history for the site, the most relevant of which is:

P1657.99 - Change of use to Class A3 - Refused.

P1685.00 - Change of use to restaurant - No decision. Approved on appeal.

M0005.03 - Telecommunications base station site comprising 1 no. 12m mono-pole supporting 3 no. antenna and associated equipment - Approved.

P0001.10 - Demolition of existing workshop to rear of site, and construction of five apartments, comprising 2 no. 2-bed and 3 no. 1-bed units - Refused.

P1616.10 - Demolition of existing workshop to rear of site, and construction of five apartments, comprising 3no. 2-bed and 2no. 1-bed units. New projecting bay window to existing first floor residential unit at 9A Chase Cross Road. This application was refused permission on 17 December 2010 on the grounds that:

*The proposed development would, by reason of its height, scale, mass and position close to No. 9A Chase Cross Road, appear dominant, visually intrusive and overbearing and result in a loss of amenity and outlook to No. 9A Chase Cross Road contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.*

The decision was upheld on appeal in June 2011 with the inspector finding that the loss of outlook from one bedroom window to the rear of 9A Chase Cross Road would be unacceptable as the window would look out on a blank wall at a distance of 4.8 metres.

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

The occupiers of 22 neighbouring properties were notified of this proposal. No responses were received.

The Highway Authority has no objection to the proposals and is satisfied with the parking provision and the proposed parking layout.

Environmental Health - Recommend conditions relating to noise and contaminated land if minded to grant planning permission.

London Fire Brigade - Consideration has been given to the provision of statutory hydrants and private fire hydrants. No additional or alterations to the existing fire hydrants are required for the site.

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

The following policies of the LDF Core Strategy and Development Control Policies DPD are of relevance:

CP1 - Housing Supply  
DC2 - Housing Mix and Density  
DC3 - Housing Design and Layout  
DC6 - Affordable Housing  
DC27 - Provision of Community Facilities  
DC32 - The Road Network

DC33 - Car Parking  
DC34 - Walking  
DC35 - Cycling  
DC61 - Urban Design  
DC63 - Delivering Safer Places  
DC70 - Archaeology and Ancient Monuments  
DC72 - Planning Obligations  
Residential Design SPD  
Planning Obligations SPD (Technical Appendices)

The following London Plan policies apply:

Policy 6.13 - Parking  
Supplementary Planning Guidance Housing

The following national planning guidance is also of relevance:

The National Planning Policy Framework ("the NPPF")

## **6. Staff Comments**

- 6.1 The main issues are considered to be the principle of development, the impact upon the character and appearance of the street scene, the quality of the accommodation provided and impact upon neighbouring occupiers.
- 6.2 The proposal under consideration seeks to address the reasons for refusal of planning application, P1616.10 by the following changes:
- A glazed bay window to a first floor bedroom of 9A Chase Cross Road is deleted from the new proposal - the window was included in the previous scheme in an attempt to mitigate loss of daylight, sunlight and outlook to that room. Instead the internal configuration of 9A Chase Cross Road is changed so that the bedroom is moved to the front of the building and the affected window to the rear now serves a kitchen.
  - The new building is moved 600mm further away from the rear of 9-11 Chase Cross Road.

## **7. Principle of Development**

- 7.1 No.'s 9 and 11 Chase Cross Road are located within the Retail Core of Collier Row Minor District Centre. Policy DC16 seeks to maintain retailing uses within the core areas of the borough's town centres and balance this with non-retail uses (A2, A3, A4, A5) to ensure its vitality and viability.
- 7.2 The principle of residential development is deemed to be acceptable, as No.'s 9-11 Chase Cross Road are being retained, therefore, the proposal would not result in the loss of retail units.

7.3 The provision of additional housing is also consistent with the National Planning Policy Framework as the development is re-using urban land.

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

8.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the Borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

8.2 The site has a relatively low level of Public Transport Accessibility (PTAL) of 2 and Policy DC2 anticipates a housing density of between 50-80 dwellings. The site occupies an area of 0.1 hectares and the proposal would produce a density of 50 dwellings per hectare which falls within the required range.

8.3 The proposal involves the demolition of the remainder of the workshop at the rear of the site. The building is not of any particular architectural or historic merit and no objection is therefore raised to its demolition.

8.4 The new building would not be directly visible from Chase Cross Road as it would be located to the rear of, and would be very slightly lower in height than, No.'s 9-11 Chase Cross Road.

8.5 Conditions could be imposed requiring the submission of details relating to the proposed use of building materials, boundary treatment, and landscaping works, for the approval of the local planning authority, to ensure that the development would have an acceptable visual impact.

8.6 Given the nature of the proposal, including its appearance, height, bulk, and massing in relation to the street scene, it is considered that the proposal would not result in any significant adverse impacts on the character of the area, and that it would be in accordance with Policy DC61 of the LDF.

8.7 Since the previous planning application was refused in 2010 and the refusal upheld in June 2011, the London Plan Supplementary Planning Guidance Housing has been published. The SPG sets out Baseline standards against which schemes can be assessed. The SPG states of Baseline standards that they address issues of particular strategic concern and that developments which depart significantly from Baseline standards "*either in terms of failure to meet with a number of baseline standards, or the extent of failure to meet particular baseline standards, are unlikely to be acceptable*". The scheme fails to meet some of the Baseline Standards as set out below.

8.7.1. Baseline Standard 4.1.1 sets out minimum internal areas that all developments should achieve. None of the flats meets the minimum standards for gross internal area. Of particular note are the two flats

on the first floor (which have only 84% and 87% of the internal area required), and the flat on the second floor (which has 88% of the internal area required) . In addition, while only the area in the second floor flat which has a ceiling height of more than 1.5 metres has been included in the calculation, a significant quantum of the area that has been included has a height less than 2.5 metres. Baseline Standard 5.4.1 states that the minimum floor to ceiling height in habitable rooms should be 2.5 metres between finished floor level and finished ceiling level.

8.7.2. Baseline Standard 4.10.1 states that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings with an extra square metre for each additional person.

No private amenity space is provided for the first and second floor flats - these are the flats which are deficient in internal floor space and the Supplementary Guidance indicates that additional floor space should be provided for dwellings which do not provide private amenity space in order to compensate for the deficiency.

It should be noted that all of the dwellings have access to a communal amenity space of approximately 70 square metres located to the rear of the building.

8.8 The issues raised above were not raised as a reason for refusal in the previous decision, however the application of the new regional standards to the proposal has highlighted that the flats are somewhat small and that, while a relatively spacious communal garden of 70 square metres is provided, the three flats most deficient in internal space have no private outdoor space. On balance, in light of the previous decision, it is considered that it would be difficult to substantiate a refusal on grounds of lack of internal and private amenity space. However members may wish to assess these issues in light of the new regional standards.

8.9 The communal amenity space is adjacent to Clockhouse Lane and a well-designed boundary treatment would be essential to prevent impacts from traffic noise and fumes and from overlooking should permission be granted for the scheme.

## **9. Impact on Amenity**

9.1 The proposed new building would be to the north of other properties in Chase Cross Road and it is considered that the proposed development is sufficiently distant from adjoining properties as not to present problems relating to loss of light, outlook or privacy. Issues relating to loss of light to, and outlook from a specific bedroom window of 9A Chase Cross Road have been addressed by the reconfiguration of the internal rooms of that dwelling. It is proposed that a condition is imposed preventing the occupation of the new flats until this reconfiguration has been implemented.

9.2 While there will inevitably be some loss of light and outlook to the rear living room window of 9A Chase Cross Road and the rear bedroom window of 11 Chase Cross Road, these windows look out along the flanks of the new building and it is not considered that this would result in an unacceptable level of natural lighting and outlook to these properties especially given the urban environment in which they are located where a degree of shading and obstruction of view is to be expected from neighbouring buildings.

9.3 It is considered that in terms of amenity the proposal complies with Policy DC61 of the LDF and the guidance contained in the Residential Design SPD.

## **10. Highway/Parking**

10.1 The site has a low PTAL Level of 2 and the provision of 5 parking spaces is considered to be acceptable. The Council's Highways officers have no objection to the scheme.

10.2 A dedicated cycle store is shown on the submitted plans with space for 6 cycles. Changes to the London Plan in March 2015 have increased the quantum of cycle storage required for residential developments and storage for 8 cycles is required for this proposal (one space for each of the one bedroom flats and two for each of the others). A condition is proposed to secure the provision of adequate cycle storage.

## **11. Other Issues**

11.1 The Council's Environmental Health officers have recommended the use of conditions in relation to noise and contaminated land. It is recommended that these be imposed should planning consent be granted.

## **12. Infrastructure Impact of Development**

12.1 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.

12.2 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 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.

12.3 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.

- 12.4 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.
- 12.5 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.
- 12.6 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.
- 12.7 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.

### **13. Mayoral Community Infrastructure Levy (CIL)**

- 13.1 The proposal would involve the demolition of a workshop with a gross internal floorspace of 202 square metres and the creation of 549 square metres of residential floorspace. As the workshop has not been occupied for more than 36 months its floor area cannot be offset against the new floor area created. The Mayoral CIL contribution is therefore calculated as £20 x 549 = £10,980.

## 14. Conclusion

- 14.1 The site is brownfield land and its redevelopment for housing is considered to be acceptable under LDF Policies CP1 and the guidance in the NPPF. The design, scale and layout of the proposed development is in keeping with the character and appearance of the locality and would provide a suitably high quality living environment. There is judged to be no material harm to neighbouring residential amenity and the proposal is considered to be acceptable in respect of parking and highways issues.
- 14.2 There would also be contributions to meet education costs associated with the development in accordance with Policy DC72. These contributions would be secured through a S106 Planning obligation. The proposal is therefore judged to be acceptable, subject to the prior completion of the obligation and conditions, and it is recommended that planning permission is granted accordingly.

## IMPLICATIONS AND RISKS

**Financial Implications and risks:** None

**Legal Implications and risks:** Legal resources will be required to prepare and complete the legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**Human Resource Implications:** None

**Equalities and Social Inclusion Implications:** The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

1. Application and supporting details and plans received on 17-04-2015