



Havering
LONDON BOROUGH

Planning Committee
22 October 2020

Application Reference: P0966.20

Location: 13 Marlborough Gardens Upminster,
RM14 1SF

Ward: Cranham

Description: Demolition of existing two storey
detached dwelling and construction of 2 x
two storey detached dwellings.

Case Officer: Darius Ardeshirian

Reason for Report to Committee:

- A Councillor call-in has been received. The Assistant Director of Planning has directed that the call-in is acceptable, and should be honoured.
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1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1. The application proposes the demolition of the existing two storey detached dwelling and construction of two new detached residential dwellings at the application site.
- 1.2. The current design is a revision of the initially submitted and advertised proposal for 2x two storey semi-detached dwellings and a two storey detached dwelling at the subject site, all with habitable roof space and front and rear dormers. In contrast the revision includes 2x two storey dwellings with no dormers or habitable loft space.
- 1.3. The proposal is not opposed in principle by any policies of the development plan, and the design is not considered to result in severe harm to the street scene, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application.
- 1.4. It is not considered that the Council could reasonably defend an appeal against a refusal of the scheme due to the limited harm that the proposal would have on local character or residential amenity, and therefore the proposed development is acceptable subject to the suggested conditions.

2 RECOMMENDATION

2.1. That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

Conditions

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

2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

3) Before the building(s) 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.

4) 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.

5) 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.

6) 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.

7) The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

9) 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.

10) Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NO_x boilers with maximum NO_x Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

11) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

12) 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) location and time of deliveries;

c) complaint investigation procedures;

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

13) The proposed windows on the first floor of unit 2 relating to the stair landing and ensuite shown on plan 1705/03 shall be permanently glazed with obscure glass not less than Level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut.

14) All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

15) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

16) 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.

Informatives

1) Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework 2018, improvements required to make the proposal acceptable were negotiated with the agent via email. The revisions involved the reduction from three dwellings to two and modifications to the building design and roof form. The amendments were subsequently submitted on 15/9/20.

2) The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/m² and is chargeable for each additional square metre of residential gross internal [floor] (GIA). Based upon the information supplied with the application, £5,387.50 would be payable due to result in a new residential property with 215.5m² of GIA, however this may be adjusted subject to indexation.

The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125/m² (Zone A) for each additional

square metre of GIA. Based upon the information supplied with the application, £26,937.50 would be payable, subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. 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. You are also advised to visit the planning portal website where you can download the appropriate document templates at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whatto-submit/cil>

- 3) In relation to condition 12, it is recommended that provision is made in the Construction Method Statement for deliveries to take place outside of school arrival and departure times.
- 4) 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.
- 5) Changes to the public highway (including permanent or temporary access)
 - The developer is notified that they must enter into a Section 278 (s278) Highways agreement prior to commencing civil work on the Highways.
 - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

- The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

- The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

Surface water management

- The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1. The application is seeking planning permission for:

The demolition of the existing two storey detached dwelling and construction of 2 x two storey detached dwellings with front car parking.

3.2. The initial design, which has since been revised, was for a pair of two storey semi-detached dwellings and a detached dwelling with habitable roof space and front and rear dormer windows.

Site and Surroundings

3.3. The site is located on the northern side of Marlborough Gardens, situated between the entrance to Hall Mead School and the rear gardens of the properties fronting Marlborough Gardens to the east.

3.4. The site is occupied by an existing two storey detached dwelling with a pitched roof and gable ends. The building is likely to have been formerly used

in conjunction with the school. The site has a width of approximately 18.5m and an area of approximately 523sqm.

- 3.5. The topography of the site is characterised by a gradual incline in from east to west along Marlborough Gardens.
- 3.6. The public road at frontage of the site has a no parking 'keep clear' restriction.
- 3.7. The street scene on the opposite side of Marlborough Gardens is characterised by a regular pattern of two storey semi-detached dwellings with pitched roofs and a front gable feature, front hard stand car parking or garages and an average street setback of approximately 6m.
- 3.8. The site has no tree preservation orders or significant constraints.
- 3.9. The trees at the frontage of Hall Mead School are protected under a tree preservation order.

Planning History

- 3.10. There is no relevant planning history registered at the site.

4 CONSULTATION RESPONSE

- 4.1. The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".
- 4.2. The following were consulted regarding the application:

LB Havering Street Management (Highways)

- 4.3. The highways department raised concerns about potential risks associated with the driveways in relation to the school and footway, however is supportive of the proposal subject to the applicant entering into a section 278 agreement to undertake the required modifications to the highway/public domain to improve safety. The modifications include a speed table and reducing the radius of the kerb as well as introducing a pedestrian crossing. Other modifications to public infrastructure include relocating the existing bin and modifying the existing gully. All costs associated with are the responsibility of the developer.

LB Havering Waste and Recycling

- 4.4. No objections were raised to the scheme.
- 4.5. "Waste storage to be provided. Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Marlborough Gardens on the scheduled collection day."

LB Havering Environmental Protection

- 4.6. No objections subject to conditions relating to a Construction Environmental Management Plan, Non-Road Mobile Machinery and Low Emission Boilers. No objections relating to land contamination or noise.

London Fire Brigade

4.7. Fire Safety - no objections subject to full compliance with Approved Document B, B5.

4.8. Hydrants - no additional hydrants are required and no further action is required.

5 LOCAL REPRESENTATION

5.1. A total of 8 properties were notified of the application and invited to comment. During the first round of consultation on the three units scheme a total of 20 objections were received, one comment with conditions and one comment.

5.2. The second round of consultation attracted a total of 9 objections and 2 submissions of conditions.

5.3. The following Councillors made representations:

- The initial proposal was called in by councillor Linda Van De Hende/Gillian Ford to be determined at a planning committee meeting and objecting on the following grounds:
 - Over development of the site
 - Potential parking issues
 - Proposed design not in keeping with the street scene
 - Intensification of development on the size of the plot
 - Capacity for parking reduced due to the length of the frontages
 - Lack of consideration for sustainable development.
- The councillors chose to maintain their call in of the revised scheme to planning committee on the following grounds:
 - The scale and size of the 2 detached houses are not in keeping with the street scene as other houses in the road are semi-detached.
 - The houses are very large and will extend the depth of the existing house significantly, which will have a detrimental effect on the gardens of properties at nos 15 and 17, they will be significantly overlooked, which will give the effect of crowding their gardens.
 - Given the depth of the proposed houses, the amenity space allocated to each house will be small in comparison to the size of the houses.
 - There are a number of very mature trees in the current garden which currently give the houses at 15 and 17 some shielding, it is likely these, or at least some, will be removed during development, which will again be to the detriment of the gardens at 15 and 17.
 - There are proposed to be windows on the flank wall of the houses which again will overlook gardens, this is very undesirable.
 - The 2 houses will be very close together and give an overbearing look to the street.

Representations

5.4. The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report.

Objections

5.5. It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc.

5.6. The comments on the revised application, and associated recommended conditions, are summarised below (please note comments on original submission are not outlined below):

- Overdevelopment of the site;
- Not in keeping with the other houses in the street;
- Loss of privacy and overlooking of rear gardens;
- Poor design quality;
- Land contamination and asbestos;
- Loss of sunlight;
- Noise, dust, traffic and pollution from construction;
- Potential vehicle and pedestrian conflict between crossover and children leaving school;
- Excessive in area and height adversely impacting neighbours by building bulk;
- Increased traffic and parking problems;
- Loss of trees and biodiversity;
- Accuracy of information submitted including existing use, ground elevation, biodiversity impacts and drainage.
- The recommended conditions related restriction in height to other houses in the street, construction management, limit work to weekdays only, off-street car parking for workers, obscure glazing/non-opening flank windows, retain trees, development access should be via the school grounds not the street, deliveries outside school arrival/departure times and drainage to be retained on-site.

5.7. OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the points above are indicated in the report, and precedes the relevant heading or paragraph.

5.8. The response to the information submitted is outlined below:

- An updated street scene elevation was provided noting that there is a slight incline across the site from east to west by approximately 1 degree, but does not materially change the proposal;
- The existing building appears to be unused but formerly for educational purposes, and the provision of additional housing in an established residential area is supported in principle. The adjacent school is currently going through improvements and appears to have space to accommodate growth. The loss of the building as an educational use would not be grounds for refusal of the application.
- The existing mature trees at the rear of the site are not proposed to be removed as part of the proposal. The shrubs and hedges on the site forming part of the garden are not protected and could be removed without planning permission and therefore removal of this vegetation is not grounds for refusal of the application.
- Environmental health have reviewed the application and advised that there are no land contamination issues relating to the site.
- Sewage and drainage is not a planning consideration in this case given the minor nature of the proposal. The agent has advised that the proposal will be connected to the foul sewage, and it will be required to connect to either the existing drainage infrastructure or contain storm water on-site via soakaways. This matter can be dealt with at the building stage and the relevant consents will be sought from Essex & Suffolk Water/Thames Water. An informative has been imposed accordingly.
- In relation to the recommended conditions, only those reasonable conditions can be imposed on the consent otherwise they may be challenged at appeal. A standard condition is recommended to control the hours of construction. A construction methodology statement is recommended to manage car parking, delivery times and complaints procedures during construction. An informative is imposed to recommend deliveries occur outside of school pick up and drop off times.

6 MATERIAL PLANNING CONSIDERATIONS

6.1. The main planning issues raised by the application that the committee must consider are:

- Principle of Development
- Density and site layout
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Car Parking and Highways
- Financial and Other Mitigation

- Other Planning Issues

Principle of Development

- 6.2. The 2019 Housing Delivery Test results indicate that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the NPPF is relevant.
- 6.3. The NPPF does offer support for new housing in sustainable locations that represents an efficient use of land. Paragraphs 124-131 of the NPPF is also relevant, which among other things seek to achieve well-designed places that are sympathetic to local character and provide adequate amenity for neighbours and future occupants. Consequently, any proposed development would need to meet these objectives of the NPPF and other relevant planning policies in order to benefit from the presumption in favour of sustainable development.
- 6.4. The provision of additional housing is consistent with the NPPF and CP1 of the Havering Core Strategy as the application site is within a sustainable location in an established urban area with no significant constraints to the site and therefore the proposal is acceptable in principle in land use terms. Notwithstanding, the acceptability of the proposal is subject to a detailed assessment of the impacts of the proposal.

Density and Site Layout

- 6.5. In accordance with the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan, in a suburban context with a public transport accessibility level (PTAL) of 0-1, such as the subject site, the recommended density range is 33-55 units per hectare. The site has an area of approximately 520sqm and proposes 2 units which equates to a density of 38 units per hectare, in compliance with Table 3.2.
- 6.6. The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home. In addition, the quality of housing is guided by sufficient outlook, aspect and access to natural light.
- 6.7. Both dwellings have an occupancy of 7 persons with 4 bedrooms over two floors with a gross internal area of 146sqm and 3.5sqm of built-in storage, in compliance with the standard which requires 115sqm of internal floor area and 3sqm of built-in storage. All bedrooms meet the minimum internal area standards.

- 6.8. The quality of the internal living accommodation is deemed acceptable with dual aspect, reasonable outlook to the street and rear garden, and ample natural light.
- 6.9. Havering's Residential Design SPD does not prescribe minimum space standards for private amenity space. However the SPD does state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. The proposed amenity spaces, although smaller in total area than the established residential properties in the locality, are considered to be of an adequate size, minimum dimension, shape and orientation to be deemed usable and of reasonable quality for the intended occupancy of the proposed dwellings to provide a reasonable level of amenity to future occupants. The proposed amenity spaces are reflective of the size and scale of other recent infill residential development proposals accepted in the borough. The amenity spaces have a minimum width of approximately 9m and each have an area of 85sqm and 104sqm. The rear amenity spaces have a direct interface with mature trees and a landscaped area of the school to the north and the rear gardens of adjacent properties to the east, which is undeveloped land and provides reasonable outlook and adequate privacy.

Design and Street Scene Implications

- 6.10. The proposed development would be acceptable on design grounds and when assessed against the Havering Core Strategy (HCS) Policy DC 61, which requires new developments to be satisfactorily located and of a high standard of design and layout, which are compatible with the character of the surrounding area and do not prejudice the environment of the occupiers or adjacent properties.
- 6.11. The southern side of Marlborough Gardens, opposite the subject site, is characterised by a regular pattern of pairs of two storey semi-detached dwellings with pitched roofs, front gable features finished in part face brick and part render, and with front car parking. Comparatively, the subject site is sited in relative isolation between the school site and the rear gardens of those dwellings on Marlborough Gardens orientated to the east. The site does not form part of a street scene that is characterised by a distinct and regular pattern of development or rhythm, in other words, the built form on the northern side of Marlborough Gardens is varied.
- 6.12. The proposed subdivision has a minimum plot width of 8.9m which is wider than some of the properties opposite, and generally consistent with the surrounding area.
- 6.13. It is noted that the plot has a shallower depth than residential properties in the surrounding area, however as the rear boundary of the site has an interface with the school rather than residential properties, there

would be no adverse amenity or garden scene impacts on a neighbouring property at the rear. In addition, as noted above, the proposal would provide a sufficient amenity space for both dwellings.

- 6.14. The proposed buildings maintain a minimum 1.4m-1.5m setback from side boundaries and 1m separation from one another, and a minimum primary street setback of 5.75m, which generally reflects the front setback of the existing building on the site. The primary street setbacks of the buildings opposite range from approximately 5.5m to 6.5m.
- 6.15. The building design incorporates a regular appearance for a two-storey detached dwelling with a pitched roof hipped away from all boundaries, a front door and major openings presenting to the street, a roof pitch height of 8.3m and an eave height of 5.3m, and a building length of approximately 12.5m resulting in a mass, bulk, scale and footprint not dissimilar to other dwellings in the local area.
- 6.16. The design incorporates a part render part face brick façade and a staggered front building line. Although the building design does not explicitly mimic the architectural style of the semi-detached dwellings opposite, the proposed development has a form, siting, scale and materiality that is generally consistent with buildings in the local area and not deemed to be harmful to the existing character of the street scene.
- 6.17. Whilst the proposal results in the replacement of an existing building with two larger buildings, the proposed development represents the redevelopment of brownfield land in an efficient manner in line with the objective of CP1 of HCS.
- 6.18. In summary, the proposal is considered to be compliant with the objectives of policy DC61 of the HCS and is not considered to represent an overdevelopment of the site and reasonably integrates with local character.

Impact on Neighbouring Amenity

- 6.19. The proposed development is not considered to result in adverse amenity impacts to neighbouring properties with respect to overlooking, overshadowing, loss of daylight, building bulk, sense of enclosure or impacts on outlook.
- 6.20. The site is well separated from residential properties with the closest neighbouring dwellings located 25m to the east and 23m to the south on the opposite side of Marlborough Gardens.
- 6.21. The only potential overlooking impacts relate to the flank windows on the first floor of unit 2 which relate to a stair landing and ensuite bathroom which are not habitable rooms. All first floor flank windows are annotated as obscure glazing on the plans. A condition will be imposed to ensure the windows are obscure glazed and non-opening to alleviate any potential overlooking impacts. The proposed ground floor flank windows relate to non-habitable rooms and will be screened by boundary fencing at least 1.8m in

height to prevent overlooking. A recommended condition of consent requires a boundary fencing details to be approved by Council and installed prior to occupancy.

- 6.22. The proposal will have no significant overshadowing impacts or loss of day light impacts on neighbouring dwellings as the shadow cast from the dwelling will primarily fall within the school site to the north during the winter months, and proposed development is separated from neighbouring dwellings by at least 25m. There will be additional shadow cast into the rear gardens of the neighbouring properties in the late afternoon in the winter months however this is not sufficient to warrant refusal of the application as access to sunlight will not be compromised throughout the majority of the day. In addition, the proposed development does not impede the 25 degree vertical angle of windows of the neighbouring properties.
- 6.23. The proposed development will inevitably be visible to some degree from the rear windows of the properties located to the east at no. 15-21 Marlborough Gardens. The view from the rear of these neighbouring properties is not unfamiliar with built form as the proposed building will replace an existing smaller building on the site. In addition, the separation distance in excess of 25m between the rear of the neighbouring properties and the proposed building is deemed sufficient to offset the building bulk impacts of the proposed building, which has a roof pitch height of approximately 5.3m, a wall length of approximately 11.4m and a roof design that is hipped away from the boundaries with a 1.4m side boundary setback.
- 6.24. In light of the above the proposal is not considered to have an unreasonable impact on neighbouring amenity with respect to impacts on outlook and sense of enclosure that would warrant refusal of the application.
- 6.25. Consequently, the proposed development would comply with HCS policy DC61 and the NPPF with respect to neighbouring amenity.

Highways and Car Parking

- 6.26. The site lies in an area that has a Public Transport Access Level (PTAL) rating of 1b (very poor). In accordance with Table 6.2 of the London Plan, up to 2 car parking spaces are recommended per dwelling for suburban sites with a low PTAL and more 4 beds. A total of two car parking spaces are provided per dwelling in accordance with this requirement.
- 6.27. Two cycle storage spaces are proposed in the rear garden for each dwelling in accordance with the cycle parking requirement of Table 6.3 of the London Plan. A condition of consent will be imposed to ensure these are installed prior to occupancy of the dwelling.
- 6.28. Council's Highways department have advised that they have no objection to the proposal subject to the applicant entering into a section 278 agreement with Council's Highways department to undertake the required modifications to the highway, crossovers and public domain to improve safety. This is dealt with under the Highways Act and an informative would be

imposed on the consent for guidance for the agent. The modifications include a speed table and reducing the radius of the kerb, as well as introducing a pedestrian crossing. Other modifications to public infrastructure include relocating the existing bin and modifying the existing gully. All costs associated are the responsibility of the developer.

- 6.29. Whilst it is acknowledged that the site is within close proximity of the school, it would not warrant refusal of the application provided that appropriate design modifications and visibility splays could alleviate pedestrian-vehicular conflict at the site. The increase in vehicular activity at this site is relatively limited with a maximum of 4 vehicles introduced to the site. A condition is recommended to ensure appropriate visibility splays are provided to allow clear sightlines between the parking spaces and the footway for safety purposes.
- 6.30. Subject to the above agreement being finalised, the proposals would be acceptable from a highways perspective.

Financial and Other Mitigation

- 6.31. The submitted CIL form claims that proposal will result in the addition of 292sqm of gross internal floor space and the loss of 76.5sqm of existing residential floor space at the site. Accordingly the proposal would be CIL liable for 215.5sqm of additional floor space.
- 6.32. Mayoral CIL is calculated at a rate of £25/sqm, resulting in liability of £5,387.50.
- 6.33. Havering CIL is calculated at a rate of £125/sqm, resulting in a liability of £26,937.50.
- 6.34. Both CIL payments would be subject to indexation.
- 6.35. It is noted that the use of the existing building on the site would need to be verified at time of payment of CIL fees to evidence that the existing building was used for residential purposes for 6 months of the past 3 years. If this cannot be demonstrated the CIL liable floor space is 292sqm.

Conclusions

- 6.36. The proposed development is deemed to be acceptable with respect to impacts on the street scene, neighbouring amenity, the amenity of future occupiers and highway and parking considerations, and broadly in line with relevant planning policy, as outlined throughout the report.
- 6.37. In their advice, the Planning Inspectorate indicates that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of the "Procedural Guide Planning appeals – England [July 2020]"). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this.

6.38. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).