



# REGULATORY SERVICES COMMITTEE

# REPORT

8 December 2016

**Subject Heading:**

P1421.16 - 1 Mowbrays Road, Romford

Demolition of existing house, ancillary buildings and garage block.  
Construction of 4 new dwellings plus ancillary facilities. (Received 24/08/16)

**Ward:**

Pettits

**Lead Officer:**

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Planning Manager

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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 [X]  
Residents will be proud to live in Havering [X]

## SUMMARY

The proposal is for the demolition of the existing bungalow, ancillary buildings and garage block and the construction of 4. No new dwellings plus ancillary facilities.

It raises considerations in relation to the impact on the character of the surrounding area, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and a legal agreement being completed.

## RECOMMENDATIONS

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 239m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £4,780 (subject to indexation).

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 £18,000 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 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.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director of Regulatory Services 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 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.

## 3. Parking Provision

No building shall be occupied until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

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

## 4. External Materials

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 external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

## 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. 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.

## 7. Cycle Storage

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

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

## 8. 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.

## 9. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

## 10. 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.

#### 11. 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.

#### 12. Accessibility

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.

13. 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.

14. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place 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 Development Control Policies Development Plan Document Policy DC61.

15. Domestic 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 two dwellings to the rear of the property. 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.

16. 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

17. Lighting

Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting within the rear parking area, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to occupation and operated in strict accordance with the approved scheme.

**Reason:** Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 18. Balcony condition

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

#### 19. Levels

Prior to the commencement of the development details of the existing and proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

### INFORMATIVES

1. 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.
2. 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.
3. 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.

4. 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.
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
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 £4,780 (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.
7. 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.
8. 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.
9. Please note that by virtue of Condition(s) 12, you are required to notify the relevant Building Control body of these conditions as part of any application.
10. Before occupation of the residential units 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. Site Description

- 1.1 The application site is a plot of land containing a bungalow which faces north onto Mowbrays Road and includes a row of 6 garages to the east of the curtilage of the bungalow. To the east of the bungalow is a two storey building facing onto Mowbrays Road and housing 4 flats, the garages mentioned above lie to the south of these properties behind their rear gardens and the access road to the garages runs south from Mowbrays Road along the eastern flank of the building. To the west of the application site is an end of terrace house facing north onto Mowbrays Road. To the south of the site is a service road providing access from Mashiters Hill (which lies to the east) to the rear of houses on Mashiters Hill; further to the west the site also backs onto a small section of a service road providing access from Takely Close (which lies to the west) to the rear of houses on Mowbrays Road and Takely Close. The site slopes from north to south.

### 2. Description of Proposal

- 2.1. The proposal involves the demolition of the bungalow, ancillary buildings to the rear and the garages and the construction of 4 new dwellings. The dwellings comprise:
- a semi-detached pair of 3 bedroom houses facing north onto Mowbrays Road with living accommodation on a lower ground floor (within a basement) and bedrooms on an upper ground and first floor;
  - a two-storey building towards the rear of the site providing a 3 bedroom apartment on the ground floor and another 3 bedroom apartment with living accommodation on the ground floor and the bedrooms on a lower ground floor (within a basement).
- 2.2 The 3 bedroom houses are accessed directly from Mowbrays Road and each is provided with a parking space to the front of the house. Pedestrian access to the apartment building is by a pathway along the east flank of the proposed semi-detached pair while vehicular access is from the existing service road running alongside nos. 1a-1d Mowbrays Road and parking for 4 cars is provided where the garages currently stand.
- 2.3 Refuse and recycling areas will be located to the front of the semi-detached pair of dwellings fronting Mowbrays Road.

2.4 Parking provision for 6 vehicles would be provided; 2 no. on a hardstanding to the front of the semi-detached pair of dwellings and 4 no. spaces to the rear of the properties at No's 1a-1d Mowbrays Road.

2.5 The dwellings would have a north - south orientation with garden spaces towards the rear.

### **3. Relevant History**

3.1 P1082.16 - Demolition of existing house, ancillary buildings and garage block. The construction of 4 no. new dwellings with ancillary facilities. Permission was refused on the grounds that the proposal was considered to be overdevelopment of the site providing a poor standard of accommodation for future occupiers and the absence of a legal agreement to fund school places.

3.2 P0341.16 - Demolition of existing house, ancillary buildings and garage block and construction of 4 new dwellings. Permission was refused on the grounds that the proposal was considered to be overdevelopment of the site providing a poor standard of accommodation for future occupiers, that the refuse stores would not be serviceable and that the absence of a legal agreement to fund school places.

### **4. Consultations/Representations**

4.1 Neighbour notification letters were sent to 23 properties and 9 letters of objection were received raising the following concerns.

- overdevelopment of the site
- provide a poor standard of accommodation
- will have an impact on existing infrastructure (school places, Health care and doctors)
- potential parking disruption as a result of contractors vehicles.
- detrimental to living environment of neighbouring occupiers
- not enough on-site parking will lead to overspill onto Mowbrays Road
- water drainage concerns as existing back gardens get water logged
- loss of views
- potential noise during construction
- proposal would cause structural damage to neighbouring summer house
- safety concerns relating to the potential removal of the boundary treatment to the rear of the existing garages (to be demolished)

4.2 The following consultation responses have been received:

- The London Fire Brigade - no objection.
- Highways - no objection subject to the addition of a vehicle access and vehicle cleansing conditions.
- Essex & Suffolk Water - no objection

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), 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.
- 5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of nearby houses and the suitability of the proposed parking and access arrangements.
- 6.2 *Principle of Development*
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with the NPPF as the application site is within an established urban area.
- 6.2.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of this existing residential site. The proposal is therefore acceptable in principle and in accordance with Policy CP1.
- 6.3 *Background*
- 6.3.1 The latest application (P1082.16) for a similar development was refused planning permission as it would provide a poor living environment for future

occupiers due to overlooking from existing properties as well as the potential for the new development to overlook each other's rear gardens. All other aspects of the development were considered acceptable. The developer has made changes to the privacy concerns and it will be addressed later in this report under 'Impact on Amenity'.

#### 6.4 *Density Layout*

- 6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.3.2 The proposal would provide 4 no. residential dwellings at a density equivalent to approximately 50 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.
- 6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 6.3.4 The proposal would provide residential units with floor space sizes all of which would meet the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.3.5 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.
- 6.3.6 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. Amenity space of approximately 40m<sup>2</sup>, 40m<sup>2</sup>, 60m<sup>2</sup> and 84m<sup>2</sup> will be provided respectively for each dwelling to the rear or side of the buildings. Each garden will have an area of privacy which will not be overlooked by the proposed semi-detached pair of dwellings to the front of the site (see drawing no. 15-1181-203)
- 6.3.7 Whilst some of the garden areas are on the small side for family housing, as a matter of judgement, it is considered that the proposed amenity spaces would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the dwellings. All of the proposed dwellings will have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

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

- 6.4.1 Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 The area is characterised by semi-detached pairs and short terraces of 2 storey residential dwellings. The existing bungalow is an anomaly in the street scene and the proposed semi-detached pair of houses would fit in well. The gable ends of the roof would be in keeping with those of the flatted building to the east and the semi-detached building opposite.
- 6.4.3 The proposed dwellings to the rear of the plot would not be visible from the street and would have no impact on the street-scene. As a result of the significant changes in ground level at the rear of the property the 2 no. dwellings towards the rear of the subject property will have a modest height of 3.2m at their highest point above ground level. The proposed dwellings in the rear garden would be similar in size and visual impact to that of various other outbuildings to neighbouring occupiers within the immediate vicinity.
- 6.4.4 In order to limit overlooking to the rear amenity areas of the proposed dwellings at the rear these window frames have been designed to project out beyond the rear elevation. Although these windows will have a visual impact, Officers consider this to be acceptable and in keeping with the modern design of the development.
- 6.4.4 In terms of overall design and visual appearance, Staff are of the opinion that the development in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area.

#### 6.5 *Impact on Amenity*

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 It is not considered that the proposal would have a detrimental impact on the amenity of neighbouring occupiers. The rear facing windows, due to its projecting design, will limit overlooking to the rear of the neighbouring properties. Any overlooking will be limited to the rear part of the neighbouring gardens which is a similar arrangement to existing 2-storey properties within the borough. The proposed dwellings to the rear are single storey, at a lower level to the nearby dwellings on Mowbrays Road and some 10 metres distant from the rear of the nearest house. The combination

of these factors would preclude any material issues of loss of privacy or noise nuisance from the use of these dwellings. The proposed development would not result in a loss of light to neighbouring occupiers as the semi-detached pair would be sufficiently set off the boundary with the neighbour to the east and is separated by a flat roof single storey side extension neighbouring from the western neighbouring property. The dwellings to the rear of the site would be viewed as single storey structures from neighbouring properties and would be of similar height than existing outbuilding in the immediate surroundings. No loss of light would result to neighbouring occupiers as a result of these dwellings.

- 6.5.3 Although the proposal would not result in an impact on neighbouring residential amenity it is also important to consider any potential impact on the amenity of future occupiers as a result of overlooking from the existing residential properties as well as the relationship between the gardens of the proposed dwellings.
- 6.5.4 Previous concerns related to the rear windows and terraces of the two new dwellings to the south of the site being overlooked from the rear gardens of houses on Mowbrays Road. An element of overlooking would remain, however this would be mitigated by proposed planting on the boundary and the fact that the closest window to the development at the rear of No. 3 is obscure glazed and serves a bathroom. Officers are also mindful that potential purchasers of the new dwellings would be aware of the potential for overlooking. Any overlooking from first floor rear windows of the new semi-detached pair of dwellings has also been addressed by providing redesigned rear windows which limits the line of sight (see drawing 15-1181-203).
- 6.5.5 Previous concerns also related to the overlooking of the new windows and terraces of the new pair of semi-detached houses from users of each other's rear gardens has been addressed by the provision of a 1.8m high fence on the shared boundary. A higher fence has also been introduced to the western shared boundary with the neighbour at No. 3. The proposed fencing is considered acceptable and would not result in an unacceptable visual impact when viewed in context of the wider development.
- 6.5.6 Previous concerns relating to the rear windows and terraces of the new semi-detached houses being overlooked by users of the path running along the back and side of the houses from the two new dwellings in the south of the site has also been addressed by increasing the height of the fencing from 1.4m to 1.8m. Any potential loss of light to ground floor windows is deemed acceptable given the southern orientation of these windows.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff acknowledge that there will be some impact as a result of vehicle movement close to neighbouring dwellings however this would not be that different from the current use of the site as a garage site.
- 6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the

amenities of neighbouring properties and future occupiers. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 *Parking and Highway Issues*

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 2 and therefore requires 2-1.5 parking spaces per unit for a development of this type. The development would provide a total of 6 parking spaces at a ratio of 1.5 spaces per unit. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the minimum requirements of Policy DC33 and no issues are raised in this respect. The proposal would also be in keeping with the London Plan which requires up to 1.5 spaces per unit for a development in this locality. The Highways Authority has not raised an objection to the proposal.

6.6.2 A condition will be added to provide details of cycle storage for each dwelling in the event of an approval.

6.6.3 The developer has stated that the two dwellings to the rear of the site would be fitted with domestic sprinkler systems. A condition will be added in the event of an approval to ensure this installation.

## 6.7 *Mayoral Community Infrastructure Levy*

6.7.1 The proposed development will create 4 no. new residential units with 239m<sup>2</sup> of new gross internal floorspace (406m<sup>2</sup> minus existing floor area of 167m<sup>2</sup>). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,780.00 (subject to indexation this figure may go up or down) based on the calculation of £20.00 per square metre.

## 6.8 *Infrastructure Impact of Development*

6.8.1 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.

6.8.2 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.



- 6.8.3 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.
- 6.8.4 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.
- 6.8.5 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.
- 6.8.6 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.
- 6.8.7 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 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.8.8 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 £18,000 for educational purposes would be appropriate.
- 6.9 *Other*
- 6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the

highway on collection days. The proposal will provide a bin collection point to the front of the properties fronting Mowbrays Road. Details of the refuse collection arrangements are proposed to be required by condition.

- 6.9.2 With regard to runoff concerns raised, Officers do not consider the development to have an unacceptable impact as there is an opportunity to improve the drainage in the rear garden through the development. Issues related to structural damage to neighbouring properties and potential boundary security concerns are not material planning considerations. Issues relating to noise and disturbance and lack of parking as a result of the construction will be mitigated by construction methodology and limited construction hours conditions.
- 6.9.3 Concerns raised regarding the additional impact on infrastructure, Officers do not consider this to be excessive given that the development is only for 4 no. additional units. The development will be required to make an educational contribution to provide school places.
- 6.9.4 Comments received also raised concerns regarding the loss of views. The semi-detached pair of properties will maintain the existing front and rear building lines, is sufficiently set off the boundaries and will therefore not have a significant impact on loss of views. The proposed dwellings to the rear would have a similar visual impact than that of a single storey outbuilding and would also not result in a harmful impact.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a legal agreement being completed.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement.

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

Legal resources will be required to prepare and complete the legal agreement.

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

None.

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

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

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on Received on 24 August 2016.