



Havering

L O N D O N B O R O U G H

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 7 December 2017	Council Chamber - Town Hall
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Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Philippa Crowder
Melvin Wallace
Roger Westwood
Michael White

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald (Vice-Chair)
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons - 01708 432430
richard.cursons@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the minutes of the meeting of the Committee held on 16 November 2017 and to authorise the Chairman to sign them.

5 PLANNING APPLICATION - SEE INDEX AND REPORT (Pages 7 - 16)

6 P0096.15 - 143 NORTH STREET, ROMFORD (Pages 17 - 32)

7 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

Andrew Beesley
Head of Democratic Services

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
16 November 2017 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair), Philippa Crowder,
Melvin Wallace, Roger Westwood and +Carol Smith

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Linda Hawthorn and +Gillian Ford

Residents' Group

UKIP Group Phil Martin

Independent Residents Graham Williamson
Group

Apologies were received for the absence of Councillors Michael White and Alex Donald.

+Substitute members Councillor Carol Smith (for Michael White) and Councillor Gillian Ford (for Alex Donald).

Councillors John Crowder, John Glanville, John Mylod and Michael Deon Burton were also present for parts of the meeting.

15 members of the public were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

338 DISCLOSURE OF INTERESTS

Councillor Philippa Crowder declared a Prejudicial Interest. Councillor Crowder advised that she owned a property in the vicinity of the proposed development.

339 **MINUTES**

The minutes of the meeting held on 26 October 2017 were agreed as a correct record and signed by the Chairman.

340 **P1496.17 - 65 HIGHFIELD CRESCENT, HORNCHURCH**

The proposal before Members was for a retrospective planning permission for a children's treehouse in a rear garden.

The planning permission was sought for the retention of a children's tree house in a rear garden. The tree house had been partially constructed but was not yet fully complete.

Members noted that the application had been called-in by Councillor John Mylod on the grounds of a loss of privacy as it was felt that the tree house overlooked the rear garden and conservatory of the neighbour and concluded that it amounted to bad positioning of the tree house

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant.

The objector commented on the height of the tree house, that the tree house was in full view of their kitchen and conservatory and the loss of natural daylight. The resident was requesting that the height of the structure be reduced by two to three feet and the opening to the tree house be re-sited from the present spot.

The applicant responded that the tree house was located some distance from the boundary wall and as such would not cause any loss to light. The applicant added that it was his intention to grow further trees to screen the tree house from the neighbouring premises.

With its agreement Councillor John Mylod addressed the Committee.

Councillor Mylod commented that the tree house was quite big and causing overlooking into the objector's garden and kitchen. He was of the opinion that the tree house be lowered and relocated 180% in the garden to avoid any overlooking.

During the debate Members sought and received clarification relating to the height and outbuilding regulations.

The report recommended that planning permission be granted however following a motion to defer it was **RESOLVED** that the application be deferred to enable discussion with applicant about location of slide and potential for relocation away from rear boundary.

The vote for the deferral of the application was carried by 6 votes to 5.

Councillors Crowder, Misir, Smith, Wallace and Westwood voted against the motion to defer.

341 P1239.17 - 143 NEW ROAD, RAINHAM

The application before Members detailed an outline planning application for the demolition of all buildings at Inserco House, 143 New Road an Centurion House to redevelop the site for residential use providing up to 35 units (a mixture of 1, 2 and 3-bedroom apartments and 3-bedroom townhouses) with ancillary car parking, landscaping and access.

With its agreement Councillor Michael Deon Burton addressed the Committee expressing his concern/reservation to the proposal as an outline application with reserved matters.

Councillor Burton commented that the applicant could submit a proposal in the future to increase both the height and reduce parking space on the site.

During the debate Members sought and received clarification relating to the number of parking spaces, height of the building and amenity spaces on the outline application.

It was **RESOLVED** that planning permission be granted subject to an amended condition requiring a minimum of 37 spaces plus an informative in connection with amenity space provision next to the highway being unlikely to be acceptable.

342 P1021.17 - 214 WINGLETYE LANE, HORNCHURCH

The proposal before Members sought permission for the demolition of the existing garage and the construction of a new bungalow with retained car parking provision for the host property.

Members noted that the application had been called-in by both Councillors John Glanville and Steven Kelly. Councillor Glanville was against the application on the basis that the development was far forward of the building line and would create car parking problems. The application had been called in by Councillor Kelly as he was of the opinion that the development was in keeping with the area and the off-setting of the building line fitted in with the aspect of the corner position.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented that the application did not fit in with the street scene as the proposed development was on the building line with other properties in the area. Councillor Glanville was also of the view that the proposal might cause a precedent to other development in the area.

During the debate Members discussed the effect of the proposal on the street scene and the marginal difference the development/application would have on the building line in the area.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried 7 votes to 4, it was **RESOLVED** that planning permission be approved subject to conditions and legal agreement.

The vote for the approval to grant planning permission was carried by 7 votes to 4.

The development was considered to be unacceptable because of the impact of the proposal on the character of the area, it was therefore recommended that planning permission be refused.

Councillors Ford, Hawthorn, Martin and Smith voted against the resolution to grant planning permission.

343 P1284.17 - 17 QUADRANT ARCADE, ROMFORD

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

344 P1350.17 - 11A ELM PARADE, ST NICHOLAS AVENUE, ELM PARK

The Committee considered the report and without debate **RESOLVED** that planning permission be refused as set out in the report.

345 P1359.17 - 13 SPRINGFIELD GARDENS, UPMINSTER

The proposal before Members was for the following changes outlined in relation to the previously approved scheme.

1. The ridge line of the first floor side extension had been raised so it was now the same as the original dwelling.
2. The eaves line of the side extension was higher than previously approved.
3. The rear extension had been increased in width to include a new sun room with a roof lantern alongside.
4. The existing structures adjacent to No.11 would be removed to make way for the extension.
5. The front elevation of the first floor side extension had a face brick and not a render appearance.

6. The size of the first floor window had changed from 1.22m x 0.84m to 1.17m x 0.97m and the window design altered.

Members noted that the application had been called-in by Councillor Ron Ower for the Committee to discuss the application as it was felt that there were a number of special circumstances for consideration and that there were a number of similar extensions locally.

Due to other commitments Councillor Ron Ower was unable to attend the meeting.

Councillor Ower had circulated comments to Members prior to the meeting for consideration on the matter.

During the debate Members sought and received clarification relating to the differences between the development and what had been previously approved.

It was **RESOLVED** that planning permission be refused as per officer's recommendation.

The vote for the refusal to grant planning permission was carried by 7 votes to 3 and 1 abstention.

Councillors Ford, Hawthorn and Whitney voted against the resolution to refuse the granting of planning permission. Councillor Williamson abstained from voting.

346 P1390.17 - 89 MAIN ROAD, ROMFORD

The application before Members sought consent for the change of use of the premises to a beauty salon.

The application site most recently had a retail use (A1) with its main access from the front, off Main Road and service access towards the rear. The premises would offer a range of services including deep cleansing facials and non-surgical skin improvement treatments, in addition to classic/gel manicures and pedicures waxing eyelash extensions and eyebrow shaping/tinting and body/face massages.

The proposal also included the addition of air conditioning units to the rear of the building and alterations to the shopfront.

During the debate Members sought and received clarification relating to the period the premises had been vacant. Members also discussed the overall effect of a further beauty salon in the area and the impact on parking in the area.

The report recommended that planning permission be agreed however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds of impact upon vitality and viability of the Gidea Park Major Local Centre.

347 **P1047.17 - BEEHIVE COURT, GUBBINS LANE, HAROLD WOOD**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

348 **P1080.17 - 35 LIMERICK GARDENS, UPMINSTER**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

Chairman

Regulatory Services Committee

7 December 2017

Application No.	Ward	Address
P1594.17	Havering Park	275 Lodge Lane, Romford, RM5 2EX

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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 7th December 2017

APPLICATION NO. P1594.17
WARD: Havering Park
ADDRESS: 275 Lodge Lane
ROMFORD
PROPOSAL: Erection of a new dwelling with private amenity and off street car parking.
DRAWING NO(S): PL-5592_11
PL-5592_12
PL-5592_15
PL-5592_14
PL-5592_13
RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

CALL-IN

This application, has been called in to committee by Councillor John Crowder.

This application was called in as the Councillor believes the development is in keeping and provides identical accommodation as a few houses to the right of the proposed development. He considers the proposed parking and amenity spaces to be sufficient in this instance and would personally like to see more affordable housing built in this way.

SITE DESCRIPTION

This two storey, end of terrace dwelling is located on the corner plot situated between Lodge Lane and Pennington Close. No.275 has a hung tiles and painted render finish and benefits from an area of hardstanding to the front and side of the dwelling which enables vehicles to park on site. The overall plot is neither listed, nor is it within a conservation area. No trees would be affected by the development.

The surrounding area is residential in nature and features a mixture of terraced and semi-detached properties.

DESCRIPTION OF PROPOSAL

The application is seeking planing permission for the erection of a new dwelling with private amenity space and off street car parking.

RELEVANT HISTORY

P1082.17 - Erection of a new dwelling with private amenity and off street car parking
Refuse 22-08-2017

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 20 neighbouring properties. No letters of objection were received.

The following stakeholders were also consulted:

- LBH Street Management Department - No objection, provided pedestrian visibility splay and vehicle access conditions are applied. A numbers of informatives have also been recommended.
- LBH Environmental Health Department - No objection
- LBH Refuse and Recycling - No objection

RELEVANT POLICIES

LDF

CP1 -	Housing Supply
CP17 -	Design
DC2 -	Housing Mix and Density
DC29 -	Educational Premises
DC3 -	Housing Design and Layout
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC36 -	Servicing
DC61 -	Urban Design
DC72 -	Planning Obligations
SPD11 -	Planning Obligation SPD
SPD9 -	Residential Design SPD

OTHER

LONDON PLAN - 3.3 -	Increasing housing supply
LONDON PLAN - 3.5 -	Quality and design of housing developments
LONDON PLAN - 6.13	Parking
-	
LONDON PLAN - 7.4 -	Local character
LONDON PLAN - 8.2 -	Planning Obligations
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development will create 1 no. new residential unit with a floorspace of 65m². Therefore the proposal is liable for Mayoral CIL and will incur a charge of £1,300.00 based on the calculation of £20.00 per square metre.

STAFF COMMENTS

It is noted that this submission follows P1082.17 which was refused in August 2017 for the following reasons:

- Streetscene:

The proposed development would, by reason of its height, bulk, mass and proposed layout, appear

as an unacceptably dominant, visually intrusive and out of character development in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- Amenity Space:

The proposed development would, by reason of its proportions and the proposed location of the amenity space, fail to provide a suitable standard of accommodation and amenity area for the type of property proposed. The layout as proposed would result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- Planning Obligation:

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

In comparison to the previously refused development, approximately 1m² of additional floorspace has been added at first floor level but the equivalent has been lost at ground floor level. As such the overall gross internal floor is largely the same as that measured for P1082.17. Additional areas for storage have been provided at ground floor level but are only accessed externally and do not contribute to the internal space standard calculations.

There have been no material changes to the design, siting or layout of the proposed development compared to the application previously refused.

The main considerations will again relate to the principle of the development and the layout of the scheme, the appearance in the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

PRINCIPLE OF DEVELOPMENT

The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

The proposal would cover an area of land which as existing is part of the garden for No.275 Lodge Lane. Under the provisions of the NPPF, there is no priority given to garden land as a re-developable brownfield site, in effect stating that each application within a garden should be considered on its own merits. In terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area.

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

DENSITY / SITE LAYOUT

Policy DC61 states that planning permission will not be granted for proposals that would

significantly diminish local and residential amenity.

The site area is 0.0131 hectares. In density terms Policy 3.4 of the London Plan identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 1b, with the density recommendation being 50-75 units per hectare. On the basis of the site area, and the number of units proposed, this development equates to a development density of 76 units per hectare which exceeds the range identified quite considerably. Staff nevertheless acknowledge that density is only one measure of acceptability.

Staff also seek to apply the standards offered within not only the Technical Housing Standards - Nationally Described Space document, but also Policy 3.5 of the London Plan. Contained within these documents are requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy, appropriate floor areas and other dimensions for key parts of the home.

After applying the above, staff have concluded that the proposed dwelling does not quite achieve the relevant standards for a two bedroom, three person dwelling. This shortage will be further exacerbated by the apparent absence of the necessary 2m² of internal storage space. In addition, the main external amenity area is proposed adjacent to the property. Staff have significant concerns about not only the usability, but also the quality of this space. This is discussed in further detail in the proceeding sections of this report.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that development must respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding context.

It is the view of staff that the proposed dwelling under consideration would represent an anomaly within this area and would fail to integrate acceptably with the street scene or the host dwelling by reason of its design, style and siting.

Officers note the presence of amenity space to the side of other end of terrace dwellings nearby. That said, these are spacious plots which maintain the symmetry at the opposite end of their respective row and have not been compromised by the construction of an additional dwelling on site.

Staff do not believe a precedent has been set which would justify a complete new dwelling upon an exiting site. Rather, the limited development nearby appears to have been considerably scaled and proportionate to the dwellings they serve. This scheme would diminish the spacious nature of its surroundings and the effect of the proposed dwelling on the street scene is therefore considered to be unacceptable and contrary to Council guidelines.

Not only would this scheme remove the characteristic separation between No.275 Lodge Lane and No.8 Pennington Close, it will also appear an incongruous addition which would compromise the openness of the streetscene. Staff have deemed the new dwelling to be an excessively dominant structure which does not relate well to established site boundaries and building lines. As such, the development is not expected to appear aesthetically pleasing from either the rear of the property or from the Lodge Lane street scene. As such, it cannot be classed as acceptable.

The resultant row of terraced properties would appear overly odd and obviously out of keeping with this prominent and largely symmetrical corner location. The subsequent effect would be harmful towards the character of the surrounding area. Concerns raised are accentuated by the confined setting of the plot. Consequently the proposed dwelling would, by reason of its siting, proportions and proximity to the boundaries of the site combined with its uncharacteristic design; give rise to a cramped appearance and overdevelopment materially harmful to the character of the street-scene and therefore contrary to Policy DC61.

Members will wish to note that the previous application was recently refused on the grounds of the adverse visual impact of the development on the streetscene. There has been no material change to policy or site circumstances since the previous refusal and no material revisions have been made to the external appearance of the proposed development since the earlier refusal. As such, Staff do not consider there has been any material change since the application was previously considered to overcome the previous grounds for refusal.

IMPACT ON AMENITY

Considering the siting of the proposed dwelling (to the south of the host site), with the fact that it doesn't exceed the building lines of the attached neighbour, staff do not anticipate a notable loss of sunlight or excessive periods of overshadowing experienced by No.275 Lodge Lane.

Similarly, the scheme is not expected to have an unacceptable impact upon the level of privacy currently afforded to the neighbouring properties. Although a first floor rear window overlooks the garden / conservatory area serving No.8 Pennington Close, this window would serve a non habitable room (bathroom).

Although the proposed location is not currently utilised for amenity purposes, staff are greatly concerned about the provision of amenity space for the new dwelling. As mentioned above, the commodious nature of the site would also be lost and the residents would be subject to a sense of enclosure not associated with a semi-detached property.

Moreover, the development would also result in an unusually configured garden space/amenity area. The proposed area lacks uniformity and functionality which would severely compromise the amenity of not only the new property, but also the attached neighbour. The application site currently has a relatively low brick wall with slightly taller piers to the site frontage onto 275 Lodge Lane. In order for the garden spaces to function as a suitably private amenity area this would require the provision of taller boundary treatment, which would appear visually incongruous in the Lodge Lane streetscene and would be unacceptable.

Overall, the proposed dwelling would form an intrusive and dominant feature harmful to the visual amenity of adjacent neighbouring occupiers.

HIGHWAY / PARKING

Staff do not foresee any highways/parking issues which would constitute a refusal. The site provides parking for two vehicles on the frontage. The previous application was not refused on parking grounds.

SECTION 106

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.

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.

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.

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.

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.

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.

Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 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.

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 £6,000 for educational purposes would be appropriate.

On the basis that one additional residential unit is proposed, a financial contribution of £6,000 is expected. Given that the proposed dwelling is recommended for refusal, the failure to secure this financial contribution will form grounds for refusal.

KEY ISSUES / CONCLUSIONS

The proposed development would be located within the existing urban area where a new dwelling would be acceptable in principle.

However, the proposed dwelling however would, by reason of its siting and design, be out of keeping with the nearby properties. It would form an incongruous and awkward feature within the streetscene resulting in a detrimental impact on the wider visual appearance. The proposal would make inadequate provision for amenity space. It would be located to the front of the property, which is out of character with the surroundings and would result in incongruous development in the streetscene.

Staff consider that only minor alterations have been made to the proposals since the refusal of the previous application, which do not sufficiently overcome the previous grounds for refusal.

The development is considered to be contrary to policy and it is therefore recommended that planning permission is refused.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Streetscene

The proposed development would, by reason of its height, bulk, mass and proposed layout, appear as an unacceptably dominant, visually intrusive and out of character development in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for refusal - Amenity Space

The proposed development would, by reason of its proportions and the proposed location of the amenity space, fail to provide a suitable standard of accommodation and amenity area for the type of property proposed. The layout as proposed would result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal and CIL

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,300. Further details with regard to CIL are available from the Council's website.

2. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent in writing 17-11-2017

REGULATORY SERVICES COMMITTEE

REPORT

Subject Heading:

P0096.15: 143 North Street (rear of), Romford.

Demolition of the existing buildings and construction of 40. No. flats in two blocks with parking and landscaping (application received 27 January 2015).

Ward:

Brooklands

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

Suzanne Terry
Planning Team Leader
suzanne.terry@haverling.gov.uk
01708 432755

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

This application was previously considered by the Regulatory Services Committee in May 2015. The Committee resolved to grant permission for the development, contrary to officer's recommendation, subject to satisfactory negotiation with the application to achieve satisfactory entrance and egress visibility, a section 106 contribution for infrastructure impact and a review mechanism for affordable housing.

Although satisfactory agreement was reached in regard to key matters to enable negotiations on the S106 to progress, the applicant did not pursue the completion of the S106 legal agreement and therefore planning permission has not yet been granted. The application site was subsequently sold and the new owner has confirmed that they wish to progress the S106 legal agreement. However, in view of the time that has elapsed since the original resolution to approve in May 2015, and planning policy changes that have taken place in the intervening period, Staff consider that the application is required to be brought back before the Committee for re-determination. This is to ensure that the determination of the application is made in accordance with the current development plan or any other material considerations that indicate otherwise in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

RECOMMENDATIONS

It is recommended that :

- A) The application be refused in accordance with the original recommendation of 14th May 2014 for the following reasons:

1. A consistently adequate level of visibility between drivers exiting the site and pedestrians using the public footpath along the western side of North Street cannot be ensured. This is because areas within the relevant sightlines do not lie within the site boundary and therefore cannot be kept clear by an appropriately worded planning condition. Moreover, it is considered that there would be an unacceptable degree of conflict between

vehicles and pedestrians using the access road to the site. It is therefore considered that the proposal would result in a significant adverse impact on highway safety and amenity and that the proposal is contrary to Policy DC32 of the Development Control Policies DPD.

2. In the absence of a legal agreement to secure contributions towards local infrastructure projects necessary as a result of the impact of the development, the proposal is considered to be contrary to Policy DC72 of the Development Control Policies DPD.

Or

B) If Members disagree with the Staff recommendation, that the Committee resolves that the proposal is considered to be unacceptable as it stands but would be acceptable subject to the application 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 £240,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A viability review mechanism for affordable housing to be secured through a S106 legal agreement. Such review to be triggered if the scheme has not reached slab level on at least 20 plots within two years of consent being granted.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.
- It is resolved to grant planning permission subject to the completion of the S106 legal agreement by 30th March 2018 or in the event that the S106 is not completed by 30th March 2018 the item shall be delegated to the Assistant Director of Development for refusal.

That the Assistant Director of Development be authorised to enter into a legal agreement to secure the above and upon completion of that agreement to grant planning permission subject to the planning conditions set out below:

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

Reason:-

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

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

Reason:-

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

3. 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. 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. 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. Hard landscaping should include permeable paving. Planting should be of native species and beneficial to the ecological value

of the Rom River corridor - this could be achieved by the inclusion of a green wall. It should be noted when designing the scheme that trees along the western extent may impact the integrity of the river, they may also shade the river corridor which could reduce the effectiveness of any future naturalisation works to the River Rom at this location. 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. 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. 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. 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. No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason:-

Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

10. 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.

11. 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.

12. 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.

13. The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise.

Reason:-

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

14. 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.

15. 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.

Reason:-

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

16. Development shall not commence until a drainage strategy detailing any on/off site drainage works has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:-

The development may lead to sewage flooding and the submission and approval of a strategy prior to commencement will ensure that sufficient capacity is made available for the new development. This will help to avoid adverse environmental impact upon the community.

17. Before any part of the development is occupied, site derived material and/or imported soils shall be tested for chemical contamination and the results of the testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS3882:2007 'Specification of Topsoil'.

Reason:-

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

18. A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a Written Scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority in writing.

C) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B)

D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:-

Heritage assets or archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF

19. Before the building(s) hereby permitted is first occupied, the traffic calming measures set out on approved drawing CIV SA 95 0011 A03 shall be implemented to the satisfaction of the Local Planning Authority and retained permanently thereafter.

Reason:-

In the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC32.

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. 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 or

0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

3. Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs
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. 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.

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.

7. Statement required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Andrew Cook of Dovetail Architects. The revisions involved improvements to the vehicular access. The amendments were subsequently submitted on 10 June 2015.
8. 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 £55,080 (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.
9. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

REPORT DETAIL

1. Staff Comments

- 1.1 This application relates to the proposed redevelopment of land to the rear of 143 North Street, Romford to demolish the existing buildings and construct 40 flats in two blocks, together with parking and landscaping. The detailed proposals are described in the original officer's report for this application, which is included on the agenda as an appendix to this report.
- 1.2 The application was considered by the Regulatory Services Committee in May 2015. The officer's report recommended that planning permission be refused for the following reasons:

1. A consistently adequate level of visibility between drivers exiting the site and pedestrians using the public footpath along the western side of North

Street cannot be ensured. This is because areas within the relevant sightlines do not lie within the site boundary and therefore cannot be kept clear by an appropriately worded planning condition. Moreover, it is considered that there would be an unacceptable degree of conflict between vehicles and pedestrians using the access road to the site. It is therefore considered that the proposal would result in a significant adverse impact on highway safety and amenity and that the proposal is contrary to Policy DC32 of the Development Control Policies DPD.

2. In the absence of a legal agreement to secure contributions towards local infrastructure projects necessary as a result of the impact of the development, the proposal is considered to be contrary to Policy DC72 of the Development Control Policies DPD.

- 1.3 However, Members took a different view on the merits of the application and resolved to delegate to the (then) Head of Regulatory Services to negotiate with the applicant a solution through the submission of additional drawings amending the scheme to achieve satisfactory entrance and egress visibility; a Section 106 contribution for infrastructure impact, and a review mechanism for affordable housing (the latter on the basis that submitted viability appraisals indicated the scheme could not support the provision of affordable housing). If these matters were satisfactorily resolved and the S106 completed, then planning permission should be granted.
- 1.4 Whilst satisfactory negotiations were undertaken to secure acceptable access/egress arrangements, the applicant failed to progress with the completion of the legal agreement. For this reason, the application remains undetermined. In recent months however, the applicant has expressed the intention to complete the S106 legal agreement.
- 1.5 The Council has a legal duty to ensure that applications are determined on the basis of the policies of the development plan, unless material considerations indicate otherwise. Given the length of time that has elapsed since the Committee's previous resolution, it is considered that the application should be brought before the Committee again to update on any changes to policy or other material considerations that have occurred in the intervening period, and to ensure that the resolution is made with regard to the current prevailing planning policies.
- 1.6 Staff do not consider there has been any material change to the character and nature of the site or surrounding area since the application was previously considered. There has been no change to the National Planning Policy Framework (NPPF) or the Havering Local Development Framework (LDF) since the previous resolution to approve. There have however been changes to the London Plan, which was updated in 2016 to include alterations to housing standards and parking standards, as well as the Mayors affordable housing SPG (Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance).

- 1.7 Staff do not consider that the revisions to the London Plan in respect of housing and parking standards would materially affect the acceptability of the proposals.
- 1.8 In terms of affordable housing provision, the Mayor's SPG provides that where development provides a minimum of 35% affordable housing and meets other specified requirements, such developments will not be required to submit viability information. Such schemes will be subject to an early viability review but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or alternative timeframe agreed by the Local Planning Authority and set out within the S106 Agreement). Schemes which do not meet the 35% affordable housing threshold will be required to submit detailed viability information. When this application was previously considered, no affordable housing provision was offered. A viability appraisal was submitted and it was accepted that the development could not viably provide any affordable housing but that this should be subject to a review mechanism to be secured by way of a legal agreement.
- 1.9 In the light of the Mayor's SPG and given the time that has elapsed since the initial viability appraisal, Staff have required the applicant to provide an updated viability appraisal for this development. This has been independently assessed and the reviewer has concluded that the development could not support any on-site affordable housing provision or any capital sum in lieu of on-site provision. A viability review mechanism should however be secured through a S106 legal agreement and it is suggested that this be triggered if the scheme has not reached slab level on at least 20 plots within two years of consent being granted. The assessment also advises that any contributions generated by the review procedure must be capped at the value of the contributions or affordable housing foregone plus indexation from the date of the planning consent.
- 1.10 In terms of the other issues to which the 2015 resolution to approve was subject, post-Committee Staff received revised details on drawing no. CIV SA 95 0011 A03, which showed details of a defined pedestrian route into the site, which would be demarked by coloured surfacing, together with the addition of 'Give Way' markings and speed humps. If Members judge these details acceptable, provision of these measures can be secured by condition. The applicant would also be required to pay an infrastructure contribution towards additional school places. Based on a £6,000 contribution per unit, this would amount to a total contribution of £240,000 to be secured by means of a S106 legal agreement.
- 1.11 The Committee is therefore asked to consider the proposals in the light of the current development plan and any other material considerations and to determine if it is:
- A) Minded to agree the original officers recommendation to refuse planning permission, or

B) If it is satisfied with the amended access arrangements and minded to grant planning permission for the development.

If minded to approve, in addition to planning conditions, it is recommended that this be subject to the prior completion of a legal agreement to secure an infrastructure contribution of £240,000 to be used for education purposes and also a review of the development viability, which is to be triggered if the scheme has not reached slab level on at least 20 plots within two years of consent being granted, together with a requirement that the S106 Agreement be completed by 30th March 2018, otherwise the application be delegated to the Assistant Director of Development for refusal.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

Legal resources will be required for completion of the S106 legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. Planning application P0960.15, received 27 January 2017, additional drawings received 10 June 2015.
2. Report to Regulatory Services Committee on 14th May 2015.