



**Havering**  
LONDON BOROUGH

# REGULATORY SERVICES COMMITTEE

15 March 2018

**Subject Heading:**

**Ward:**

**SLT Lead:**

**Report Author and contact details:**

**Policy context:**

**Financial summary:**

## REPORT

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).

Brooklands

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Local Development Framework  
The London Plan  
National Planning Policy Framework

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 initially 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 applicant 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, the application was brought back before Committee on 7 December 2017, for re-consideration. This was 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.

At the meeting on 7 December 2017, the application was deferred at the Committee's request for the applicant to have an opportunity to approach registered providers and the Council to see whether any grant is available to support any on site provision of affordable housing.

These issues are addressed in the updated report below. Staff's recommendation remains as set out in the previous report considered by Members on 7 December 2017 and set out below:

### **RECOMMENDATIONS**

It is recommended that either :

A) The application be refused in accordance with the original recommendation of 14<sup>th</sup> 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 are now satisfied regarding the access arrangements, 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.

That, if by 15 June 2018 the legal agreement has not been completed, the Assistant Director of Development is delegated authority to refuse planning permission.

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 £116

per request or £34 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](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
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>

<b>REPORT DETAIL</b>
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## **Update**

This application was deferred at a previous meeting of Regulatory Services Committee on 7 December 2017. The application was deferred at the

Committee's request in order for the applicant to have an opportunity to approach registered providers and the Council to see whether any grant is available to support any on site provision of affordable housing.

Following the deferral, a response was received from the applicant to advise that, in their opinion, the involvement of a registered provider (RP) would further devalue a scheme that has already been shown, by way of separate viability studies submitted to and concurred with by independent valuers, to be unable to viably support any on-site provision of affordable housing. The applicant maintains that sale of units to a RP will reduce the value of the remaining market housing within the development, such that the viability of the development falls even further and is likely to render the development as a whole unviable. As such, the applicant has declined to enter into discussions with registered providers and has requested that the application be returned to the Committee for determination as it stands.

The Mayor's affordable housing SPG (Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance) explains that to enable the delivery of more affordable housing the Mayor will make funding available, which will be given on a fixed grant-per-unit basis. Paragraph 2.27 of the SPG states that grant will be available to all private developer-led schemes and that the applicant should have engaged a RP at an early stage. Paragraph 2.29 goes on to state that private developers should engage with a RP prior to progressing a scheme and secure from them a commitment to affordable housing provision at an agreed purchase price.

The applicant's refusal to enter into any discussion with a RP is contrary to the provisions of the SPG. The failure to seek a RP partner with the possibility of achieving grant means that it has not been clearly demonstrated that the development is unable to deliver more affordable housing than currently offered. As such, Members will wish to consider whether to refuse the application on this basis.

The circumstances surrounding this application are however unusual having regard to the age of the application and intervening policy changes. Whilst the responsibility to engage with a RP lies entirely with the developer, in this particular case, Staff have made enquires with three separate RP's to gauge the likely level of interest in this site. Two of those approached (Notting Hill Housing Trust and Metropolitan) advised that the development is too small to be of interest to them. Estuary Housing Association advised they would consider putting forward a site appraisal but raised concerns that the cost of the basement parking (which Staff consider to be a reasonably necessary element of the proposed development) would be cost prohibitive. To date, Estuary have not submitted an appraisal for the site. Although this does not represent an exhaustive or thorough review of whether it is possible to engage an RP partner, it may be seen to be indicative of the fact that the size and nature of the scheme would limit its potential interest to RP's. Staff do not necessarily accept the applicant's case that the introduction of affordable units on this site would push market values to a level that makes the

development unviable, as to some extent this is dependent on the design of the scheme and degree of separation between the respective elements. However, it not clear that there would be level of interest from a RP that would be sufficient to achieve the provision of affordable housing on site. Advice sought by Staff further indicates that it is unlikely that the levels of grant available to an RP would be likely to substantially change this position.

The Council presently does not have any funding available that it would be able to put into this site.

Having regard to the particular circumstances of this case, Staff consider that in this particular instance, Members may wish to accept that the provision of affordable housing on this site is unviable. Staff are of the opinion that this would not set a precedent for other development proposals elsewhere in the Borough as the particular factors in this case, including the age of the application and the detailed nature of this particular scheme, create a particular set of circumstances that would not be readily replicated elsewhere. Therefore, whilst Members may reasonably give consideration to refusal of the application, based on the failure of the applicant to engage with a RP, on balance Staff are minded to accept that, having regard to the particulars of this case, the lack of affordable housing provision can be accepted. This would also, if Members are minded to grant permission, be subject to a further review of viability at a set trigger point in the future, as set out in the Staff recommendation section of this report.

The report previously considered by the Committee on 7 December 2017 is set out below, without any material modification.

## **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 31<sup>st</sup> May 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 14<sup>th</sup> May 2015.