



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 15 March 2018	Havering Town Hall, Main Road, Romford
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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:
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richard.cursons@onesource.co.uk**

To register to speak at the meeting please call 01708 433100

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.

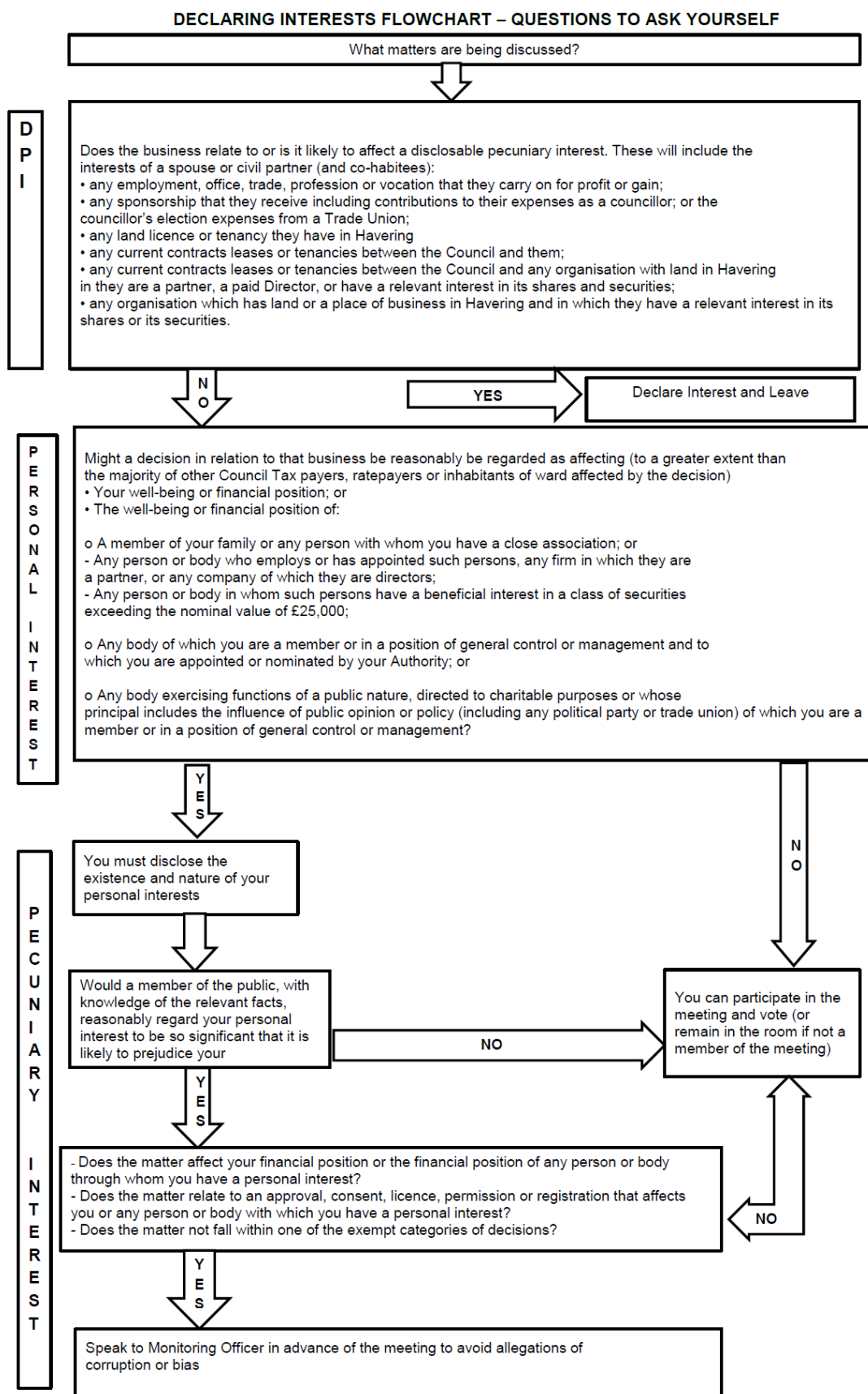
Reporting means:-

- 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 - 12)

To approve as a correct record the minutes of the meeting of the Committee held on 22 February 2018 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS

- 6 P1242.17 - BEAM PARK, NEW ROAD, RAINHAM** (Pages 13 - 90)
- 7 P1947.17 - 1 STATION ROAD, HAROLD WOOD** (Pages 91 - 112)
- 8 P1845.17 - 87 NORWOOD AVENUE** (Pages 113 - 124)
- 9 P1749.17 - 86 STATION LANE, HORNBURCH** (Pages 125 - 140)
- 10 P1020.17 - 60 ST MARYS LANE, UPMINSTER** (Pages 141 - 160)
- 11 P1463.17 - 78-80 STRAIGHT ROAD, ROMFORD** (Pages 161 - 188)
- 12 P0485.17 - 123 VICTORIA ROAD** (Pages 189 - 208)
- 13 P0096.15 - REAR OF 143 NORTH STREET** (Pages 209 - 226)
- 14 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
22 February 2018 (7.30 - 10.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Philippa Crowder,
Melvin Wallace, Roger Westwood and Michael White

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Alex Donald (Vice-Chair) and Linda Hawthorn

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Councillors Robert Benham, Joshua Chapman, Ian de Wulverton and David Durant were also present for part of the meeting.

40 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.

370 **MINUTES**

The minutes of the meeting held on 1 February 2018 were agreed as a correct record and signed by the Chairman.

371 **P1389.17 - LAND AT ROM VALLEY WAY**

This report before Members detailed a planning application for the redevelopment of the site to provide 620 residential units with 830sqm of commercial floorspace in buildings extending to between 4 and 8 storeys in height together with associated car and cycle parking, hard and soft landscaping and infrastructure works.

This application was reported to the Committee because it was for a major development within Romford.

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

The objector commented that he was representing the Romford Civic Society who opposed the planned development. The objector also commented that the site would be poorly accessed due to the existing road layout which formed the gateway into the town centre. The objector also commented that the proposal had not really moved on from the proposal submitted last year and that nothing had been done to reduce the mass and bulk of the proposed buildings. The objector concluded by commenting that the quality of the buildings would be the same as had been delivered in the 1911 and 1936 Romford Garden Suburb in Gidea Park and asked what specific mechanisms would be put in place to achieve this.

In response the applicant's agent commented that he welcomed the officer's recommendation for approval. The agent also commented that the applicant had worked hard with officers to address the massing and density issues and had also worked hard to address the need for affordable housing and that the proposal offered more affordable provision than what was required. The agent concluded by commenting that the proposal was an exciting opportunity on an under utilised brownfield site which was also offering commercial and healthcare provision.

With its agreement Councillors Viddy Persaud and Robert Benham addressed the Committee.

Councillor Persaud commented that she was opposed to the proposal as it represented an over development of the site which would impact on future residents amenity. Councillor Persaud concluded by commenting that the site would become a congested area which would impact on visitors to the Queen's Hospital.

Councillor Benham commented that although the Council needed to provide more housing it should not be provided at all costs and that the borough had a greater need for three and four bedroom provision. Councillor Benham also commented that the design of the proposal was cramped and due to extra vehicular travel on the site already poor air quality would be made worse. Councillor Benham concluded by commenting that there appeared to be a lack of affordable housing and that he was surprised the Highway's officers had not submitted an objection as the site was already congested by hospital visitors both by car and bus.

During the debate Members sought and received clarification on a number of points including traffic impact on the roundabout at Rom Valley Way and Oldchurch Road, noise assessment on helicopters using the helipad at the Queen's Hospital and transport assessments on the area.

Members considered the report noting that the proposed development qualified for a Mayoral CIL contribution and **RESOLVED** that the application was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement to secure the following obligations by 21 August 2018 and in the event that the Section 106 agreement was not completed by such date the application would be refused.

The application was subject to referral to Mayor of London at Stage 2.

All contribution sums should 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.

Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Heads of terms:

Affordable Housing

- 11% of units (67.No. units) as Affordable;
- Tenure split 57% affordable rent and 43% intermediate shared ownership, the housing option in terms of affordable rent is the London affordable rent.
- Review mechanisms at stages of the development and benchmark values/return to be agreed in consultation with GLA;

Education

- Financial contribution of £3,888,372 towards provision of education costs, comprising:
 - £1,250,800 early years;
 - £1,715,480 primary years;
 - £643,320 secondary years;
 - £278,772 post 16 years;

Highways

- Financial contribution of £250,000 towards provision of a controlled crossing over Oldchurch Road (west) to improve access to the existing walking and cycling route along the western side of Waterloo Road and ancillary route improvements linked to the above;
- Financial contribution of £100,000 towards provision of a controlled crossing over Oldchurch Road (east) to improve walking access between the site and South Street and ancillary route improvements linked to the above;

- Financial contribution of £180,000 towards public transport infrastructure required by TfL;
- Provision of cycle/footway along eastern boundary of the site adjoining Rom Valley Way;
- The provision of 2 car club spaces on the site and 3 years free membership for future residents to the Car Club;
- The provision of travel plans covering the residential and commercial elements of the scheme;
- Restrictions on Parking Permits to apply to both residents and commercial operators within the site.
- 21 allocated parking spaces at no charge to be allocated for all 3 and 4 bed affordable units.

Carbon offset

- Financial contribution of £854,145 towards carbon offset schemes;

BTR

- The Western blocks (242 units) as Build to Rent under a covenant for at least 15 years;
- Provide units that are all self-contained and let separately;
- Operate under unified ownership and management;
- Offer longer tenancies (three years or more) to all tenants, with break clauses that allow the tenant to end the tenancy with a month's notice any time after the first six months;
- Offer rent certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
- Include on-site management, which does not necessarily mean full-time dedicated on-site staff, but must offer systems for prompt resolution of issues and some daily on-site presence;
- Be operated by providers who have a complaints procedure in place and are a member of a recognised ombudsman scheme;
- Not to charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance.

Public Realm

- Requirement to obtain a management company to maintain the public realm and landscaped areas;
- Requirement to make the pedestrian route a pedestrian right of way;
- Requirement to assume liability over the pedestrian right of way;

Quality of Architecture

- Requirement to retain novation of architect, as a minimum as executive architects for the scheme;

Subject to the above legal agreement, that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 8 votes to 1 with 2 abstentions.

Councillor Hawthorn voted against the resolution to grant planning permission.

Councillors Martin and Williamson abstained from voting.

372 P2078.17 - MORLAND HOUSE, 12-16 EASTERN ROAD

Planning permission P0110.16 was granted in October 2017 for the construction of a roof extension to create two additional floors comprising of eight residential flats.

Due to practical issues involving compliance, the application sought to remove condition 9 of the planning permission under Section 73 of the Town and Country Planning Act, 1990. The condition required that the new dwellings were constructed to comply with the Accessible and Adaptable Dwellings legislation.

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

The objector commented that works that were needed to comply with the legislation were inconvenient but not impossible to overcome. The objector also commented as to why the conversion to the lifts in the property had not been identified at the initial application stage. The objector concluded by commenting that he believed consideration of the report should be deferred to allow for further investigations to take place.

The applicant responded by commenting that it would prove very difficult and costly to move the existing lift shafts. The applicant concluded by commenting that if the lifts were to be altered it would mean residents having to vacate their homes for a period of time.

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £6,300 and **RESOLVED** that the removal of condition 9 of the planning permission P0110.16 under Section 73 of the Town and Country Planning Act, 1990 proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the existing legal agreement, completed on 12 October 2017, in respect of the previous planning permission P0110.16 by varying the definition of Planning Permission which should mean either planning permission P0110.16 as originally granted or planning permission P2078.17 and any other changes as may be required from this, to secure

the following obligations, by 22 June 2018, and in the event that the deed of variation was not completed by such date then the application should be refused:

- A financial contribution of £48,000 to be used for educational purposes.
- All contribution sums should 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.
- Save for the holders of blue badges that the future occupiers of the proposal would be prevented from obtaining or purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Assistant Director of Development be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Hawthorn abstained from voting.

373 P1620.17 - 15 DERI AVENUE, RAINHAM

The report before Members detailed that consent was sought for the variation of condition 3 of application P1093.16. That application related to the change of use of the premises from C3 to C2 (residential institution) and included the use of the existing annexe building as ancillary facilities to the C2 use. The condition read as follows - The rear annex (outbuilding) hereby permitted shall be used only for changing rooms, shower and workshop as an integral part of the proposed C2 use known as 15 Deri Avenue, Rainham, RM13 9LX and shall not be used as a separate unit of residential accommodation at any time.

The application had been brought to the Committee to be considered by Members at the request of Councillor David Durant, who had expressed

concern over the proposals representing an overdevelopment and the planning history associated with the site.

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

The objector commented that she was speaking on behalf of local residents who were concerned about increasing numbers of extra children residing in the premises without parental control. The objector also commented about the increased vehicular movements and loss of amenity for neighbouring residents. The objector concluded by commenting that there had previously been problems with drainage in the area and that increased use would exacerbate the problem.

In response the applicant's representative commented that there would only be two residents on site at any one time and they would be supervised 24 hours a day. The representative also commented that provision was a much needed service that consisted of a ten week programme for residents to learn life skills.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that he felt that the proposal was an over intensification of the site. Councillor Durant also commented that he was concerned as to the experience and suitability of such a service being provided in a mainly residential setting. Councillor Durant concluded by asking if conditions could be added to any planning permission granted to allay local residents fears.

During the debate Members sought and received clarification of the suitability of the service provision and received advice from the Committee's Planning Consultant and Legal Adviser.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission it was **RESOLVED** to refuse the granting of planning permission for the following reasons the dislocation of the building from the main house and the inability to control the behaviour of the occupants resulting in noise and disturbance to the detriment of residential amenity of nearby occupiers.

The vote for the resolution to refuse planning permission was carried by 10 votes to 1.

Councillor Donald voted against the resolution to refuse the granting of planning permission.

374 **P1501.17 - 52 MASHITERS WALK, ROMFORD**

Prior to consideration of the item officers advised that there was an update to pages 108 and 119 of the report with reference to the following:

With reference to CIL calculated areas, in demonstrating its calculations, the report incorrectly specified the overall site area as opposed to the internal floorspace areas. Notwithstanding this, 167m² was the CIL chargeable area which equated to the figure specified.

The application before Members was for the demolition of an existing bungalow and the construction of a pair of semi-detached houses.

The application had been reported to Committee at the request of Councillor Joshua Chapman as he considered that the proposal would have an impact on the character of the streetscene by reason of its design and the overdevelopment of the site, which may be perceived as having an overbearing impact for the road and the land and parking concerns.

With its agreement Councillor Joshua Chapman addressed the Committee.

Councillor Chapman commented that the proposal was in an established residential road and that by granting planning permission a dangerous precedent would be set. Councillor Chapman also commented that the proposal was an overdevelopment of the site and would lead to overshadowing to neighbouring properties. Councillor Chapman concluded that the existing parking bays outside the donor property would have to be removed to allow access and that he was not in support of removing the bays which would place a burden on the Highways Advisory Committee to remove the bays.

Members considered the report noting that the proposed application qualified for a Mayoral CIL contribution of £3,340 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to applicant, by 22 June 2018, entering into a Section 106 Legal Agreement to secure the following:

- A contribution of £6,000 to be used for educational purposes
- In the event that the legal agreement was not completed by 31 August 2018 the application should be refused.
- All contribution sums should 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

In the event that the legal agreement was not completed by 22 June 2018 the application should be refused.

That the Assistant Director of Development be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 8 votes to 1 with 2 abstentions.

Councillor White voted against the resolution to grant planning permission.

Councillors Martin and Williamson abstained from voting.

375 P2032.17 - 167 BRENTWOOD ROAD, ROMFORD

Prior to consideration of the item, officers advised that there was an update to page 128 of the report, which was as follows:

The suggested legal obligation to restrict the ability of occupants from applying for parking permits was no longer considered to be necessary. After taking into account the revisions which had been made to the scheme, the potential occupancy numbers and the anticipated vehicle movements for the site in question, the addition of a legal restriction was no longer considered to be justified and/or reasonable in this instance. The detached HMO was not overly too dissimilar from a typical family home, which if occupied with two teenage children could reasonably expect to feature 3 or 4 cars. Were the site to be kept as a family unit, residents would be allowed to obtain parking permits with no restrictions.

The report before Members detailed an application for the internal refurbishment and modernisation of the property, including the addition of two ensuite bathrooms, to convert the property from a single dwelling (C3) to a 4 room HMO dwelling (C4).

With its agreement Councillor Joshua Chapman addressed the Committee.

Councillor Chapman commented that the proposal was inappropriate and was similar in nature to a previous application that had been refused recently in a neighbouring road. Councillor Chapman also commented that the proposed development would only offer two parking spaces for a four bedroom property which was insufficient. Councillor Chapman concluded by

commenting that a lack of amenity reason was missing from the report and that future residents and neighbouring residents would suffer from a lack of amenity.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the ground of intensification of occupation.

376 **P1898.17 - MEAD PRIMARY SCHOOL**

The proposal before Members was for various development works, which included the erection of a single storey extension to the nursery block, a single storey extension to provide Alternative Resource Provision (ARP) specialist unit, plus alterations to the car parking areas.

With its agreement Councillor Ian de Wulverton addressed the Committee.

Councillor de Wulverton commented that he had to call the Council's parking enforcement team at least twice a week to deal with inconsiderate parkers who left their cars in inappropriate places due to doing the school run. Councillor de Wulverton also commented that the proposal would have a detrimental effect on neighbouring properties and could have an effect on existing drainage problems on the site. Councillor de Wulverton concluded by commenting that he was concerned that he had not received a neighbour consultation letter.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution was carried by 9 votes to 0 with 2 abstentions.

Councillors Donald and Martin abstained from voting.

377 **P1364.17 - LAND AT FROG LANE, RAINHAM - ERECTION OF A WASTE TRANSFER STATION BUILDING FOR THE SORTING OF NON-HAZARDOUS AND INERT DRY-WASTE AND THE CHANGE OF USE OF PART OF AN EXISTING HAULAGE YARD TO A SKIP HIRE YARD AND WASTE TRANSFER STATION WITH THE ERECTION OF A PICKING STATION AND WASTE STORAGE BAYS WITH ASSOCIATED HARDSTANDINGS (AS EXISTING) AND AMENDED PARKING AND STORAGE LAYOUT.**

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

- 378 **P1768.17 - EMERSON PARK ACADEMY, WYCH ELM ROAD, HORNCURCH - REMOVAL OF EXISTING CLASSROOM BLOCK AND TWO DEMOUNTABLE UNITS. REPLACEMENT OF TEACHING SPACE WITH EXTENSION TO EXISTING SCHOOL BUILDING.**

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

- 379 **P1916.17 - EMERSON PARK ACADEMY, WYCH ELM ROAD, HORNCURCH - SINGLE STOREY EXTENSION TO EXISTING DINING ROOM AND MAIN ENTRANCE, WITH LOCALIZED NEW EXTERNAL WORKS AROUND AREA OF EXTENSION.**

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

- 380 **P1966.17 - BRADY PRIMARY SCHOOL - VARIOUS DEVELOPMENT INCLUDING: - SINGLE STOREY FLAT ROOF CLASSROOM EXTENSION TO REAR OF SCHOOL, TO PROVIDE 8NO. ADDITIONAL CLASSROOM SPACES WITH ASSOCIATED INTERVENTION ROOMS, TOILET FACILITIES, OFFICE ACCOMMODATION, STORES, BOILER ROOM AND CIRCULATION SPACE. - SINGLE STOREY FLAT ROOF INFILL STUDIO EXTENSION TO SCHOOL HALL. - CONSTRUCTION OF NEW STAFF CAR PARK TO PROVIDE OFF STREET PARKING FOR 29 CARS, INCLUDING 2 DISABLED SPACES. - CONSTRUCTION OF NEW PLAYGROUND AREA AND FOOTBALL PITCH.**

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

- 381 **P1720.17 - THE MEETING ROOM, BRANFIL ROAD - DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A TWO STOREY RESIDENTIAL BUILDING WITH ROOF LEVEL ACCOMMODATION CREATING 4NO. APARTMENTS WITH PRIVATE/COMMUNAL AMENITY SPACE, OFF STREET PARKING, CYCLE STORAGE AND BIN STORES.**

Prior to consideration of the report officers advised that the financial contribution of £24,000 to be used for educational purposes should be replaced with a figure of £18,000

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

382 **P1958.17 - 65 WINGLETYE LANE, HORNCHURCH - INTERNAL ALTERATIONS TO USE OF FISH AND CHIPS TAKEAWAY (A5) AS A MIXED USE TAKEAWAY AND RESTAURANT(A3/A5). NEW SHOPFRONT AND CANOPY.**

At the commencement of the meeting officers advised that the item had been withdrawn.

For the public record the reason for the withdrawal was as follows:

That the current development already had planning permission by way of the appeal decision which related to both 65 – 67 Wingletye Lane. That particular application was refused by Members at a previous meeting on parking grounds but allowed by the Planning Inspectorate.

Therefore the advice was given to the applicant to withdraw the current application (on the basis that they already had planning permission) and that a lawful development certificate be sought. It was however conveyed to the applicant that a lawful development certificate was not mandatory.

383 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman

REGULATORY SERVICES COMMITTEE

15 March 2018

REPORT

Subject Heading:

P1242.17 - Cross boundary hybrid planning application for the redevelopment of the site to include up to 2,900 homes (35% affordable); two primary schools and nurseries (Use Class D1); railway station; up to 4,110sqm of supporting uses including retail, healthcare, multi faith worship space, leisure, community uses and management space (Use Classes A1, A2, A3, A4, A5, B1, D1 and D2); energy centres; open space with localised flood lighting; public realm with hard and soft landscaping; childrens play space; flood compensation areas; car and cycle parking; highway works and site preparation/ enabling works (Received 4/08/17, revised plans received on 12/02/18)

Ward:

South Hornchurch

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

Martin Knowles
Planning Team Leader
Martin.knowles@havering.gov.uk
01708 432802

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Practice Guidance

Financial summary:

Not relevant

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

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

SUMMARY

This report considers a cross boundary hybrid application (part outline, part detailed) for a total of 2,900 dwellings within Havering and the London Borough of Barking and Dagenham on a site of total area of 31.54 ha. Within Havering the application proposes the erection of 733 dwellings comprising 137 houses and 596 apartments on land known as Beam Park to the east and west of Marsh Way, south of the A1306. Phase 1 of the development would deliver 536 dwellings, a new local centre based around a new railway station, up to 4,110 sq.m of other support uses including commercial floorspace and a 1,500 sqm health centre and community facilities. Phase 1 would also provide the site for a new 3 f/e primary school with communal sports facilities plus extensive areas of open space and landscaping including a new park either side of the River Beam and a linear parkway along New Road.

The site lies within one of the Mayor of London's Housing Zones and is in a designated opportunity area in the London Plan. The site is also identified as suitable for residential development in Havering's Local Development Framework site specific policy SSA11 and in the adopted Rainham and Beam Park Planning Framework. Therefore, the redevelopment of the site for residential purposes is considered acceptable in principle. The main issues for consideration concern scale, design and layout, affordable housing, access, parking and highways, flood risk, ground contamination, sustainability, ecology, air quality, heritage, designing out crime and cycle and pedestrian linkages. An environmental statement has been submitted with the application which addresses these issues and alternative development scenarios.

This is a strategic application and the Mayor of London has been consulted on the proposals. The Mayor broadly supports the principle of the development but has a number of strategic concerns. Revisions have been made to the application in response which are addressed in this report.

Staff consider that, the proposals are acceptable in all material respects. The grant of planning permission is recommended subject to the prior completion of a S106 planning obligation and planning conditions. Should members agree the recommendation then subject to the London Borough of Barking and Dagenham

agreeing a similar recommendation the application would need to be referred to the Mayor for London.

RECOMMENDATIONS

1. That the Committee notes that the detailed elements of the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £1,082,660 (subject to indexation) based upon the creation of 54,133sqm of new gross internal floorspace for the detailed element of the application.

2. That the Committee resolve that

Having taken account of the environmental information included in the Environmental Statement and its Addendum, that subject to:

- a) No contrary recommendation from London Borough of Barking and Dagenham;
- b) No direction to the contrary from the Mayor for London;

That the Assistant Director of Development be authorised to negotiate and agree a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A phased financial contribution of £1,779,852 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document Technical Appendices.
- Provision for an agreement between the relevant parties to secure land for a new primary school, for the grant of a lease for such for the duration of the construction and the grant of the freehold or long leasehold of the land to the School Provider. The developers to use reasonable endeavours to assist in bringing forward the identified school site for development in a timely manner to co-ordinate with the provision of new housing.
- A phased financial contribution of £2,700,000 to mitigate the impact of the development upon public transport.
- Providing for 50% affordable housing across the development with a 80% intermediate/shared ownership housing and 19% Affordable Rent or London Affordable Rent.

- The provision and management of open space in perpetuity, to be managed by a Community Land Organisation or other organisation approved by LBH;
- A Sport and Recreation financial contribution of £118,444. (£350,000 to LBBD)
- The provision and lease of a healthcare facility of not less than 1,500 sqm GIA, on terms to be incorporated and agreed by the CCG;
- The provision and lease of a multi faith place of worship/community facility of a minimum 800 sq.m building up to a maximum of 1200 sq.m within LBBD.
- The provision to shell and core of a new railway station at Beam Park;
- The safeguarding of land required for the provision of vertical access to Marsh Way for 4 years;
- A contribution of £557,163 towards Beam Parkway improvements;
- A contribution of £20,000 towards the installation of an air quality monitoring station on New Road A1306;
- A contribution of £116,896 towards the introduction of new Controlled Parking Zones to the north of the A1306 and within the site and to contribute towards the cost of each annual permit for residents:
- A sum of £12,500 as a pro rata contribution in lieu of 2 parking spaces to be used for car club purposes and to contribute to residents membership of the car club. (£37,500 in LBBD)
- A restriction on the ability of residents to apply for parking permits within any Controlled Parking Zone operated by LBH outside of the site;
- An undertaking to assist with the planning, implementation and cost of the provision of a bus loop, stops and stand, and the provision of a four way traffic light controlled junction on the adjacent site, this element to be time limited:
- The payment of the appropriate carbon offset contribution upon completion of the final dwelling in a Phase 1 or the final dwelling in the part of Phase 2 within Havering. The carbon offset levy has been calculated at £3,300,000 which would be split pro rata, however, this is likely to reduce as the detailed design and construction work is undertaken.
- 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay a planning obligations monitoring fee of £10,000 to be paid within one month of the implementation of the development.

and that upon completion of that obligation, grant planning permission subject to the conditions summarised below and listed in full in Appendix A to this report.

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.

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

Common Conditions

1. Outline - Reserved matters to be submitted
2. Outline - Time limit for submission of details
3. Outline - Time limit for commencement
4. Accordance with plans
5. Phasing Plan
6. Partial Discharge
7. Approval of Materials
8. Access to Phases
9. Accessibility and Management Plan- Residential
10. Accessibility and Management Plan- Non-Residential
11. Car Park Management
12. Cycle Parking
13. Deliveries Strategy
14. Travel Plan
15. Site Levels
16. Compliance with Design Code

17. Secure by Design
18. Accessibility and Adaptability
19. Provision of Amenity Space
20. Refuse Storage and Segregation for Recycling
21. Carbon Reduction – Residential
22. Carbon Reduction – Non-Residential
23. BREEAM
24. Energy Efficiency
25. Overheating
26. Ecology and Landscape Management Plan
27. Landscape Replacement
28. Living Roofs
29. Nesting Birds and Bat Roosts
30. Protection of Trees
31. Vegetation Clearance
32. Examination of Trees for Bats
33. Air Quality Assessment
34. Boiler and Combined Heat Power
35. Air Quality Emissions
36. Kitchen Ventilation Equipment
37. Noise Assessment
38. Noise from Commercial Units
39. Noise from School
40. Noise from Entertainment
41. Noise and Vibration (A3, A4 and A5 uses)
42. Hours of Operation – Non-Residential
43. Hours of Operation – Outdoor Sports
44. Lighting Strategy – General
45. Lighting Strategy – River Beam Interface
46. Flood Risk
47. River Beam Buffer Zone
48. Sustainable Urban Drainage
49. Drainage Strategy
50. Drainage Maintenance
51. Piling Method Statement
52. Non-Road Mobile Plant and Machinery
53. Oil Interceptors
54. Contamination Remediation
55. Remediation
56. Implementation of Remediation
57. Verification of Remediation Scheme
58. Unexpected Contamination
59. Borehole Management
60. Construction Management Plan
61. Demolition Hours
62. Piling Vibration
63. Archaeology – Written Scheme of Investigation
64. Archaeology – Foundation Design
65. Permitted Development Restriction

- 66. Satellite Dishes
- 67. Boundary Treatment
- 68. Timing of Station

London Borough of Havering Specific Conditions

- 69. Non-Residential Floor Areas
- 70. Number of Residential Units
- 71. Parking
- 72. Timing of Detailed Works
- 73. Bus Stops
- 74. Fire Hydrants
- 75. Changes of Use

Informatives

REPORT DETAIL

1. **Site Description**

- 1.1 The application site within the London Borough of Havering comprises 10.22 ha of land to the south of the A1306 New Road, either side of Marsh Way to the east of the River Beam and Thames Avenue and west of the former Somerfield Depot site, north of the HS1/C2C railway corridor. The land forms part of the wider Beam Park site which extends further to the west and into Barking and Dagenham giving a total site area of 31.54 ha. The site previously formed part of the Ford Motor Company site used as an assembly plant and for the open storage of cars. The Marsh Way flyover oversails part of the site.
- 1.2 The site is clear of structures but is covered with hardstanding and currently lies vacant. The site sits within flood zone 3. The vegetation on the site comprises predominantly self-set scrub. Access to the site is via Thames Avenue.
- 1.3 The wider surrounding area is urban in nature and is characterised by residential land uses to the north of the A1306 and industrial land uses to the south. The existing residential areas of South Hornchurch and Dagenham to the north of the site are separated by an area of Green Belt comprising the Beam River Corridor, Beam Washlands and Beam Parklands.
- 1.4 The application site does not form part of a conservation area, and is not located within the immediate vicinity of any listed buildings. It is however noted as potentially contaminated land and an area with potential archaeological significance. A high pressure gas pipeline runs through the site together with a Thames Water sewer.

- 1.5 The site is within the Rainham and Beam Park Housing Zone and within the area covered by the adopted Rainham and Beam Park Planning Framework.

2. **Description of Proposal**

- 2.1 The application is a cross boundary hybrid planning application so is also under consideration by the London Borough of Barking and Dagenham wherein a larger area of the site is located and where the larger proportion of the housing would be delivered. As a hybrid application the submission is made partly in outline and partly in detail. The application is accompanied by an Environmental Impact Assessment.

- 2.2 In summary, the proposed overall development comprises the following elements:

- Provision of up to 2,900 new homes, of which 50% shall be designated as affordable (broadly 21% rent and 79% intermediate);
- Provision a new railway station on the c2c line;
- Provision of space for 2 No. three-form entry primary schools and nurseries;
- Up to 4,110 sq.m of other support uses including commercial floorspace, medical centre and community facilities (Use Classes A1, A2, A3, A4, A5, B1, D1 and D2); and
- Landscaping, open space and play areas.

- 2.3 The development is planned to be delivered over eight phases up to the year 2030. Planning permission is sought here for the detail of Phase 1 which is fully within Havering, whilst the remainder of the scheme (Phases 2-8) is submitted in outline, with part of Phase 2 being the only other phase located within the Borough.

- 2.4 A separate application for enabling “surcharging” works has already been approved by Committee. This pre-consolidation of the soil on site will facilitate early commencement of Phase 1 (subject to permission being granted) and is acknowledged by the applicant as being carried out “at risk”.

- 2.5 Phase 1, applied for in detail, relates to the eastern portion of the site on land both east and west of Marsh Way with a combined frontage of approximately 330m to New Road. The proposed development will include the new railway station, new community facilities and commercial areas, including a health centre within a new station square and the site for a new 3 Form of entry Primary School. This phase will also contain 536 of the residential units proposed for the site. More detail is provided at para 2.7.

- 2.6 Phases 2-8, the later phases of development are being applied for in outline only at this stage. Phase 2 is the only subsequent element of the development which is located partly within Havering and approval is sought

for the remainder of the residential accommodation (197 residential units) and facilities, including the Havering section of a proposed park either side of the River Beam. The masterplan suggests one frontage block of 7/5 storeys (45 units), one block of between 4 and 8 storeys height on the southern side of the site (79 units) and two plots 13 and 16 providing housing (50 and 23 dwellings respectively).

- 2.7 In order to enable later phases of the development to be adjusted to respond to prevailing circumstances and market conditions the outline element of the application does not include the following at this stage, which would need to be the subject of subsequent reserved matters applications:

Layout – the way in which the new buildings and streets within the site are provided and their relationship to buildings outside of the application site.

Scale – the height, width and length of each building proposed in relation to its surroundings.

Appearance – the aspects of the buildings and place which determine their visual impression.

Access – access within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes.

Landscaping – the treatment of private and public spaces to create, enhance and protect the site's amenity through hard and soft measures.

- 2.8 To give more detail of Phase 1, this would comprise;

- Provision of 536 dwellings (472 apartments and 64 houses) across 10 plots at a density of 88 units per hectare;
- 53% affordable housing provision (17% affordable rent and 83% intermediate housing, including shared ownership);
- A new rail station on the c2c line
- Nursey provision of up to 697 sqm;
- Up to 2,485.85 sqm of support uses (A1, A2, A3, A4, A5, B1, D1 and D2). At this time, it is expected that this will be made up of:
 - o 1,107.72 sqm GIA retail including a foodstore
 - o 91.48 sqm GIA management suite
 - o 1,500 sqm GIA medical centre
 - o 113.05 sqm GIA pharmacy
- 276 car parking spaces, which includes 63 for visitors;
- Room for 782 cycle parking spaces, 206 visitor cycle spaces and a minimum of 64 house cycle spaces;
- Detailed design of plots/ buildings 14, 17, J, H, K, L, U, V, W, X;
- 54,348 sqm of open space made up of roads, pavements, gardens and amenity space, including a linear park element designed to

integrate with the Council's proposals for the re-invention of the A1306;

- Provision of an energy centre.
- An identified 0.8ha site for a new 3 form of entry primary school.
- Two vehicular access points are proposed, one 250m to the west of Marsh Way opposite the junction with Lower Mardyke Avenue, the other 85m to the east of Marsh Way

2.9 Plots within the detailed component of the application comprise:

- Plots 14 and 17 – 64 no 3 and 4 bedroom dwellings located in the central eastern portion of the site and provided in terraces of three storey houses, formed by 8 different house types, the majority with one or two off street parking spaces. The predominant roof type proposed is a rear facing mono-pitch. Block 14, the larger of the two, lies between two converging roads named by the applicants as a South Drive and Park Lane with garden depths varying from 4m to 20.5m.
- Plots U, V and W – 3 no. 5/6 storey residential blocks providing a total of 112 no, Studio, 1 and 2 bedroom apartments. The blocks to be located to the west of Marsh Way and set back from and parallel to the A1306, each with a central access core facing the road. Each flat above ground floor is provided with an inset balcony and each ground floor unit is provided with a patio leading to a personal semi-private garden area;
- Plot J – residential block on the south western side of the site with two elements identified as “Cubic”, a long 4 storey block aligned with South Drive, and “Warehouse” a taller 5/8 storey block at the western end and providing 67 no, 1, 2 and 3 bedroom apartments and duplex units;
- Plot H – 3/6-storey brick built residential block providing 30 no1, 2 and 3 bedroom apartments, located at the acute corner junction of South Drive and Park Lane with the Phase 1 management suite on the ground floor. Angular design is proposed to fit the site and address the Station Square to the east, with recessed balconies at the ends and projecting balconies to the sides.
- Plot X – Part single, four and six storey brick built residential block with crèche/nursery on the ground floor with a secure open external area. The building would be located at the western end of Park Drive on the acute angled plot formed by the junction of Park Drive with the road serving Plots U, V and W. 16 no. 2 bedroom flats are proposed in the main block and one 3 bedroom duplex unit at the eastern end. Each unit would be provided with its own recessed balcony.
- Plots K and L – are located in the Station Square and Station Way areas situated next to the new railway station to the east of Marsh Way. This area would become the new local centre with a public square outside the station. Station Way would give access from the A1306 to the north and Block K is a large podium block defining the

western edge of Station Way, and the northern and western frontages of Station Square. The northern edge of Block K would front onto New Road whilst to the west where it abuts the Marsh Way flyover the block encloses access and service spaces. Around the perimeter of the podium five apartment blocks varying in height from 6 to 9 storeys would be arranged around a podium garden with parking underneath. The ground floor would be occupied by commercial and community spaces plus a two storey 1,500sqm Medical Centre on the northern edge. The upper floors of Block K would provide 201 apartments ranging from studios to 3 bed units. Block L is broadly rectangular, 6 to 9 storeys in height and located to the east of the new station where it would partially enclose the eastern side of the Station Square. The ground floor would be occupied by retail, plant and an energy centre with 45 no, 1, 2 and 3 bed apartments on the upper floors.

- Beam Park Station – The new station will be located to the east of Marsh Way and positioned between the existing Dagenham Dock and Rainham railway stations on the Tilbury Loop Line of the London Tilbury and Southend railway (LT&S). The trapezoidal single storey building has been designed with its principle elevations aligning with the railway and at 90° to the other blocks surrounding the station square thereby enclosing the southern side. Facing the square a steel framed double glazed frontage is proposed with a more significant proportion of brickwork on its southern side framing a large passenger gateway/link through to the platforms. A deeply cantilevered crowned standing seam zinc roof is proposed. The platforms would lie outside of the site and as a result of high pressure gas pipeline and sewer easements.

2.9 The application is accompanied by a suite of supporting documents comprising the following:

- Location Plan, Parameter Plans, Detailed Plans (Phase 1), Supporting / Illustrative Plans
- Planning Statement
- Design and Access Statement and appendices including
 - Statement of Community Involvement
 - Energy Strategy
 - Utilities Report
 - Sustainability Statement
 - Construction Management Plan
 - Daylight/sunlight Assessment
 - Pipeline Risk Assessment
- Design Code
- Environmental Statement Non Technical Summary
- Environmental Statement and appendices including Scoping; proposed development; Construction and Site Waste Management Plan; Socio Economic Assessment; Land Contamination/ Ground

Conditions; Flood Risk Assessment; SUDs Strategy and Water Framework Directive; Transport Assessment and Travel Plan; Air Quality Assessment; Noise and Vibration; Cultural Heritage/ Archaeological Assessment; Townscape and Visual Assessment; Biodiversity Survey and Report; Tree Survey/ Arboricultural Impact Assessment; Environmental Wind Assessment

- Draft S106 agreement.

3. Relevant History

- 3.1 Z0011.16 – Environmental Impact Assessment Request for a Scoping Opinion in relation to Beam Park redevelopment – Scoping Opinion issued jointly with LBBD
- 3.2 Z0001.17 – EIA Screening Opinion Request in relation to Phase 1 surcharging – Screening Opinion issued
- 3.3 P1226.17 - Application for enabling works to prepare site for development, including clearing of on-site structures, addressing contamination, importation and positioning of crushed material on site for up to 9 months (preventing future settlement), localised piling and installation of band drainage. – Approved
- 3.4 Z0001.18 - EIA Screening Opinion Request in relation to Phase 2 surcharging – Screening Opinion issued

4. Consultations and Representations

- 4.1 The proposals have been advertised as a major development by the display of site notices and by an advertisement in the local press. A copy of the planning application has also been available in Rainham Library. A total of 909 individual properties were notified directly of the proposals. The application is referable to the Mayor of London as it includes the provision of more than 150 dwellings. Site Notices were posted and a further advert published when the Addendum to the Environmental Statement was submitted. Properties fronting onto or close to New Road and those who had previously objected were notified of the revisions to the application.

Representations

- 4.2 35 individual objections, one individual support and 52 returned pro-forma support forms from the pre-application exhibition have been received.

Objections can be summarised as follows:

- Too many flats, overdevelopment, already too crowded
- Risk of flooding from high tides on the Thames
- Very high water table in the area

- Inadequate green space
- Additional congestion on local roads
- More affordable housing for Havering residents is needed
- Affordable housing needs to be truly affordable, more housing for rent needed only 140 out of 2,900 proposed;
- Housing will be bought by wealthy people from outside of the Boroughs.
- Not enough parking, More residential parking required, should be more like 3 spaces per dwelling; every family has at least 2 cars, less than 1 space per dwelling (0.44) is ridiculous.
- Occupants will not use public transport, occupants will lose touch with family and friends that cannot use public transport as there are not enough visitor spaces.
- There should be a ban on "Sale for Let"
- Narrowing the A1306 New Road will cause added problems
- Addition of a further station will make already long bus journeys even longer
- Loss of local businesses
- Main aim is to make profits for developers, quality of housing will be poor;
- Inadequate infrastructure, Dr's dentists and schools;
- Wouldn't impose this on Upminster or Hornchurch
- Bus services and train services cannot cope
- Development need to foster integration between the north and south sides of New Road
- Some sections should be allocated as self build.
- Opportunity should be given to smaller developers to acquire smaller plots of several units.
- Should incorporate Homes for Life.
- Housing for the elderly should be incorporated provided by specialist builder or a retirement village
- Should be a focus on quality rather than quantity.
- Should be no more than 4 storeys high, 9/10 storeys is too high; will re-create the problems of high rise in the 60's and anti-social behaviour
- Ratio of flats to houses should be 50:50
- Ground is contaminated
- Do what is right for Havering not what Mayor Khan wants
- Rainham and Beam Park Planning Framework designates park View Living as no more than 4 storey and the Station area as 4 – 6 with possibly one 8. The proposals are well in excess of this. Rainham Station is nothing like this.
- Clarion site is approved at a much lower height
- Garden Suburb should be mainly houses. Scheme only proposes 20% housing.
- Parking at zero around Station is not in accordance with the emerging Local Plan.
- Designed as one community with no respect for boundaries
- Inadequate green space

- Road infrastructure requires improvement
- Will lower the quality of life for everyone.

4.3 Comment on representations:

4.3.1 The issues raised by objections where they relate to planning considerations are covered off within the relevant sections of the report. Objections which relate to non-planning matters or are value laden are not covered. Those which are not explicitly or implicitly covered are addressed below.

- Narrowing of the A1306 – This is not the subject of this planning application.
- Loss of local businesses – The site is currently vacant
- Self build – The Council does not have a policy on self build. The GLA own the site and have agreed terms with the applicant to develop the site.
- Garden Suburbs should be housing – A scheme which was predominantly housing would be neither commercially viable nor would it adequately address housing need or make a realistic contribution to the Borough's housing targets.
- Zero parking around station – No parts of the development are zero parking.

Consultation Responses

4.4 **Cadent** – advise of the presence of gas and electricity apparatus in the vicinity of the development including high pressure gas pipelines, low or medium pressure gas pipes; electricity transmission overhead lines; above ground gas sites and equipment; above ground electricity sites and installations.

4.5 **Clinical Commissioning Group (CCG)** - Request that the health care facility (located on the London Borough of Havering side of the development) is increased from 750 sq.m to 1500 sq.m.

Response

The applicant has agreed to increase the size of the health care facility to 1500 sq.m. The provision and details of this will be secured through the Section 106 legal agreement.

4.6 **Clarion Housing** – were consulted as the owners of the site 90 New Road (commonly known as the “Somerfield depot” site). Clarion advised that the bus loop shown on the submitted plans could not be implemented should they choose to implement the extant permission for the redevelopment of their site. The response acknowledged that the comment was being made in order to preserve their position and the ability to implement their scheme.

Their wish to work with all parties and achieve a workable solution was emphasised.

- 4.7 **C2C** - C2C support the construction of the new Beam Park railway station.
- 4.8 **Environment Agency** – have no objections to the proposals subject to conditions securing an 8m buffer zone along the River Beam, land contamination (including a verification report, long term monitoring of contamination and previously unidentified contamination), borehole decommissioning, establishing minimum finished floor levels together with compliance with the submitted flood risk assessment.
- 4.9 **Essex and Suffolk Water** - no objections subject to compliance with Company requirements in relation to new connections.
- 4.10 **Greater London Authority (GLA)** - London Plan policies on Opportunity Areas, housing, urban design, inclusive design, flood risk, climate change and transport are relevant to this application. The application is not compliant with the London Plan but could become compliant with the London Plan if the following matters are resolved:

Affordable housing – In accordance with the Mayor's Affordable Housing and Viability SPG and London Plan Policy 3.12, any proposal on public land under 50% will not qualify for 'Fast Track' and will be subject to robust interrogation of viability and a late stage review. Delivery of affordable housing should be maximised on this ex-industrial site in public ownership in accordance with the Mayor's expectation that land in public ownership will make a significant contribution to the supply of new affordable housing. GLA Officers are working with the applicant to increase the provision of affordable housing to 50%.

Urban design – The master plan layout and massing strategy is strongly supported. The residential quality of Phase 1 is high although the Design Code should be strengthened to ensure the later phases follow suit, in order to comply with London Plan Policy 3.5.

Climate Change – The energy strategy does not fully accord with London Plan Policies 5.2, 5.6, 5.7 and 5.9. Further information regarding energy efficiency, over heating, the site wide network, district heating and renewable energy is required. The final agreed energy strategy should be appropriately secured by the Council along with contributions towards off site mitigation.

Transport – In order to comply with London Plan Policies 6.3, 6.4, 6.7, 6.9, 6.10, 6.12, 6.13 and 6.14, the strategic and local highways modelling and impact on bus services must be fully assessed and appropriate mitigation secured. Further detail is required on the site layout, off site pedestrian and cycle improvements and cycle parking. Electric vehicle charging points, car parking management plan, travel plans, delivery and servicing plan and

construction logistics plans should be secured by condition or Section 106 agreement.

Response

Following the Stage 1 report, the applicant has responded as follows:

Affordable housing – The applicant has agreed to increase the affordable housing to provide 50% affordable housing together with an increase in the number of affordable family homes. This is discussed in detail further below.

Urban design – The applicant has agreed to establish minimum distances between habitable rooms to protect privacy and has agreed minimum floor to ceiling heights. The applicant has also confirmed that a mix of dwelling sizes and family homes will be provided within each phase. Confirmation has also been given that the detailed design work undertaken on the London Borough Havering side will follow through onto the LBBD side.

Climate change – Further information has been provided on the energy strategy. This is a high level site wide strategy with the details (demonstrating conformity with the site wide energy strategy) coming forward at reserved matters stage. The carbon offset levy will be secured through the Section 106 legal agreement.

Transport – Further information has been provided to TfL together with a financial contribution for public transport improvements. These will be secured through the Section 106 legal agreement.

- 4.11 **Health and Safety Executive** – advise that the proposed development lies within the HSE consultation distance for five major accident hazard pipelines but that having considered the proposals using their Land Use Planning Methodology the HSE does not advise, on safety grounds, against the granting of planning permission.
- 4.12 **High Speed 1** - No objections.
- 4.13 **Historic England (Archaeology)** - recommend archaeological conditions including provision for conservation in situ, a written scheme of investigation and foundation design.
- 4.14 **LBH Education** – the proposed development falls in the Rainham and South Hornchurch primary planning area and the South secondary planning area. Due to the sustained and increasing demand for school places, further permanent expansion of existing schools and new school proposals are required. A deficit of school places is currently projected in this location and as such it is imperative that the new school proposed as part of the development is delivered within the first phase of the redevelopment to ensure that the additional school places required are secured at the right

time to enable havering to fulfil its statutory duty.to provide sufficient school places for it's population.

On the basis of the updated housing figures the child yield from the development when the GLA Population Yield calculator, which differentiates between unit size and tenure, is applied will generate the following number of pupils in each school phase:

Early Years: 161; Primary: 161, Secondary: 56 and Post-16: 27

- 4.15 **LBH Environmental Health** – no objections subject to the imposition of conditions related to contaminated land, air quality, noise and vibration
- 4.16 **LBH Lead Flood Engineer** – No objections
- 4.17 **LBH Highways (Streetcare)** – No in principle issues in terms of traffic and highway capacity or parking. There are a number of issues associated with the detailed Phase 1 which need to be addressed.

The New Road/Station Way junction should be amended to provide a central refuge to cater for pedestrians crossing and cyclists, including no-standard cycles.

The New Road/Site road opposite Lower Mardyke Avenue has insufficient detail to demonstrate how signals and crossings will be provided.

In Station Way the operation of the indicative bus loop and the route though this for cyclists should be reviewed.

The general road layout is considered to be acceptable although some clarification of one way areas is required. The site has good pedestrian permeability but with scope to provide some improved pedestrian priority.

The provision of east west cycling links through the wider site needs to be considered further.

Response

The request for a pedestrian refuge has been noted but may require some localised widening of Station Way which could impinge upon the scrapyard site. Every effort will be made to accommodate this as part of the S278/38 packages.

The comments about the western junction with New Road to improve cycle and pedestrian safety and movement will be incorporated into the S278/38 packages.

Any concerns about the operation of the bus loop can be addressed at the time that the land comes forward. As things stand the loop, stops and

stands have all been designed in line with TfL's Accessible Bus Stop Design Guidance 2017 and all movements through the Station Square, Station Way and New Road have been tracked.

The area of one way operation has been clarified.

All streets within the layout are proposed to be traffic calmed streets with cycle and pedestrian priority. It is not possible to run a cycle path along the southern pedestrian route as this runs on top of a floodwater bund and is not wide enough. The opportunity will arise at Phase 2 reserved matters submission to review the form of crossing over the River Beam so that this might better provide for east/west cycle movement.

- 4.18 **LBH Waste** – advise of the requirements for houses presenting their waste and the need for flats to have sufficient storage area for waste and recycling bins.
- 4.19 **London Fire Brigade** –No objections but point out the Approved Documents that access to dwellings and other buildings will need to comply with. The Fire Hydrant Officer advises that eight new fire hydrants would be required for Phase 1.
- 4.20 **Metropolitan Police Designing Out Crime Officer** – Advise that the project has the potential to achieve a Secured by Design Gold Award and Schools 2014 Award and a Commercial 2015 Award. There are specific concerns in relation to various items, but all can be mitigated through Secure by Design applications and continued dialogue with the relevant Designing Out Crime units and officers.
- 4.21 **Natural England** – considers that the proposed development will not have significant adverse impacts on designated sites including the Ingrebourne Marshes and Inner Thames Marshes Sites of Specific Scientific Interest, and has no objection.

Natural England endorses the recommendations within the Ecology report and the adoption of best practice construction techniques in order to, as far as is possible, mitigate the construction related impacts of the development. Mitigation measures including the replacement of lost habitat along the river Beam, the provision of brown roofs and that any final lighting regime should be sensitive to commuting routes and foraging areas for bats are supported. It is advised that mitigation should be put in place to ensure that the development does not result in any net increase in air pollution within its vicinity.

- 4.22 **Sport England** – Object to the application on the basis that the impact upon playing pitches and other sports provision has not been adequately addressed and that the development would therefore place an increased strain on existing facilities. It was suggested that the applicant should set out the proposed playing pitch and built sport facility provision (on and/or off

site that would clearly meet the demands that would be created by the proposed development and potentially address wider deficiencies.

Response

The applicant has provided further detail in the form of a Sports Strategy on the type of sports pitches and courts to be provided on the development. These essentially are the playing facilities of the two proposed primary schools. These facilities would be required to be dual use so that the community could access them outside of school hours. Emphasis is also given to the potential for informal sporting and recreational use of the proposed areas of park and grassland and the potential to integrate informal exercise and sports facilities as part of subsequent reserved matters applications.

Further response from Sport England suggested that a full size 3G pitch on one of the school sites might better provide for identified need. As an alternative suggested that off-site contributions could be directed to sites that need improvement. The efficacy of small scale provision is questioned as larger facilities are more sustainable and beneficial to community sport.

Response

The applicant has offered to make a financial contribution toward off site sports provision on a pro rata basis to the level of contribution being made for the improvement of off-site facilities in LBBD. This will be discussed in later sections of the report, however, in combination, the offer is considered to satisfy the objection from Sport England and assist with the provision of off-site facilities which would help cater for the future needs of the development and the wider recreational needs of the area.

4.23 **Steer Davies Gleave (Beam Parkway Design Team)** - Comment upon the need to align the designs and character areas with the proposals for Beam Parkway and for the development to engage with the communities to the north of the A1306. Comments are offered in relation to the proposed bus loop and the lack of a two way route through the site for buses. Detailed comments are offered on the proposed junctions with New Road and the need to incorporate appropriate crossing facilities for New Road. The preference for a four way junction to the east of that proposed is advanced.

4.24 **Thames Water** - Surface water drainage is the responsibility of the developer. Proper provision should be made and storm flows should be attenuated. Prior approval is required if discharging to a public sewer. Public sewers cross the site. TW have identified that the existing waste water infrastructure is unable to accommodate the needs of the application. A Grampian style condition requiring a drainage strategy is required. A piling method statement condition also required.

- 4.25 Transport For London – TfL’s initial comments have been incorporated in the GLA’s stage 1 response.. There has been ongoing dialogue with TfL with both the applicant and LBH staff relating to the options for buses servicing the site.

5. Relevant Policies

- 5.1 Core Strategy and Development Control Policies Development Plan Document (DPD) Policies CP1 (Housing Supply); CP2 (Sustainable communities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP16 (Biodiversity and geodiversity); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC20 (Access to Recreation and Leisure including Open Space); DC21 (Major developments and open space, recreation and leisure facilities); DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water supply, drainage and quality); DC52 (Air quality); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); (DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC70 (Archaeology and ancient monuments) and DC72 (Planning obligations).

- Evidence base to the Planning Obligations SPD,
- Residential Design SPD,
- Designing Safer Places SPD,
- Sustainable Design and Construction SPD.
- Site Specific allocations DPD - Policy SSA 11;

5.2 Rainham and Beam Park Planning Framework 2016

- 5.2.1 The Council’s adopted planning framework for the area sets a basis for the redevelopment of the site which is based upon the opportunity area designation of the London Plan and the Mayor’s own planning framework for the London Riverside Area. The details in the Rainham and Beam Park Planning Framework (RBPPF) are particularly relevant as they reflect the Council’s proposals for the delivery of the Housing Zone, declared in June 2015, in accordance with the Opportunity Area Planning Framework.
- 5.2.2 The RBPPF was adopted by the Council as the Planning Framework for the Housing Zone in January 2016. The purpose of the RBPPF was to provide a comprehensive and flexible plan for the Rainham and Beam Park area. It is a strategic document that aims to assist the Council in directing investment, as well as helping to guide and shape the quality of

development coming forward. The RBPPF sets out design principles for new development and seeks to ensure that appropriate infrastructure is put in place. It establishes a strong vision based on five core aims. These are to create: a sustainable neighbourhood; a great place to live; a place with a strong identity; an accessible place; and a place with quality open spaces.

5.2.4 The RBPPF includes an illustrative masterplan, prepared to show how the area could develop over the next 15 to 20 years. The illustrative masterplan in this regard suggests potentially:

- 3,250 new homes, of which 1,000 would be houses;
- 3,500-4,000m² new town centre uses in Beam Park including 2,000m² retail floorspace and a new railway station;
- A new 2-form entry Primary School;
- Health and community facilities at Beam Park Centre; and
- An expansion of Havering College.

5.2.5 It is suggested that proposed new development should be predominately residential with a mix of town house and apartments with a variety of typologies, unit sizes and tenures important to achieve a mixed and balanced community. In respect of New Road, the Planning Framework suggests that this will be transformed from a traffic dominated hostile corridor into a tree-lined and friendly boulevard, making use of surplus road space. It is proposed to remodel junctions and to reduce the carriageway space to the optimal dimensions to accommodate anticipated future traffic levels.

5.2.6 Within the RBPPF, the site of this application covers both the Park View Living and most of the Beam Park Centre Character Areas to the west and east of Marsh Way respectively. Within the former a mixture of apartments and townhouses is suggested with townhouses comprising 20-25% of the total. A residential density of 100-120 units per hectare is suggested with building heights of two to five storeys. Maximum car parking standards of 0.5 space per 1 bedroom or studio unit; 1 space per 2 bedroom unit; 1.5 spaces per 3 bedroom unit; and 2 spaces per 4+ bedroom unit are recommended. Within Beam Park Centre a mixed use development is promoted with a local centre next to a new railway station with active uses at ground floor and apartments on upper floors, a residential density of 180 – 200 units per hectare and building heights of 4-6 storeys, but with scope for additional height in landmark and waymarking locations.

5.3 London Plan:-

Policies: 2.13 (Opportunity and Intensification Areas); 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 3.7 (Large residential developments); 3.8 (Housing Choice); 3.9 (Mixed and balanced communities); 3.11 (Affordable housing targets); 3.12 (Negotiating affordable housing on individual private

residential and mixed use schemes); 3.13 (Affordable housing thresholds); 3.17 (Health and social care facilities); 3.18 (Education facilities); 5.1 (Climate change mitigation); 5.2 (Minimising Carbon dioxide emissions); 5.3 (Sustainable design and construction); 5.9 (Overheating and cooling); 5.12 (Flood risk management); 5.13 (Sustainable drainage); 5.21 (Contaminated land); 6.3 (Assessing effects of development on transport capacity); 6.9 (Cycling); 6.10 (Walking); 6.12 (Road network capacity); 6.13 (Parking); 7.1 (Lifetime neighbourhoods); 7.2 (An inclusive environment); 7.3 (Designing out crime); 7.4 (Local character); 7.5 (Public realm); 7.8 (Heritage Assets and archaeology); 7.14 (Improving air quality); 7.19 (Biodiversity and access to nature); 8.2 (planning obligations); 8.3 (Community infrastructure levy).

- London Riverside Opportunity Area Planning Framework (OAPF)
- Housing SPG
- Shaping Neighbourhoods: Play and Informal space SPD
- Outer North East London Boroughs Strategic Housing Market Assessment (SHMA) 2016

5.4 National Policy Documents:-

- Nationally described space standards;
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance.

6. Staff Comments

6.1 Strategic cross boundary application

6.1.1 Planning applications for development of more than 150 new dwellings must be referred to the Mayor of London. Such applications are identified as being of 'potential strategic importance' that could have implications for the delivery of the London Plan. Such applications must be referred to the Mayor in two stages. The first stage is prior to decision and the comments from the Mayor at Stage 1 are set out in the consultation section of this report. This sets out whether he considers that the proposal complies with the London Plan.

6.1.2 Following the resolution of this committee the application is due to be considered by the London Borough of Barking and Dagenham on 19th March. If both authorities agree their respective recommendations the decision they intend to take must be referred back to the Mayor with all relevant documentation, including draft conditions and draft S106 Planning

Obligation. In the event that either authority resolves to refuse the application, the overall decision would be to refuse and this recommendation must also be referred back to the Mayor. The Mayor can then either allow the Council/s to issue the decisions in accordance with the resolution or where the Councils have resolved to grant he may direct the Council to refuse permission. The Mayor may also direct that he is to be the local planning authority for the application. The Mayor has 14 days to respond following receipt of the necessary documentation.

6.2 Principle of the development

- 6.2.1 Support for the redevelopment of brownfield sites such as that the subject of this application can be traced as a golden thread running from National planning policies as embodied in the NPPF, through the London Plan and Local Planning policy documents and frameworks. As brownfield land, the effective and sustainable re-use of such sites is promoted throughout.
- 6.2.2 Nationally the 'NPPF' 2012 sets out the overarching roles that the planning system ought to play. One of the key principles is that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Para's 50 and 52 from the document seek to provide opportunities for achieving sustainable development, delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. The NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.2.3 The London Plan identifies opportunity areas within London that are in real need of development and sets strategic policy directions. The opportunity areas are generally brownfield land and include the application site. Policy 2.13 of the London Plan sets out the requirements for planning decisions within the opportunity area. Of particular importance are the need to maximise housing output, promoting inclusive access including walking and cycling and supporting wider regeneration, including improvements to environmental quality.
- 6.2.4 In terms of local planning policies, Policy CP1 expresses the need for a minimum of 535 new homes to be built in Havering each year through prioritising the development of brownfield land and ensuring it is used efficiently. Table 3.1 of the London Plan supersedes the above target and increases it to a minimum ten-year target for Havering (2015-2025) of 11,701 new homes or 1,170 new homes each year. The proposal for 733 units would be equivalent to 6.3% of the ten year target and the principle is therefore supported and would make an important contribution to meeting Havering's housing needs.
- 6.2.5 The site lies within the area covered by LDF site specific policy SSA11 (Rainham West) which seeks to deliver residential led mixed use

development identifying the site for residential and ancillary education, community, leisure, recreation and retail uses, as well as a new railway station. The more recent RBPPF aligns with this policy and sets a clear vision for the future of the area. The principle of the redevelopment of the site is therefore supported at all levels.

6.3 Density, Scale and Site Layout

- 6.3.1 London Plan Policy 3.4 requires development to optimise housing output for different locations taking account of local context and character, design principles and public transport capacity. Within the opportunity areas the London Plan emphasises the key role that they are expected to make in meeting London's pressing need for new homes. The Housing SPG reinforces this and advises at para 7.5.8 that "Densities in opportunity areas.....may exceed the relevant density ranges in Table 3.2 of the London Plan, subject to development achieving the highest standards in terms of residential and environmental quality
- 6.3.2 In respect of the part of the site within Havering the applicant states that the density proposed ranges from 270 units per hectare (u/ha) around the station reducing to 45-48 u/ha to the east of the central Beam river park. Other plots have indicative densities of between 92-188 u/ha depending upon the unit typology.
- 6.3.3 Whilst the site currently has a low overall PTAL rating indicating poor accessibility which could not support the proposed densities, the provision of the new Beam Park Station as part of the development will increase the PTAL rating close to the station. The delivery of the bus turn around facility, as dealt with later in this report, would further increase PTAL levels around the station area.
- 6.3.4 In policy terms there are a number of documents which suggest differing levels as to the appropriate density for redevelopment in this area. However, they are all predicated upon an increased PTAL rating as a result of the delivery of the new station. Policy SSA11 identifies a density range of 30-150 u/ha but suggests that densities above this may be acceptable within 100m of Beam Park Station once operational. The RBPPF indicates that densities of 180-200 u/ha are likely to be acceptable in the Beam Park Centre character area reducing to 100-120 u/ha in the Park View Living character area to the west of Marsh Way. London Plan Policy 3.4 sets out a density matrix at Table 3.2 for new residential development which gives varying densities for sites dependent upon their setting (Suburban, urban and central), the applicable PTAL level and the size of unit proposed. For the Beam Park site with a suburban/urban setting and a potential final PTAL level of 3 this would give a range from 35 to 170 u/ha. The OAPF does not specify a figure but suggests that "Development along New Road, around Beam Park....may be of a higher density flatted typology, with feature buildings introduced on corner sites or centres of activity to add interest, identity and to serve as way-finding features."

- 6.3.5 Members will be familiar with the proposition that the density of a development is only one factor to be taken into account and that it should not be treated in a mechanistic manner. Other factors such as local context, design, public realm, transport capacity, social infrastructure and open space are all relevant in determining whether a scheme is suitable for a site.
- 6.3.6 Density on a plot by plot basis can also be a misleading guide as it makes no reference to the setting of the building, the quality of the architecture and environment and its amenity spaces. Block K located in Beam Park Centre for example is the largest building in Phase1 delivering 201 apartments. It incorporates five taller elements of up to 9 storeys and has the highest density. However, if the Beam Park Centre area of the development were treated as a whole for density purposes the area would have an overall density of 160 u/ha which is less than the target range identified in the RBPPF.
- 6.3.7 All policy and guidance is geared towards maximising the potential of the Beam Park area to provide a new thriving hub and new housing creating a sustainable mixed community, directing the highest densities to the area around the new station. Staff are satisfied that subject to it being demonstrated that the proposal will deliver the highest standards of residential and environmental quality that the proposed densities can be supported. Furthermore, as a large site with a significant degree of separation from neighbouring residential areas, it is quite acceptable for the development to establish its own character.
- 6.3.8 In terms of height and scale the development, both in detail and in outline, offers a range of heights from 2 to 9 storeys. The range of heights suggested by the RBPPF across both areas is set out at para 5.2.6 and varies from 2 to 6 storeys with scope for additional height up to 8 storeys at Beam Centre in key locations. Whilst the proposed storey heights may not comply with policy guidance, Staff are satisfied that there is a strong case for acceptance given the particular nature of the site and the proposed development.
- 6.3.9 As will be referenced later in the report, the architectural quality of the buildings in Phase 1 is considered to be of the highest standard such that the new centre around Beam Park Station would be an attractive place to live and journey to and from. Secondly, even after the redevelopment of sites on the northern side of New Road, the separation distance across New Road between building frontages would remain significant; a minimum of over 40m in the vicinity of Plot K and over 60m in the case of Plots T, U, V and W where the presence of high pressure gas pipelines dictates the degree of setback from the highway. In this respect it is generally accepted that in street scene terms, the wider the road, the more readily it can accept, and arguably, needs larger scale, taller buildings in order to create a sense of place. This accords with the long term aspiration as set out in the RBPPF to turn the A1306 into a tree lined boulevard “Beam Parkway”.

- 6.3.10 In line with the strategy of the OAPF the buildings are also intended as waymarking and landmark features to lend identity and character to the new centre. Many of the apartment blocks are also of staggered, stepped height in order to create visual interest and to limit their impact.
- 6.3.11 Where taller buildings are proposed on the southern side of the site, as well as being more distant from the main road, they also provide a visual and noise barrier from the railway, HS1 and in the case of the Beam Park Living area, the Tesco Distribution Centre.
- 6.3.12 In relation to both height and density it is also pertinent to note that the RBPPF identifies Beam Park Centre (including the western end of the Somerfield site) and the Park View Living areas as having a “Illustrative Masterplan Capacity” of 575 and 690 units respectively. The actual number of units proposed within these areas are 246 and 487 respectively. The Somerfield element of Beam Park Centre equates to less than half of that site and the whole site currently has an extant permission for 497 units. Accordingly, it can be demonstrated that the proposed quantum of development is well within the capacities identified in the RBPPF, notwithstanding the density and building heights proposed.
- 6.3.13 Staff therefore conclude that the scale of the development is appropriate to the site and in accordance with the thrust of policy and guidance.
- 6.3.14 The layout of the site within Phase 2 is a reserved matter, but the masterplan approach with parameter plans ensures that there is a degree of certainty over the shape of the latter phases of the development. The masterplan provides for a residential led development with a new commercial hub (retail, food and drink and healthcare space) centred around a new (Beam Park) railway station. The remainder of the site on the LBH side would provide a range of homes together with a primary school.
- 6.3.15 The scheme is based on a simple grid layout of streets and squares which creates a legible and permeable layout. A hierarchy of streets are proposed which accords with the design principles in the RBPPF, providing a coherent urban structure.
- 6.3.16 The detailed elements employ a variety of heights to give emphasis to different areas, with taller blocks framing the square in front of the lower station building to aid with waymarking and identity, and taller corner buildings to act as markers and punctuation for views and junctions.
- 6.3.17 The outline element of Phase 2 includes both apartments and housing, with a layout which includes terraces and mews style environments incorporating shared surfaces on a north south/ east west grid which minimises the number of north facing gardens.
- 6.3.18 The layout also incorporates substantial areas of open space, both hard and soft, in addition to the Beam Park including wedges of green space, swales,

a green link along the southern edge of the site and a substantial landscaped linear swath along the northern edge of the site which would add to and complement the Beam Parkway proposals. Other areas include the station square and a scheme to create a vibrant urban play area underneath the Marsh Way flyover.

6.3.19 Overall staff are satisfied that the layout is well founded and thought through and will provide a distinctive and attractive new housing and commercial area which would accord with the vision of the RBPPF.

6.4 Residential quality and design

6.4.1 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conform to minimum internal space standards. Nationally Described Space Standards have also been introduced which prescribe standards for a greater range of unit sizes and it is these that developments now need to meet. These are generally either the same or marginally less than the areas required by the London Plan.

6.4.2 Policy CP17 of the Core Strategy and Policy DC61 of the Development Control Policies DPD, seek to ensure that new development is well designed, functional, durable, flexible and adaptable as well as achieving a high standard of inclusive design and sustainable construction.

6.4.3 In design terms the approach has been to divide the site up into character areas with associated building typologies with the intention of creating a rich and varied urban experience.

6.4.4 Within Phase 1 there are 9 distinct Character Areas from Station Way and Station Square in the east, South Drive and South Gardens along the southern boundary, Garden Street to the west and the linear park to the north bordering New Road. The Design and Access Statement and plans demonstrate the variety of architecture, materials and reference to traditional constructional techniques. The predominant building material is brick due to its robustness and weathering properties, with eight different colours and textures proposed as well as the use of banding and different colour mortar, pointing and coursing. The use of both recessed and protruding balconies will add further to the distinctive architectural quality proposed.

6.4.5 All dwellings within Phase 1 of the development would meet the prescribed standards, including room sizes and ceiling heights. Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have

access to amenity space that is not overlooked from the public realm. In this respect all houses would benefit from traditional private gardens, with the apartments benefiting from a range of courtyards, terraces or balconies designed to accord with the Mayor of London's SPG on Housing. Ground floor units within blocks have all been designed to have access to their own semi private amenity space and all above ground units on non-podium blocks would have access to private balconies designed to accord with the Mayor of London's SPG on Housing.

- 6.4.6 In terms of sunlight and daylight, an assessment has been undertaken for Phase 1. This demonstrates how the blocks have been designed to create dual aspect accommodation. Pockets of separation between the blocks allow light to penetrate surrounding streets and courtyards are widened to allow good levels of south facing exposure.
- 6.4.7 A Design Code for the site has been established which provides principles for subsequent reserved matters applications, including the schools, and to ensure that each character area deals with parking and services, internal courtyards, active frontages, punctuation and variations and breaking the form to avoid continuous monotonous facades in a consistent manner. Internal design work across a range of these character areas, including phase 2 demonstrates how the scheme can achieve minimum internal floorspace standards, accessible and adaptable units (compliance with Building Regulation requirement M4(2) and M4(3)), minimum floor to ceiling heights, maximum numbers of units per core, avoids single aspect north facing units and maximises dual aspect units as well as maintaining privacy through establishing distances between habitable rooms. It is recommended that compliance with Design Code is secured by condition to ensure these principles follow through into the detailed design stage.
- 6.4.8 Overall, the material submitted with the application demonstrates a strong urban design strategy which utilises a simple and traditional grid based structure to provide a series of character areas along with a new public square, park and access to the River Beam. The grid based layout enables a series of connections north south and east west and establishes an associated hierarchy to the routes (those for vehicles, cyclists and pedestrians) to provide a very permeable and legible development for future residents.

6.5 Open space and landscaping

- 6.5.1 The open spaces and landscaping of any development are vitally important to providing a well functioning public realm and creating a sense of place and identity. Policies DC21 and DC61 both require the provision of adequate open space in major developments and underline its importance in creating a good urban environment.
- 6.5.2 Including private and semi-private garden and podium areas the development will deliver 77% open space with the most significant area

being “Beam Park”, which at 2.5Ha would fall into the Small Open Space category. Within Phase 1 the landscape strategy consists of a variety of character areas which coincide broadly with the character areas for different building typologies. These incorporate the focal point more formal treatment proposed for Station square, incorporating a sunken garden, the dual use of flood compensation areas, a health trails, areas for formal and informal play and a linear park. All streets are intended to be tree lined with some areas including wider green wedges and other landscape features.

- 6.5.3 The public space within the development will have numerous overlapping uses and play spaces with a total of 6,937 sqm of play space, comprising a range of Local Areas for Play (LAPs), Local Equipped Areas for Play (LEAPs) and Neighbourhood Equipped Areas for Play (NEAP). Of this figure 2,437 sqm is proposed to be delivered in phase 1. The provision of play space accords with London Plan Policy 3.6 and staff are satisfied that the landscape and play strategy will help ensure the highest quality of development and assist with maintaining the best quality of environment for its prospective occupants.

6.6 Impact on adjoining sites and residential amenity

- 6.6.1 Both visually and physically the site is well separated from the existing residential areas to the north of New Road such that any direct impact in terms of privacy, daylighting and overshadowing would not occur.
- 6.6.2 The existing site is low lying and views of the site for the north are limited by the generally flat topography of the area which sits lower than the adjacent A1306/New Road. The quality of any existing views that are available might be described as poor, mainly due to the historic industrial nature of the area.
- 6.6.3 The proposed heights along New Road would vary from two to eight storeys, with the blocks around Station Square forming a cluster of taller buildings which would have the most significant visual impact on the areas surrounding the site. Overall however, it is considered that the completed development will represent a significant improvement on existing views which are dominated by vacant post industrial land which makes no positive contribution to the area.

6.7 Transportation, Parking and Highways

- 6.7.1 Policy CP9, CP10 and DC32 of the Core Strategy and Development Control Policies DPD requires proposals for new development to assess their impact on the functioning of the road hierarchy. The overriding objective is to encourage sustainable travel and reduce reliance on cars by improving public transport, prioritising the needs of cyclists and pedestrians and managing car parking. A Transport Assessment has been submitted with the planning application as is required for all major planning applications.

Highways and Junctions

- 6.7.2 The potential impact upon the highway network has been extensively modelled using trip generation assessment techniques and data. The modelling methodology has been agreed with TfL and no significant adverse impact upon any highways within LBH is predicted. It has also been designed to enable linkages eastwards to 90 New Road and beyond towards Rainham village.
- 6.7.3 The street design has been undertaken in accordance with Manual for Streets. They have also been designed with good pedestrian provision, minimum carriageway widths whilst adhering to London Cycling Design Guidance. All highways identified for adoption would be subject to S38 Agreement with the specification and works being overseen by the Council's Streetcare Highways team and all junctions with the A1306 would be subject to S278 Agreements and similarly monitored.
- 6.7.4 The junction designs have been subject to design amendments following LBH comments and the arrangements as shown are now of acceptable design. However, the access to Station Way is unlikely to be capable of functioning for all manoeuvres with the A1306 in its current configuration such that right turns out would not be possible.
- 6.7.5 The bus loop indicated on Station Way would require land that is currently used as a scrapyard to the east which the Council are actively attempting to bring into the equation. It would also require land from the site of 90 New Road (the Somerfield site) and pre-application discussions are currently ongoing in relation to a fresh application for that site based upon the inclusion of that land.
- 6.7.6 The Council and TfL's preference in the long term would be for the main access junction to be located to the east of its current proposed position such that a four way traffic light controlled junction with Askwith Road could be provided. This is a long term aspiration and involves land outside the applicant's control. Nevertheless, agreement to work towards these ends and to contribute towards its construction should the land come forward in a reasonable timeframe is being negotiated as part of the S106.

Public Transport

- 6.7.7 A new railway station (Beam Park Station) on the C2C (London Fenchurch Street – Tilbury Southend line) is proposed in Phase 1 of the development. The station building (ticket office, public and staff facilities) will be delivered as part of the proposed development with Network Rail delivering the rail elements such as platforms in parallel. The station is proposed to open in 2020.
- 6.7.8 TfL have advised that their modelling indicates that 6 of the main local bus routes which would serve the new development would be operating over

capacity as a result of the increased demand from the proposed development. The bus network will evolve with the road network as each phase is built out, and would be continuously monitored and reviewed by TfL as part of their ongoing bus network planning process.

6.7.9 In order to facilitate improvements to bus capacity the S106 legal agreement would provide for a phased sum to be provided to enable the bus services to respond to the growing demand.

6.7.10 New developments start to be occupied well before the road infrastructure is complete or finished to a final wearing course. It is not normal for bus services to commence until such time as any road it is due to use has been finished. Accordingly, In the early stages of the development buses would continue to stop on New Road which is still well within easy walking distance of the new station and would be acceptable to TfL. As the scheme progresses and as and when other land become available it would be the aim for the bus loop to be built out which would provide bus stops close to the new station and a bus stand which TfL have identified as needed.

Car Parking

6.7.11 The application makes provision for 1525 residential car parking spaces across the whole development which equates to an overall car parking ratio of 0.53 spaces per residential unit. Within Havering the overall ratio is lower at 0.44 spaces per unit reflecting the proximity to the new rail station and consequent higher predicted PTAL levels. Within Havering the ratio of parking also varies from east to west, being at its lowest within the Beam Park Centre area of the site where Blocks K and L providing 246 residential units would be provided with 62 private parking spaces, a ratio of 0.25 spaces per unit, whilst the parking ratio within the Havering element of Phase 2 would provide 0.57 spaces per unit. Parking for housing would vary between 1 and 2 spaces per dwelling across Phases 1 and 2 within Havering with an overall provision at 1.12 spaces per unit either as on plot parking or managed private (residents permit spaces). There would in addition be a further 42 visitor spaces within or adjacent to the housing areas. The Apartment Blocks to the west of Marsh Way within the Beam Park Living area of the site would be provided with predominantly private managed car parking areas with parking ratios overall of 0.33 spaces per dwelling. In addition a further 60 visitor spaces would be available.

6.7.12 In Policy terms these levels of car parking would be compliant with all applicable car parking standards which are universally expressed as maximum standards, but it would be less than the maximum as expressed in the RBPPF, London Plan and LDF. The RBPPF accepts that a lower car parking provision is to be expected within the Beam Park centre itself in order to accommodate the higher densities needed to support the vitality of the centre. Where there is less than one space per unit DC2 requires that restrictions are placed on occupiers of flatted development so that they are

ineligible for resident parking permits. This would be reflected in the S106 legal agreement.

6.7.13 The level of visitor parking proposed would exceed the minimum level of 10% expressed by the RBPPF and a total of 109 accessible spaces would be provided within Havering which would exceed the London Plan standard. Active and passive electric vehicle charging points will be provided in accordance with London Plan standards. Conditions can be imposed securing this in the event Members are minded to grant planning permission.

6.7.14 Parking for the schools will be determined when each site comes forward for reserved matters consent, but this will be contained entirely within the allocated area for each school.

6.7.15 To cater for those residents that would need the occasional use of a car it is proposed to provide 10 car club spaces throughout the development with a minimum of 2 spaces in Havering. The developers would be responsible for bringing a Car Club provider on board and the S106 legal agreement would provide funding for residents first year of membership.

6.7.16 In order to ensure the control of car parking on site and within the residential area to the north of the A1306 provision is made within the S106 to secure appropriate funding to fund the introduction of Controlled Parking Zones. This would also provide funding to offset the cost of permits for existing residents. As there is less than one space per unit DC2 requires that restrictions are placed on occupiers of the development so that they are ineligible for resident parking permits. This would apply to the CPZ on the northern side of the A1306 and would be reflected in the S106.

6.7.17 In view of the improved accessibility resulting from the development of the new station and improved bus services, together with the measures described above, staff consider the level of parking provision proposed is acceptable and in accordance with all relevant standards.

Walking and Cycling

6.7.18 The masterplan demonstrates a strong emphasis on sustainable modes of transport. The development seeks to provide high quality pedestrian and cycling infrastructure with a network of routes and a high degree of permeability. The site's highway network will be designed to London Cycling Design Standards and will allow for future connections to both east and west. The Section 106 legal agreement includes a requirement for a site wide 20 mph zone. Green links along the linear park and to the south along the flood embankment would meet the objectives of both the OAPF and RBPPF to improve linkages. This connectivity would help to further encourage a reduction in car usage in accordance with NPPF and development plan policies.

6.8 Housing

- 6.8.1 Policy DC6 of the LDF and Policies 3.11 and 3.12 of the London Plan seek to maximise affordable housing in major development proposals and Policy DC2 has the objective of delivering 50% of new homes across the Borough as affordable which is reiterated in the RBPPF. The Mayor of London Supplementary Planning Guidance “Homes for Londoners” (2017) sets out that where developments propose 35% or more of the development to be affordable at an agreed tenure split, then the viability of the development need not be tested, this is known as the “Fast Track Route”. However, where the land is in public ownership the SPG recognises that a greater contribution to affordable housing should be made and proposals should deliver 50% affordable housing in order to qualify for the “Fast Track Route”.
- 6.8.2 As submitted the application proposed 35% affordable housing. However, the Mayor’s SPG had been adopted by the time the application was referred to him and as a result the application has been amended in order to achieve the 50% affordable housing requirement as the site is publicly owned.
- 6.8.3 Across both phases of the Havering part of the development 733 units would be delivered providing a range of accommodation from studio apartments to 4 bedroom houses. The breakdown of unit size, typology and location is shown in the following table (Figures for Phase 2 are indicative)

Phase	Unit Type	Unit size				Location (RBPPF definitions)	
		1 bed	2 bed	3 bed	4 bed	Beam Park Centre	Park View Living
1	Apartment	194	239	39		246	226
	House			34	30		64
2	Apartment	37	76	11			124
	House		8	35	30		73
Total		231	323	119	60		

- 6.8.4 The RBPPF identified that the appropriate housing mix for Beam Park Centre should comprise apartments above commercial uses whilst the Park View Living area should include 25% 3 storey houses. As can be seen from the above table the proposal gives a close match to the suggested mix with the % houses within the Beam Park View area actually exceeding the figure proposed in the RBPPF.
- 6.8.5 The affordable housing component would comprise 285 apartments in Phase 1 (101 no. 1 bed, 161 no. 2 bed and 23 no. 3 bed) and in Phase 2 it is currently indicated as 79 apartments and 16 houses (9 no. 1 bed, 59 no. 2 bed and 11 no. 3 bed apartments plus 12 no. 3 bed and 4 no. 4 bed houses).

- 6.8.6 The tenure split of the affordable housing is proposed as 81% intermediate housing and 19% affordable rent. The precise mix of the intermediate housing is not yet fully established as there would be a degree of flexibility on the part of the Affordable Housing provider. However, it would include a high percentage of shared ownership together with elements of London Living Rent (a new type of rent to buy product for middle income earners).
- 6.8.7 Policy 3.8 of the London Plan identifies potential for the Private Rented Sector (PRS) to help deliver new residential development as part of town centre intensification initiatives in areas benefiting from good transport connectivity. For Members information, the term PRS is a sector of residential development built exclusively for private rental purposes (as opposed to the more traditional build for sale) and is generally financed by large institutions (such as pension funds seeking long term investments) who typically hold and manage the development for periods of between 15-20 years. Following this, the development may then be sold on the open market. Typically, the PRS market targets economically active young professionals.
- 6.8.8 The proposed development may include some PRS units although it is not definite. The introduction of PRS units (along with other types of tenures such as shared ownership, intermediate rent and starter homes) would however be consistent with the Council's strategic objective to provide a greater mix and balance of housing products. Therefore the Section 106 legal agreement will include clauses to ensure that the provider of any PRS units commit to prioritising residents who live and or work in the Borough when marketing and identifying suitable tenants together with housing management clauses.
- 6.8.9 Whilst the proposed mix may not be entirely in line with the immediate wider housing needs of Havering, which would favour a higher proportion of rented units, Staff are satisfied that the quantum and variety of tenure of the proposal is appropriate for this location, in accordance with policy and that it will ensure the delivery of a properly mixed and balanced community.

6.9 Education

- 6.9.1 In accordance with para 72 of the NPPF, great weight should be attached to the need to create, expand or alter schools in order to ensure that sufficient choice of school places is available to meet the needs of existing and new development. London Plan Policy 3.18 and LDF Policy DC28 also support proposals to enhance the provision of educational facilities.
- 6.9.2 In terms of education provision, the overall application makes provision for 2 three form primary school sites (including nursery provision), one in each borough. Within Havering provision is made for a 0.8 ha site for a new three form entry primary school within Phase 1 to the west of Marsh Way and a children's nursery. The nursery would be provided on the ground floor of

Block X whilst the applicants intention would be for the school site to be serviced up to its boundary with the site being provided at no cost.

6.9.3 All Local Authorities have a statutory duty to ensure that there are enough school places available in the borough to accommodate all children who live in the borough and might require one. In this instance Havering would work with an identified School provider to bring the school forward using funds secured by the provider from the Education and Skills Funding Agency. Negotiations on this front are already well advanced and the terms of the transfer would be agreed through the S106 legal agreement and is likely to be the freehold interest of the site to the Council. The school would be promoted through a reserved matters planning application. The S106 legal agreement will include the requirement that the sports facilities which includes sports pitches and a MUGA, are made available to the community outside school hours.

6.9.4 The provision of Secondary and 16+ Education places would be secured by a financial contribution based upon the predicted child yield arising from the development multiplied by the cost of the provision per place. This is calculated at £1,779,852.

6.10 Healthcare

6.10.1 The application is accompanied with a Health Statement which identifies the number of health care facilities and GP's within the locality. The Environmental Statement submitted with the application estimates that the proposed development could generate in the region of 4318 additional residents overall. Accordingly, the application makes provision for a 1500 sq.m healthcare facility to be located over two floors of the New Road frontage element of Block K within Beam Park Centre.

6.10.2 The floorspace of the healthcare facility was increased from 750sqm in response to feedback from the local Clinical Commissioning Group (CCG). The facility will enable the CCG to co-locate a range of health and social care services within one building to tackle the multiple needs of households in a joined-up way. The facility will comprise multi-disciplinary teams that will collaborate closely with the voluntary and community sector and others to help deliver early intervention and preventative support. The CCG have confirmed the size of the facility is now acceptable and have entered into agreement with the applicant to run health care services from the new facility. Matters regarding the length of the lease, fit out details and service charges will be secured through the Section 106 legal agreement.

6.11 Community facilities

6.11.1 In terms of community facilities, the application includes a multi faith place of worship/community hall on the LBBD side. Following discussions with LBBD, the applicant has increased the size of the building from 600 sq.m

to a minimum of 800 sq.m up to a maximum of 1200 sq.m (subject to there being no detailed design constraints).

- 6.11.2 In Havering it is indicated that the ground floor of Blocks K or L forming the commercial hub could provide a 260sqm community facility subject to demand and uptake, matters which would be dealt with on a commercial basis.

6.12 Recreation and Sport

- 6.12.1 In terms of access to formal sports facilities, aside from a private gym incorporating a two lane swimming pool on the LBBD side, the proposed development relies heavily on the dual use of the playing/sports facilities associated with the two primary schools which will be made available to the community outside of school hours. Given the lack of other more readily available formal sports facilities on site, this is likely to give rise to extra pressure on existing Council formal sports facilities within the borough.

- 6.12.2 Whilst the dual use of facilities is encouraged by Policy DC20 the Council's Health and Wellbeing Manager has identified that a financial contribution towards the provision of a full sized 3G pitch within easy travelling distance from the site would be the top priority for Section 106 funding. Members may be aware that Cabinet approved a Playing Pitch Strategy and Action Plan as part of the proposed Submission Havering Local Plan in July 2017.

- 6.12.3 In view of this the applicant has agreed to make a financial contribution towards this preferred provision on a pro rata basis to the level of provision agreed towards facilities in LBBD. In combination with the dual use of the primary school sports facilities on site, the financial contribution will mitigate the impact of the development on existing sports facilities, address the requirements of the Playing Pitch Strategy and is considered to satisfy the concerns raised by Sport England.

6.13 Sustainability, energy efficiency and climate change mitigation

- 6.13.1 London Plan Policies 5.1 (climate change and energy assessments), 5.2 (carbon dioxide emissions savings), 5.3 (sustainable design and construction), 5.5 and 5.6 (decentralised energy), 5.7 (renewable energy) and 5.9 (overheating and cooling) along with Policy CP15 of the Core Strategy and Policies DC49 and DC50 of the Development Control Policies DPD requires all major and strategic developments to meet a high standard of sustainable design and construction. Most recently, Policy 5.2 of the London Plan requires residential buildings to be zero carbon and non-residential buildings to make a 35% saving in carbon dioxide emissions below current (2013) Part L Building Regulations.

- 6.13.2 The application has been accompanied by both an energy strategy and sustainability statement. The energy strategy demonstrates that a 35%

reduction in carbon dioxide emissions (below current (2013) Part L Building Regulations) will be met on site through a combination of:

- 1) Passive design measures such as orientation of dwellings for solar gain which will also combat overheating, for example, the balconies on the apartment blocks will provide shading during the summer;
- 2) Energy efficiency measures through enhanced building fabric (such as high performance glazing and insulation, improved U values (to improve air tightness and minimise heat loss) and efficient lights and appliances;
- 3) Supplying energy efficiently through two combined heat and power plants (CHP) to provide hot water and heating throughout the year. Back up gas boilers would be provided to meet peak heating loads and provide backup in the event of CHP downtime or during maintenance. The CHP plants would be housed in two energy centres on site (one in each borough) with all connecting pipework buried below ground and;
- 4) Through the use of Photo Voltaic (PV) panels to generate renewable electricity. The energy strategy estimates that approximately 11,000 sq.m of roof space would be needed to accommodate the amount of PV panels necessary to achieve the on site 35% in carbon dioxide emissions. An assessment of available roof space indicates there is around 20,000 sq.m of suitable roof space.

6.13.3 The energy strategy concludes that these measures in combination would provide a 35% saving in carbon dioxide emissions on site. The residual 65% (for the residential element to be considered zero carbon) would be achieved via a financial contribution for off-site projects. The energy strategy indicates that the remaining carbon dioxide emissions would be in the order of 2457 tonnes. The Mayor of London has a formula for calculating the financial contribution for the carbon offset levy which is broadly equivalent to £1800 per tonne (multiplied by the remaining carbon dioxide emissions) which would equate to a total contribution of £4,423,000, although this would likely be reduced following further detailed design of the development. This contribution would be split proportionately between both boroughs.

6.13.4 The sustainability statement advises that the key sustainability objectives for the development revolve around promoting sustainable communities, health and wellbeing, energy, water, waste, materials, travel, climate change adaptation and ecology and biodiversity. These objectives will underpin the detailed design, construction and operational stages of the development. In addition, the non-residential component will be designed to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' rating. The application is

accompanied with an indicative pre-assessment which demonstrates that this is achievable.

6.13.5 In light of the above, it is considered that the energy strategy and sustainability statement together with the BREEAM 'Very Good' targets are acceptable and demonstrate that the development is designed to encourage consideration of environmental, social and economic sustainability issues at an early stage in the development process. The development has applied the principles of using less energy and using energy efficiently and therefore accords with London Plan Policies 5.1 (climate change and energy assessments), 5.2 (carbon dioxide emissions savings), 5.3 (sustainable design and construction), 5.5 and 5.6 (decentralised energy), 5.7 (renewable energy) and 5.9 (overheating and cooling), Policy CP15 of the Core Strategy and Policies DC49 and DC50 of the Development Control Policies DPD

6.14 Flood risk and sustainable drainage

6.14.1 The site lies within Flood Zone 3 and is at risk from fluvial flooding from the River Beam and tidal flooding from the River Thames. Flood Zone 3 is the most vulnerable and residential development is only appropriate subject to passing two tests in accordance with the guidance in the NPPF and NPPG known as the sequential and exception tests. The aim of the sequential test is to steer new residential development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding; the Exception Test can be applied if appropriate.

6.14.2 The housing site allocations in the Site Specific allocations DPD adopted in 2008 were made to meet Havering's housing needs at that time and included sites situated within lower flood risk zones. These have already been developed or have planning permission. Therefore, there are no sequentially preferable sites that have been identified as suitable for housing that could accommodate the proposed development that are currently available and that would enable Havering to meet its housing needs. There are additional sites being considered as part of the Havering Local Plan preparation, including those identified with the Rainham and Romford Housing Zones, however, these have yet to go through detailed assessment, including sequential testing.

6.14.3 As there are no sequentially preferable sites available, the exception test needs to be applied. For this to be passed;

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.14.4 In relation to point one of the Exception Test, the proposed development is located on a brownfield site where all key policies identify as the priority sites for redevelopment in order to achieve a range of economic, social and environmental objectives. In the case of this development it will deliver on the sustainability front by the co-location of much needed housing, education, and recreational areas together with transport improvements necessary to service them.
- 6.14.5 A site specific Flood Risk Assessment was submitted as part of the application in connection with the preparation of the ES. Flood risk is the probability of flooding and the consequences of flooding. Hence “managing flood risk” involves managing either the probability of flooding, or the consequences of flooding, or both.
- 6.14.6 To reduce any impacts from the development and help alleviate any flooding from third parties a drainage strategy is proposed which incorporates multiple storage basins and SuDs techniques. Landscaped flood management storage basins and swale networks either side of the River Beam have been designed to work as a single flood storage system. The minimum required finished floor levels of the buildings and bund levels have been defined and placed above the maximum flood levels across the site. The swale network is also intended to cope with surface water runoff and has been designed to limiting this to a greenfield rate
- 6.14.7 Proposed SuDs include green roofs on all flat roofs, permeable pavements and surfaces, swales and a small detention basin. Infiltration, permanent water features and soakaways are not suitable for the site owing to the potential risk from downward migration of contamination.
- 6.14.8 The Environment Agency have confirmed that subject to the Sequential Test being passed and the Exceptions Tests being satisfied that the FRA satisfactorily demonstrates that the proposed development will remain safe and free from internal flooding up to and beyond fluvial flood event scenario of 1% annual probability, plus allowance for climate change adequate for the Thames catchment basin. It also confirms that the FRA makes an accurate assessment of the tidal flood risk on site. LBH Flood Engineer has also confirmed that he is satisfied that the development is acceptable. ON this basis staff are satisfied that the development would comply with Policy DC48 as well as other relevant policy and guidance on flood risk and sustainable drainage.

6.15 Contamination and ground conditions

- 6.15.1 An assessment of ground conditions has been submitted with the planning application as part of the Environment Statement. This considers the potential impact from contamination both for workers during construction and on future occupiers of the development.
- 6.15.2 As part of the development it is proposed that hotspots of contamination will be removed reducing the potential effect on human health from contamination to a point where it is negligible. Staff are satisfied that all potential risks from contamination, ground gas and the creation of pathways for the downward migration of contamination as a result of piling, can be adequately safeguarded by appropriate conditions as recommended by the Council's Environmental Health and Protection Team and the Environment Agency. The proposals are therefore considered to comply with Policy DC53 of the LDF and Policy 5.21 of the London Plan.

6.16 Noise and Vibration

- 6.16.1 Chapter 11 of the Environmental Statement explains that an environmental sound survey has been undertaken to establish the current sound climate of the application site. This demonstrated that the highest noise levels occur alongside Marsh Way and the railway. The potential change in noise levels arising from the development which would be predominantly road noise, has also been assessed. The results show that the increase in noise levels is likely to be negligible.
- 6.16.2 Vibration monitoring was also carried out to determine the vibration levels associated with train movements on the railway line to the south of the site. Based upon the measured values and British Standard guidance it is concluded that the vibration levels on site are well below the level at which there is likely to be any adverse impact.
- 6.16.3 During the construction phase there are potential noise impacts on nearby residential receptors. The Construction Environmental Management Plan will help to minimise this impact but cannot eliminate noise generation. The overall impact of noise and vibration during the construction phase is assessed at worst as temporary minor adverse.
- 6.16.4 Staff are satisfied that subject to appropriate conditions to monitor noise and vibration during construction; to ensure that suitable mitigation is employed to ensure that internal noise standards are met; and to set appropriate noise limits for the uses proposed, that the proposal is acceptable in noise and vibration terms and would be in accordance with Policy DC55 of the LDF and other applicable policies and guidance.

6.17 Hazardous Installations

- 6.17.1 There are a number of high pressure gas pipelines running through the site which are identified by the HSE as hazardous installations, these are the Horndon to Barking pipeline which runs to the south of the southern boundary and serves Barking power station. Within the site the Mardyke to Dagenham pipeline also follows the railway corridor to the south of the site, but then turns to run parallel to the River Beam, also feeding a pressure reduction station located to the east of the River Beam. The third pipeline is the Romford to Baker Street Pipeline which runs parallel to the rail line close to the southern boundary to the east of Marsh Way, then turning 90° north to align with the western side of Marsh Way before turning 90° west to follow the southern side of New Road up to the River Beam from where it turns 90° north to flow the same route along the River Beam as the Mardyke to Dagenham pipeline.
- 6.17.2 Other features of note are the gas pressure reducing station mentioned above and a Thames Water main sewer which follows a similar route to the Romford to Baker Street Pipeline.
- 6.17.3 The scheme has been designed to avoid and keep clear of all of these features including the inner and middle protection zones for the pipelines and any easements that apply. All work close to the pipelines and sewer will be required to follow the applicable National Grid/Cadent/Thames Water guidelines for safe working practice and specifications for landscaping, planting and species will be similarly controlled. The gas pressure reduction station will be located within the Beam Park open space adjacent to the River and would be securely fenced as at present.
- 6.17.4 Neither the HSE or Thames Water raise objections and it is considered that the scheme responds appropriately to the presence of these known hazards.

7 Consideration of Environmental Impact Assessment

- 7.1 The application constitutes Environmental Impact Assessment (EIA) development given the size of the development proposal. The application has therefore been accompanied with an Environmental Statement (ES) which assesses the impact of 1) socio economic (the impact of the construction phase in terms of economic and employment opportunities, housing, education, health, open spaces and community facilities); 2) ground conditions; 3) hydrology and the water environment; 4) transport and access; 5) air quality; 6) noise and vibration; 7) archaeology and cultural heritage; 8) townscape and visual; 9) ecology; 10) impact interactions and 11) operational effects. An update to the Environmental Statement (an ES Addendum) was submitted in November 2017 this essentially was an update to the ES following the results of strategic transport modelling of the wider highway network which had not been completed at the time the application was originally submitted. The ES

Addendum considered the impact of the strategic transport modelling on the relevant chapters of the ES, those being transport and access, air quality and noise and vibration.

7.2 The purpose of Environmental Impact Assessment (EIA) is to enable a full evaluation of the potential impacts of the proposed development upon the environment, looking at the scale and magnitude of those impacts both during and post construction, how likely they are to occur and how wide an area they could be predicted to affect. Potential mitigation for any such impacts is also assessed. It is a requirement that the decision maker properly considers the range of impacts which might occur and that this is acknowledged in its decision.

7.3 Several of the areas covered in the ES have already been dealt with in previous sections of the report where they have been informed by the impacts identified therein. A brief summary of the impacts for those areas which have not been addressed include the following.

7.4 *Socio Economic*

7.4.1 In terms of employment, there are benefits associated with the construction and operational phase. Once the development is complete, up to 141 net new local jobs are anticipated. The overall impact is assessed as minor beneficial.

7.4.2 In terms of housing, the provision of a proportion of affordable housing will help to reduce the barriers to housing which was identified as a pressure in the local area in terms of need and affordability. A new resident population will contribute to the local economy through their spending along with Council Tax revenues. The overall impact is assessed as major beneficial.

7.4.3 In terms of the impact of the new population of services and facilities, this will increase demand for new school places, GPs, dentists and on current open space provision. However, this is qualified through mitigation measures including the provision of new schools, healthcare facilities and open space. These will be secured through the Section 106 legal agreement. The overall impact ranges from negligible to minor beneficial.

7.5 *Air Quality*

7.5.1 During the construction phase there are potential dust impacts on nearby residential receptors. The CEMP will help to minimise this impact but cannot eliminate dust generation. The overall impact of dust during the construction phase is assessed at worst as temporary minor adverse.

7.5.2 Once the development is complete, air quality levels would remain at acceptable limits although it is noted that both boroughs are within Air Quality Management Areas. The air quality effects of road traffic

generated by the proposed development are not considered significant and the overall impact is assessed as neutral.

- 7.5.3 The ES Addendum on noise and vibration has concluded that the revised highway modelling work has identified that noise levels from updated traffic flows are similar to the predicted change in noise levels presented within the original Environmental Statement. The ES Addendum concludes that the revised highway modelling work would not materially affect noise conditions for dwellings within the proposed development.

7.6 *Archaeology and Cultural Heritage*

- 7.6.1 The archaeological survey work carried out has contributed to the understanding of the area. The application proposes further archaeological investigation and until this is completed, the overall impacts cannot be summarised fully. However, archaeological information gathered to date would indicate the overall impact to be no more than minor adverse.

7.7 *Ecology*

- 7.7.1 The site supports low numbers of breeding birds and bat surveys have found that the River Beam is used in reasonable numbers by foraging and commuting bats. Loss of habitat during the construction phase is assessed as having a negligible impact.
- 7.7.2 Once the development is complete, a programme of habitat creation of a larger area and more diverse character would be provided adjacent to the River Beam which is assessed as a permanent minor beneficial impact. Furthermore, the development would provide green and brown roofs, bird and bat boxes together with habitat suitable for bats and bird species such as the Black Redstart. However, the development would result in some degree of habitat severance and light spill. The overall impact is assessed as ranging from minor adverse to minor beneficial.

7.8 *Conclusions*

- 7.8.1 The Environmental Statement and ES Addendum highlight that temporary adverse impacts may be experienced by existing adjoining occupiers or early stage occupiers associated with the construction phase such as noise, air quality, traffic and visual impacts.
- 7.8.2 Operationally, the delivery of new homes, improvements in local transport infrastructure, increased local spending, new community facilities and improved habitat, landscape and townscape provide beneficial outcomes. The overall impact of the development is assessed as a mixture of temporary and permanent adverse and beneficial outcomes which are detailed more fully in the Environmental Statement and ES Addendum. It is however, the Officer view that there are no permanent significant

adverse impacts arising from the proposed development that cannot be minimised through mitigation.

8. S106 Contributions

8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) 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.

8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

8.3 The proposed development providing for up to 733 units within Havering will have significant implications for local community facilities. A number of elements of such are provided for by the development including the rail station, a site for a primary school and a 1,500 sqm healthcare development. However, the delivery of these and other aspects referred to in previous sections are considered necessary to make the development acceptable. A Section 106 Legal Agreement to be agreed in conjunction with LBBD will therefore be required which in summary will deliver the following to London Borough of Havering:

- 50% affordable housing;
- The provision and lease of a healthcare facility of not less than 1,500 sqm GIA;
- The provision of a site for a new 3 form of entry Primary School;
- The availability of school playing facilities to the community outside of school hours:
- The provision and management of open space in perpetuity;
- The provision to shell and core of a new railway station at Beam Park;
- Local employment, goods and suppliers clauses;
- Undertakings to assist with the provision of a bus loop;
- The protection of a site for the provision of a vertical connection to Marsh Way;
- Financial contributions towards secondary education, bus capacity improvements, sport and recreation, Beam Parkway, air quality monitoring, controlled parking zones, car club provision, carbon offset and employment.
- A monitoring fee;

- Payment of legal and professional fees incurred in connection with the drafting and sealing of the S106 legal agreement.

9. Mayor's Community Infrastructure Levy (CIL)

- 9.1 Mayoral CIL would fall payable for all development within the scheme other than the new schools. The CIL liability for the part of Phase 2 within Havering would be determined at reserved matters stage.
- 9.2 The detailed elements of the proposed development within Phase 1 would give rise to a net increase of 54,133sqm of new gross internal floorspace for CIL purposes. At £20 per square metre the CIL liability would be £1,082,660

10. Conclusions

- 10.1 This is a hybrid application (part outline, part detailed) for the erection of 733 dwellings within the Havering part of the site comprising 137 houses and 596 apartments on land known as Beam Park. The development is considered to accord with the principles set out in Policy SSA11 of the Site Specific Allocations DPD, the Rainham and Beam Reach Planning Framework, the Mayor's London Riverside Opportunity Area Planning Framework and the London Plan.
- 10.2 The proposed development would significantly contribute to meeting the borough's housing targets, providing a range of new homes and tenures together with a new 3 form primary school, nursery, commercial space and a health centre. The development would also provide public transport improvements comprising a new C2C station at Beam Park and enhanced bus services.
- 10.3 Staff consider that the proposal would set a high benchmark in design terms and provide a new local centre and the necessary facilities and open space to give the area an identity and quality which will be attractive to new residents. The scheme offers a high level of sustainability, and addresses all concerns in relation to flooding and contamination and would deliver substantial growth in an area which has long been identified for such purposes.
- 10.4 For the reasons set out above, the application is recommended for approval subject to no contrary resolution by the London Borough of Barking and Dagenham or contrary Direction from the Mayor of London and subject to the applicant entering into a Section 106 legal agreement to secure the above items and subject to the conditions set out in Appendix 1.

IMPLICATIONS AND RISKS

Financial implications and risks:

A Section 106 planning obligation is required to make the application acceptable. The obligation will include the payment of the Council's legal expenses involved in drafting the obligation and monitoring fees.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 planning obligation. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

Policy DC62 of the Development Control Policies DPD and Policy 3.8 of the London Plan requires all new residential development to be easily adaptable for people with, or, who may develop disabilities. These policies have been updated by recent amendments to the Building Regulations Part M, however, the design and access statement submitted with the application captures the principles of accessible and adaptable homes and confirms that the development would provide a fully inclusive internal and external environment

Whilst staff are satisfied that Phase 1 adequately addresses these matters, given the hybrid nature of the application, if Members are minded to grant planning permission, it is recommended that conditions are imposed requiring the applicant to submit an access strategy detailing what measures will be undertaken to ensure an accessible internal and external environment, together with conditions securing a proportion of wheelchair accessible and easily adaptable homes together details of blue badge parking.

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

APPENDIX 1

SCHEDULE OF PLANNING CONDITIONS

1. Reserved Matters to be Submitted

Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") for the part of the site not identified on Drawing 448-PT-PP-PL-1006 as forming the detailed component of the application shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The application is in outline only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Timing of Reserved Matters Submission_

The first application for approval of the reserved matters for the first building of any phase shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Timing of Reserved Matters Commencement

The development hereby permitted shall commence before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise agreed in writing with the local authority:

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried

out or carried out differently in any degree from the details submitted or those subsequently approved. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. **Phasing Plan**

The development shall be carried out in accordance with the phasing plan drawing number 448-PT-PP-PL-1002 or other revised phasing plan that has been submitted to and approved in writing by the Local Planning Authority. No phase of the development shall commence until all relevant pre-commencement conditions are approved in respect of that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and to ensure that full details of the relevant phase of the development are submitted for approval.

6. **Partial Discharge**

Where any application is made to discharge a condition on a partial basis (i.e. in relation to a phase or part of), the submission shall be accompanied by a statement setting out the relationship of such details to previous phases, or part of, the details of which have already been determined, and subsequent phases as appropriate. The statement shall demonstrate compliance and compatibility with the various details, strategies, drawings and other documents approved pursuant to this planning permission. The statement shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant phase or part thereof.

Reason: To ensure that the scheme is implemented on a comprehensive and sustainable basis in accordance with Policy CP2 of the Core Strategy Development Plan Document 2008...

7. **Approval of Materials**

No above ground works shall take place in any phase of the development (as identified in condition 6) until details of all materials to be used in the external construction of the buildings within that phase and for the surface car parking areas and associated circulation spaces within that phase has been submitted to and approved in writing by the Local Planning Authority. Such details shall include samples, specifications and annotated plans, demonstrating compatibility with the approved drawings and Design Code. 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 details 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.

8. **Access to Phases**

No development shall take place in the relevant phase of the development until detailed drawings showing the following in respect of that phase have been submitted to and approved in writing by the Local Planning Authority:

(a) access through the site during works and upon completion of works in relation to any phasing, including the connections with any completed phases, and connections to the surrounding area and its network of cycle paths and footpaths; and

(b) any temporary works, including any boundary treatment around later phases.

Provisions for pedestrians shall be fully accessible to all including people with disabilities. The development shall only be implemented in line with the approved details and shall be maintained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate how the site will be made fully accessible. Submission of details demonstrating how these needs are to be addressed prior to the commencement of each and any phase will ensure that the measures to be employed are robust and ensure that the development complies with the Council's policies and practice for access for people with disabilities and the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policies 7.1 and 7.2 of the London Plan.

9. **Accessibility and Management Plan- Residential**

No residential development shall take place in the relevant phase of development until a detailed accessibility statement and management plan (including a programme for implementation) is submitted outlining those measures proposed to ensure an accessible and inclusive environment, both internally and externally, including but not limited to, pedestrian routes, lift specifications, accessible toilet provision, access points and crossings along with blue badge spaces. Such a statement is to be approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to demonstrate how the site will be made fully accessible. Submission of details demonstrating how these needs are to be addressed prior to the commencement of each and any phase will ensure that the measures to be employed are robust and ensure that the development complies with the Council's policies and practice for access for people with disabilities and the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policies 7.1 and 7.2 of the London Plan.

10. **Accessibility and Management Plan- Non-Residential**

No non-residential use within a relevant phase shall become operational until a detailed accessibility statement and management plan (including a programme for implementation) is submitted outlining those measures proposed to ensure an accessible and inclusive environment, both internally and externally, including but not limited to, pedestrian routes, lift specifications and accessible toilet provision as appropriate. Such a statement is to be approved in writing by the Local Planning Authority and implemented prior to the use being accessible by the general public.

Reason: Insufficient information has been supplied with the application to demonstrate how the site will be made fully accessible. Submission of details demonstrating how these needs are to be addressed prior to the commencement of each and any phase will ensure that the measures to be employed are robust and ensure that the development complies with the Council's policies and practice for access for people with disabilities and the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policies 7.1 and 7.2 of the London Plan.

11. **Car Park Management**

No development shall take place in the relevant phase of the development until details of a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge arrangements for the management of parking. Submission of a scheme prior to occupation will ensure that there is no confusion about the allocation and management of parking facilities in the interests of highway safety in accordance with. Development Control Policies Development Plan Document Policy DC33.

12. **Cycle Parking**

There shall be no occupation of any unit within a plot until details of cycle parking, including its external appearance, location and the means of secure storage proposed to serve that plot, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall be permanently retained thereafter and used for no other purpose.

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 is to encourage the use of cycling as a sustainable mode of transport.

13. **Deliveries Strategy**

Within relevant phases, no non-residential unit shall become operational until a Deliveries and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries and export of materials within the times of peak traffic congestion on the local road network and minimise the impact on the amenity of existing and future adjoining occupiers. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to minimise the impact of the development on the free flow of traffic on the local highway network during peak periods in the interests of highway safety and to protect the amenity of existing and future occupiers in accordance with Development Control Policies Development Plan Document Policy DC61.

14. **Travel Plan**

The development shall be occupied only in accordance with the approved Travel Plan. No phase shall be occupied until full details of how the approved Travel Plan will be funded, implemented, monitored and reviewed has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan is to be reviewed upon completion of each phase

Reason: Insufficient information has been supplied with the application to ensure that Travel Plan measures would be implemented. The submission of a Travel Plan will help promote sustainable travel patterns, bring about a reduction in private car journeys and help to minimise the potential for increased on street parking in the area.

15. **Site Levels**

Unless details are provided and approved as part of the reserved matters submission(s) no above ground works, with the exception of activities associated with the surcharging of the site, shall take place within any phase until a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Submission of details prior to commencement will ensure that the development accords with Development Control Policies Development Plan Document Policy 81 and with Section 197 of the Town and Country Planning Act 1990.

16. **Compliance with Design Code**

Applications for Reserved Matters (RM) for any proposed building should demonstrate how the proposed building design accords with the principles set out in the approved Beam Park Design Code (Ref: 448-PT-RP-0003-DC-BOOK-PL2).

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document 2008

17. **Secure by Design**

The development hereby permitted shall achieve a minimum silver award of the Secure by Design for Homes and Commercial (2016 Guide) or any equivalent document superseding the 2016 Guide. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion, confirming that the agreed standards have been met.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. The achievement of a minimum of the silver award 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.

18. **Accessibly and Adaptability**

90% of the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition) and 10% of the residential units provided shall be capable of easy adaptation to

Building Regulations Optional Requirement Approved Document M4(3) Category 3: (Wheelchair user dwellings) (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

19. **Provision of Amenity Space**

No residential unit within the relevant phase of the development shall be occupied until full details of the private amenity and open spaces, including children's play space, per phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of private amenity space in accordance with Residential Design SPD 2010 and Policy 3.5 of the London Plan

20. **Refuse Storage and Segregation for Recycling**

There shall be no occupation of any unit within a plot until provision is made for the storage of refuse/ recycling awaiting collection to serve that plot according to details which shall previously have been agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details for the development or the relevant phases thereof as the case may be.

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.

21. **Carbon Reduction- Residential**

The residential component of the development hereby permitted shall be carbon zero with a minimum 35% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) secured on site. A certificated Post Construction Review, or other

verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met.

Reason: To ensure compliance with LDF and London Plan policies on sustainability and energy efficiency.

22. **Carbon Reduction- Non-Residential**

The non-residential component of the development hereby permitted shall achieve as a minimum a 35% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013).

Reason: To ensure compliance with LDF and London Plan policies on sustainability and energy efficiency.

23. **BREEAM**

The non-residential component of the development hereby permitted shall achieve a minimum BREEAM 'Very Good' rating. Prior to operation of individual units, a certificated Post Construction Review, or other verification process as agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met.

Reason: To ensure compliance with LDF and London Plan policies on sustainability and energy efficiency.

24. **Energy Efficiency**

A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, to demonstrate that the agreed standards set out in the Energy Strategy (June 2017) have been met for each phase of the development.

Reason: To ensure compliance with LDF and London Plan policies on sustainability and energy efficiency.

25. **Overheating**

No above ground new development within each phase or plot shall commence until dynamic overheating modelling in accordance with CIBSE Guidance TM52 and TM49 (or any other guidance that replaces this) to identify the risk of overheating has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Greater London Authority). This should also include mitigation measures for any restrictions proposed, for example, by local air quality issues, ground floor apartments and single aspect units. Once approved, the agreed measures must be implemented prior to occupation of the development in that phase.

Reason: In order to avoid overheating and minimise cooling demand in accordance with Policy 5.9 of the London Plan and Policy CP2 and DC49 of the Core Strategy and Development Control Policies Development Plan Document 2008.

26. **Ecology and Landscape Management Plan**

A Biodiversity and Ecological Strategy and Landscape Management Plan shall be submitted relative to each phase of development, including long term ecological objectives, in accordance with the Water Framework Directive (2000/60/EC) and a long-term management and maintenance plan for the public open space including trees shall be submitted to and approved in writing by the Local Planning Authority before the relevant phase of the development is occupied. The development shall be carried out in accordance with the approved management plan.

Reason: Insufficient information has been supplied with the application to demonstrate how the natural features and character of the area and new landscaping are to be managed and maintained in the long term. Submission of a management plan will ensure that the measures to be employed are robust.

27. **Landscape Replacement**

Any plants, shrubs or trees required as part of the implementation of the landscaping reserved matter for any phase (or approved details for phase 1) of the development (as defined by Condition 6) that die or are removed, damaged or become diseased within a period of FIVE years from the substantial completion of the relevant phase of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for a variation.

Reason: Insufficient information has been supplied with the application to demonstrate how the new landscaping is to be managed and maintained in the long term. A specified replacement regime will ensure long term provision.

28. **Living Roofs**

First occupation of a unit in the relevant block shall not take place until a detailed scheme for living roofs for that block (including maintenance and management arrangements) has been submitted to and approved in writing by the Local Planning Authority. The roofs shall comprise at least 50% native species, not including Sedum species, seeded with an annual wildflower mix or local seed source and should be designed for biodiversity with a minimum

substrate depth of 80mm. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of living roof details. Submission of a scheme for each phase of the development will ensure that opportunities for flora and fauna enhancement are incorporated into the development in accordance with Development Control Policies Development Plan Document policies. DC58 and DC59

29. Nesting Birds and Bat Roosts

No phase shall be fully occupied until bird nesting and bat roosting boxes have been installed, and/ or bat roosting bricks and/ or bird nesting bricks have been installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of biodiversity measures. Submission of a scheme for each phase of the development will ensure that opportunities for biodiversity enhancement are incorporated into the development in accordance with Development Control Policies Development Plan Document policies. DC58 and DC59

30. Protection of Trees

Whilst individual phases are being developed, within the area of land covered by the relevant phase:

- a) all trees shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS:5837;
- b) any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing.

Where any hard surfaces or buildings are proposed within the root protection areas a method statement shall be submitted to and improved by the local authority. The submission shall include details demonstrating how the design will ensure the protection of the tree roots and the provision of permeable surfaces. The development

shall be carried out in accordance with the approved method statement and details.

Reason: Insufficient information has been supplied with the application to demonstrate how the existing trees on site identified for retention will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

31. Vegetation Clearance

There shall be no vegetation clearance or tree works during the bird breeding season (March to August inclusive). If this is not possible the vegetation should be surveyed immediately prior to removal by a suitably qualified ecologist. If active nests/ nesting birds are present, the relevant works must be delayed until the chicks have left the nest. If nesting birds are found, a strategy to protect them must be approved by the council before the works commence.

A strategy to protect nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that there is adequate protection and mitigation for protected and other species that are likely to be present on the site. The implementation of the proposed measures is necessary in accordance with the guidance in the NPPF and the Core Strategy and Development Control Policies Development Plan Document Policies CP16, DC57 and DC58.

32. Examination of Trees for Bats

There shall be no tree works within an identified phase during December to March until a physical examination of on-site trees with potential for roosting bats has been undertaken to ensure they are not occupied by roosting bats. If roosting bats are present within that phase, the relevant works must be delayed until a strategy to protect or relocate any roosting bats has been submitted to and approved in writing by the Local Planning Authority. Any such strategy shall detail areas of the site where there are to be no further works until relocation or mitigation has taken place. The development shall be carried out in accordance with the approved details.

Reason: To ensure that there is adequate protection and mitigation for protected and other species that are likely to be present on the site. The implementation of the proposed measures is necessary in accordance with the guidance in the NPPF and the Core Strategy

33. Air Quality Assessment

No development shall take place in the relevant phase of the development until an air quality assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be sufficient to demonstrate that during the operational phase of the proposed development relevant national and local air quality standards and objectives will be satisfied at existing and future sensitive receptors.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared Air Quality Management Area and so that the development accords with the Development Control Policies Development Plan Document Policies CP15 and DC52 and London Plan Policy 7.14.

34. Boiler and Combined Heat Power

Within 6 months of commencing development of an identified phase details of the boilers and combined heat and power plant (CHP) installation will be submitted to and approved in writing by the Local Planning Authority. The details shall be sufficient to demonstrate:

- a. that best practicable means will be employed to both minimise emissions of oxides of Nitrogen (NO_x) and particulate material < 10 µm in diameter (PM₁₀) and particulate material < 2.5 µm in diameter (PM_{2.5});
- b. that the operation of the boilers and CHP installation (including mitigation) will not lead to an unacceptable risk from air pollution, prevent sustained compliance with EU limit values or national objectives for Nitrogen dioxide, PM₁₀ or PM_{2.5};
- c. The height of the discharge stack is sufficient to ensure that:
 - (i) relevant national and local air quality standards and objectives will be satisfied at existing and future sensitive receptors;
 - (ii) products of combustion emitted from the plant will not be prejudicial to health or a nuisance.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared Air Quality Management Area and so that the development accords with the Development Control Policies Development Plan Document Policies CP15 and DC52 and London Plan Policy 7.14.

35. **Air Quality Emissions**

The development hereby permitted shall *seek to achieve* Air Quality Neutral emissions benchmarks as set out in Appendix 5 of Greater London Authority Document "Sustainable Design and Construction - Supplementary Planning Guidance -London Plan 2011-Implementation Framework", April 2014.

Where the development is not air quality neutral, appropriate mitigation should be provided as agreed by the Local Planning Authority.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared Air Quality Management Area and so that the development accords with the Development Control Policies Development Plan Document Policies CP15 and DC52 and London Plan Policy 7.14.

36. **Kitchen Ventilation Equipment**

Any kitchen extract system serving any non-residential uses hereby permitted shall include measures for the removal and treatment of cooking odours. The measures shall have regard to, and be commensurate with, guidance and recommendations in the current edition of publication "Specification for Kitchen Ventilation Systems", DW/172, Heating and Ventilating Contractors Association, or other relevant and authoritative guidance. The development shall be carried out in accordance with the approved details.

Reason:- Insufficient information has been supplied with the application to judge the technical specifications of the extract ventilation system. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

37. **Noise Assessment**

No development shall take place in the relevant phase of the development until a scheme to demonstrate that the internal noise levels within the residential units of that phase will conform to the guideline values for indoor ambient noise levels as identified within BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

38. Noise from Commercial Units

The combined rating level of the noise from any single commercial unit shall not exceed the existing background noise level outside the window to any noise sensitive room. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

Reason: To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

39. Noise from School

The design of the school/s hereby permitted are to be such that:

- 1) As far as practicable noise emissions from school activities do not exceed 55 dB LAeq,16 hour at any existing or proposed dwelling;
- 2) Noise emissions from school activities do not exceed 65 dB LAeq,16 hour at any existing or proposed dwelling;
- 3) Noise from sources external to the school do not exceed 60 dB LAeq,30 minute within formal and informal outdoor teaching areas.

Reason: To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

40. Noise from Entertainment

Noise from entertainment including live and amplified music associated with any non-residential uses hereby permitted shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise sensitive premises. In the event there is disagreement as to whether entertainment noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

the LAeq (EN) shall not exceed LA90 (WEN) and;
the L10 (EN) shall not exceed L90 (WEN) in any 1/3 octave band between 40Hz and 160Hz.

EN = Entertainment noise level, WEN = Representative background noise level without the entertainment noise, both measured 1m from the façade of the noise-sensitive premise

Reason: To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

41. Noise and Vibration (A3, A4 and A5 uses)

No unit to be used for A3, A4 or A5 Use Class purposes shall be operated until a suitable mechanical ventilation system is installed in accordance with a scheme to control the transmission of noise and vibration which has been previously submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated in accordance with the scheme during normal working hours.

Reason: Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system. 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 protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

42. Hours of Operation- Non-Residential

The non-residential uses hereby permitted shall only be open to members of the public between the hours of 07:00 to 23:00. Deliveries to and collections from the non-residential uses shall only take place between the hours of 07:00 and 21:00. The handling of bottles and movement of bins and rubbish is not permitted to take place outside the premises between the hours of 23:00 on one day and 07:00 the following day.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

43. Hours of Operation- Outdoor Sports

Any outdoor sports facilities including, but not limited to, any multiuse games area and school sports pitches shall not be illuminated or open to the public outside the hours of 07:00 and 22:00 Mondays to Sundays.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

44. **Lighting Strategy- General**

Prior to occupation of any part of an identified phase a lighting strategy is to be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall ensure that any floodlighting of any multi use games area or sports pitches, is to be designed, installed and maintained so as to fully comply with The Institution of Lighting Professionals publication, "Guidance Notes for the Reduction of Obtrusive Light", reference GN01:2011. The design shall satisfy criteria to limit obtrusive light presented in Table 2 of the document, relating to Environmental Zone E3 – Medium district brightness areas - small town centre or suburban locations.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external lighting to be used. Submission of a scheme prior to the commencement of each phase will ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

45. **Lighting Strategy- River Beam Interface**

A separate lighting strategy shall be submitted to and approved by the local authority relative to treatment of the River Beam Corridor (extending to a minimum of 8m from either side of the main River) detailing how light spill into the River Beam watercourse and adjoining trees will be minimised. The scheme shall subsequently be implemented in accordance with the approved details before the River Beam works are completed.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external lighting to be used. Submission of a scheme prior to the commencement of each phase will ensure that the development accords with Development Control Policies Development Plan Document Policy DC56 and DC61.

46. **Flood Risk**

The development hereby permitted shall be constructed in accordance with the approved Beam Park Flood Risk Assessment Report, produced by Capita V.4 (dated June 2017) and shall ensure that finished floor levels are set above the 2100 breach flood level.

Reason: Drainage works are required on site to prevent the risk of flooding. Adherence to the approved Flood Risk Assessment will ensure that the measures to be employed are technically sound and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

47. River Beam Buffer Zone

No development of any permanent structure falling within the relevant phase, other than that agreed within the Flood Risk Assessment (Beam Park Flood Risk Assessment Report, produced by Capita V.4 dated June 2017) required for flood management, shall take place until a scheme for the provision and management of an 8 metre wide buffer zone (measured from the centre of the channel) alongside the River Beam has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme. Any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens, roads and paths unless otherwise agreed in writing by the Local Planning Authority.

The schemes shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example, native species);
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term plus production of detailed management plan and;
- Details of any proposed footpaths, fencing, lighting etc.

Reason: Insufficient information has been supplied with the application to demonstrate how the natural features and character of the area and new landscaping are to be managed and maintained in the long term. Submission of a management plan will ensure that the measures to be employed are robust and that the approved Flood Risk Assessment will be fully implemented and the Beam corridor protected so that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

48. Sustainable Urban Drainage

No development shall take place in the relevant phase of the development until a detailed surface water drainage scheme for the site based on Sustainable Urban Drainage Systems (SUDS) and including a finalised drainage layout plan that details pipe levels, diameters, asset locations and long and cross sections of each SUDS element, has been submitted to and approved in writing by

the Local Planning Authority. The drainage strategy shall include a restriction in run-off to greenfield discharge rates along with details of surface water storage on site. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: Surface water drainage works are required on site to prevent the risk of flooding. Submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

49. **Drainage Strategy**

No development shall take place until a drainage strategy detailing any on and/ or off-site drainage works has been submitted to and approved in writing 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: Insufficient information has been supplied with the application to demonstrate how foul and surface water drainage will be managed. Submission of a strategy prior to the commencement of each phase will ensure that sewage flooding does not occur and that sufficient capacity is made available to cope with the new development in order to avoid adverse environmental impact upon the community and to ensure that the development accords with Development Control Policies Development Plan Document Policy DC51.

50. **Drainage Maintenance**

Prior to first occupation of each relevant phase, a maintenance plan detailing the maintenance regime for each drainage feature and clearly identifying the body responsible for its maintenance shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to demonstrate how foul and surface water drainage will be managed and maintained. Submission of a maintenance plan prior to the occupation of each phase will avoid adverse environmental impact upon the community and to ensure that the development accords with Development Control Policies Development Plan Document Policy DC51.

51. **Piling Method Statement**

No piling shall take place in the relevant phase of the development until a piling method statement detailing the depth, type of piling, methodology including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to foundations. Submission of details prior to commencement will ensure that the foundations do not impact upon underground services. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC51 and DC61

52. **Non-Road Mobile Plant and Machinery**

The development hereby permitted shall not commence until the developer/ contractor has signed up to the NRRM register. Following sign-up, the following steps shall be undertaken:

- a) The development site must be entered onto the register alongside all the NRMM equipment details.
- b) The register must be kept up-to-date for the duration of the construction of development.
- c) It is to be ensured that all NRMM complies with the requirements of the directive.
- d) An inventory of all NRMM to be kept on-site stating the emission limits for all equipment.

Reason: Inadequate information has been supplied with the application to demonstrate that all NRMM used on the site will as a minimum meet the requirements of Stage IIIA of EU Directive 97/68/EC.

53. **Oil Interceptors**

No development shall take place in the relevant phase of the development until details of petrol and oil interceptors for all car parking, servicing and loading areas have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: Insufficient information has been supplied with the application in relation to drainage. Submission of details prior to commencement will ensure that the facilities provided prevent

contaminative materials from the site being washed into the surface water drainage system. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC51 and DC61

54. Contamination Remediation

No development shall take place in the relevant phase of the development until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s);
- (iv) this must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

55. Remediation

No development shall take place in the relevant phase of the development until a detailed remediation scheme required to bring the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and approved in writing by the Local Planning Authority. The scheme

must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of a remediation scheme 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.

56. Implementation of Remediation

No development shall take place in the relevant phase of the development unless and until the approved remediation scheme in respect of that part has been completed in accordance with its approved terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Implementation of the approved remediation scheme 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.

57. Verification of Remediation Scheme

Following completion of the measures identified in the approved remediation scheme (condition 56) relative any plot within a phase, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing by the Local Planning Authority relative to that plot.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of a verification report 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.

58. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 57, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 58 which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Dealing appropriately with any unidentified contamination when found 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.

59. Borehole Management

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority on a phase by phase basis. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to each phase of development being brought into use.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework and Position Statement G1 - Direct Inputs to Groundwater from The Environment Agency's approach to groundwater protection March 2017

Version 1.0

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

60. **Construction Management Plan**

No development of a phase shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These plans shall incorporate details of:

- a. Construction traffic management and Construction Logistics Plan;
- b. The parking of vehicles of site operatives and visitors;
- c. Loading and unloading of plant and materials;
- d. Storage of plant and materials used in constructing the development;
- e. The erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
- f. Wheel washing facilities;
- g. Measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document "The Control of Dust and Emissions during construction and demolition", Mayor of London, July 2014; including but not confined to, non-road mobile machinery (NRMM) requirements.
- h. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- i. The use of efficient construction materials;
- j. Methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites". Parts 1 and 2.

The Construction Environmental Management Plan shall be implemented for the entire period of the works at the site, to the satisfaction of the Local Planning Authority.

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.

61. **Demolition Hours**

Demolition and construction work and associated activities are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00-13:00 Saturday with no work on Sundays or public holidays. Driven piling or ground improvement work which will generate perceptible off-site ground borne vibration is only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

Reason: To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

62. **Piling Vibration**

If piling or other ground improvement work is undertaken pursuant to this permission then the 5% level of vibration attributable to these activities shall not exceed a peak particle velocity of 1.5mm/sec when measured at the point of entry to any adjoining residential development. In the event of reasonable complaint of vibration nuisance and at the request of the Local Planning Authority monitoring to evaluate compliance with this condition is to be carried out and the results submitted to the Local Planning Authority.

Reason: To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

63. **Written Scheme of Investigation**

No demolition or development shall take place in each phase of the development until a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within each WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of each phase which have archaeological interest, a stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the stage 2 WSI, no demolition/ development shall take place

other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged for each phase until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: Heritage assets of archaeological interest may survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

64. Foundation Design

No development shall take place in each phase of the development until details of the foundation design and construction method to protect archaeological remains have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Heritage assets of archaeological interest may survive on the site. Insufficient information has been supplied with the application in relation to the design of the proposed foundations in order to ensure that such assets are adequately preserved or protected during construction. The submission of details prior to commencement is considered necessary to ensure this in accordance with Policy DC70 of the Development Control Policies Development Plan Document and guidance in the NPPF.

65. Permitted Development

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, enlargement or other alterations shall take place to the consented dwelling house/s without the prior written approval of the Local Planning Authority to whom a planning application must be made. This restriction also extends to the

erection of fences, walls or provision of hard surfacing within the front gardens of the dwelling/s, for which a planning application would be required.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

66. **Satellite Dishes**

No satellite dishes may be installed on the exterior of any of the approved apartment blocks, with the exception of a roof mounted dish providing a communal system available to each resident of the apartment block.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

67. **Boundary Treatment**

Prior to first occupation of each phase of 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 treatment shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

68. **Timing of Station**

Until the new on-site Beam Park Station has been constructed and is available for the use of rail passengers on site residential occupation shall be limited to those units falling within phases, 1, 2 and 3.

Reason: To limit the number of occupied homes prior to the uplift in the level of public transport accessibility resulting from the new station in accordance with Policy CP2 of the Core Strategy Development Plan Document.

69. **Non-Residential Floor Areas**

The total floor space for uses other than those falling within Use Class C3 (Dwelling Houses) shall not exceed 3,183 sq.m (GEA) of which:

- i) 1,108 sq.m (GIA) retail and support use (A1, A2, A3, A4, A5, B1 and D2 to include a foodstore)
- ii) 92 sq.m (GIA) Management suite
- iii) 1,500 sq.m (GIA) D1 medical centre
- iv) 113 sq m GIA pharmacy

None of the commercial floorspace hereby permitted shall be used as betting shops or pay day loan shops.

Reason: To ensure that the scheme implemented is in accordance with the principles established by this permission and that an acceptable mix of uses are provided

70. **Number of Residential Units**

The number of residential units in the development hereby permitted shall not exceed 2,900 dwellings in total, a maximum of 733 of which shall be within the London Borough of Havering.

Reason: To ensure that the scheme implemented is in accordance with the principles established by this permission.

71. **Parking**

No development shall take place in the relevant phase of the development until details of the car and motorcycle parking layout, electric vehicle charging points and passive provision for that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that at least 20% of all residential parking spaces are for electric vehicles with an additional 20% passive provision (as defined in the London Plan March 2016) for future use and at least 10% of all commercial parking spaces shall be for electric vehicles with an additional 20% passive provision. The development shall provide up to 276 residential car parking spaces, plus up to 63 visitor spaces including a minimum of 2 car club spaces and 2 spaces for rail station staff. The scheme shall be implemented in accordance with the approved details, prior to the occupation of the development, and shall be permanently retained thereafter and used for no other purpose.

Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway and in order to encourage the use of electric cars as a sustainable mode of

transport, in accordance with Policies CP2, CP10 and DC33 of the Core Strategy and Development Control Policies Development Plan Document 2009.

72. Timing of Detailed Works

The detailed 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).

73. Bus Stop Design

Before any of the building(s) hereby permitted are first occupied, a scheme detailing the number, layout and design of bus stops and associated shelters within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to be fully available prior to the occupation of no more than Phases 1 and 2.

Reason: Insufficient information has been supplied with the application to indicate the location and design of bus stops within the development. The provision of such details will ensure that the level of provision, design, location and appearance of bus stops on the site is appropriate and that the development accords with Development Control Policies Development Plan Document Policy DC32

74. Provision of Fire Hydrants

Prior to the first occupation of any of the buildings within the relevant phase, such hydrants as required by the LFEPA for that phase of the development shall be provided in accordance with the LFEPA's requirements prior to the occupation of the relevant unit/s and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to demonstrate the location of fire hydrants. Submission of a scheme will ensure that adequate provision is made for fire protection on the site.

75. Changes of Use

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without

modification) no change of use from any Class A use to residential use shall take place to the consented commercial uses without the prior written approval of the Local Planning Authority to whom a planning application must be made.

Reason: To enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

PLANNING INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent at a meeting with the Greater London Authority case officer. The revisions involved changes to the perimeter blocks as requested by the GLA. The amendments were subsequently submitted on 21 July 2015.
3. 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.
4. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway

approvals process. Please note that unauthorised work on the highway is an offence.

5. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
6. 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
7. In aiming to satisfy condition 49 Thames Water require that the foul water drainage strategy clearly identifies the current and proposed point(s) of connection into the public sewer system as well as current and proposed peak flow rates.
8. Essex and Suffolk Water require that all new water mains are laid in the highway and that a metered connection is made onto their network for each new dwelling.
9. 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 Local Planning Authority before any on-site development related activity occurs
10. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
11. The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
12. The applicants are reminded that the grant of planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licence required.

13. In aiming to satisfy the requirements of condition 60 in relation to wheel washing facilities the Council expects the following details to be provided:

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, including their 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 washed 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.

g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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**REGULATORY SERVICES
COMMITTEE
15 March 2018**

Subject Heading:

**P1947.17: 1 Station Road, Harold
Wood, Romford**

**Demolition of existing properties at 1-3
Station Road and erection of
replacement building comprising 3no.
retail units and 6no. two-bedroom flats.
(Application received 29 November
2017)**

Ward:

Harold Wood

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report author and contact details:

**Stefan Kukula
Principal Development Management
Officer
stefan.kukula@havering.gov.uk
01708 432655**

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	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is for the demolition of the existing building and the erection of a new block comprising 3no. retail units at ground floor and 6no. two-bedroom flats above.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents, and parking and access.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 583.7 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £11,674 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations:

- A financial contribution of £24,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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, grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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. Materials

Before any development above ground level takes place, 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.

4. Construction Methodology

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

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

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

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

5. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Servicing

Before any of the dwellings or commercial units hereby permitted are first occupied, the servicing arrangements as indicated on drawing no. BA/P17-175 P004 Rev H shall be laid out to the full satisfaction of the Local Planning Authority and thereafter this servicing arrangements shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that servicing arrangements are 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.

7. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities as detailed on drawing no. BA/P17-175 P004 Rev H shall be provided to the full satisfaction of the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: In the interests of providing suitable refuse and recycling management on site which will protect the amenity of occupiers of the development and also the locality generally, and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the cycle storage shall be 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..

9. Landscaping

No development above ground works shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

10. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

11. Vehicle Cleansing

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.

12. Noise Insulation

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

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

13. Lighting

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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

14. Railway Noise Assessment

No works shall take place in relation to any of the development hereby approved until an assessment of the impact of: a) railway noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995) and; b) vibration from the use of the railway lines upon the site; is undertaken and a scheme detailing the measures to protect future residents from railway noise and vibration

is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupancy taking place.

Reason: Insufficient information has been supplied with the application to judge the impact of transportation noise and vibration upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of transportation noise and vibration, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

15. Contaminated Land

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the 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 sites 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

16. Contaminated Land (2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

17. Water Efficiency

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

Reason: In order to comply with Policy 5.15 of the London Plan.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. 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 £11,674 (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.
3. 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.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

4. Highway legislation

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

Temporary use of the public highway

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

Surface water management

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

5. Fire Safety

The applicant is advised that a pump appliance should be able to approach to within 45 metres of all points within each dwelling measured along a line suitable for laying a hose. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.

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. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
8. 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. Site Description

- 1.1 The application relates to the property at 1-3 Station Road, Harold Wood, Romford. The site occupies a prominent corner plot on the junction of Station Road and Gubbins Lane and comprises two retail units with residential accommodation above as well as an area of hardstanding located at the northern end of the site.
- 1.2 The western and southern boundaries adjoin Gubbins Lane and Station Road respectively; the northern boundary lies adjacent to a shared access road adjacent to No.64 Gubbins Lane; whilst the eastern boundary adjoins other retail premises located along Station Road. Harold Wood station is located on the opposite side of Station Road.
- 1.3 The building is not listed and is not located within a conservation area. The land is located within the Harold Wood Major Local Centre but is not subject

to any other land use designation within the Local Development Framework (LDF).

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing building and the erection of a new block comprising 3no. retail units at ground floor and 6no. two-bedroom flats above.
- 2.2 The proposed new building would wrap around the junction frontage with Station Road and Gubbins Lane and would project forward of the existing building line up to the pavement edge. The building would incorporate a part hipped sloping roof design with a ridge height of 10.3 metres. A single storey element with a communal roof garden would be positioned to the north of the development.
- 2.3 The proposed 6no. flats would occupy the first and second floor areas of the building, with the second floor set out partially within the roof space. As such the development would include a series of second floor dormer windows and balconies set within the roof slope serving the flats. A communal roof garden comprising some 150 square metres would be set out within the corner section of the building.
- 2.4 The existing service road from Gubbins Lane would be retained allowing the commercial units to be serviced from the rear of the site. The proposal would not include any off street car parking provision for the flats or the commercial units. Commercial and residential refuse stores and a secure cycle storage facility would be provided in the single storey section of the building adjacent to the entrance to the servicing road.
- 2.5 The existing row of young deciduous trees along the frontage with Gubbins Lane (comprising mainly Sycamores) would be removed. The trees are not subject to a Tree Preservation Order (TPO).

3. Relevant History

- 3.1 P1390.15 - Demolition of existing building and erection of new block comprising 3no. retail units and 6no. two-bedroom flats. Refused, 26 May 2016. Appeal dismissed (APP/B5480/W/16/3154069), 1 November 2016.
- 3.2 L/HAV/380/82 - Upgrading disused flat unit. Conversion of 2 shop units into 1 unit. New offices and parking - Approved, 26 June 1983

4. Consultations/Representations

4.1 Notification letters were sent to 120 properties and no representations have been received.

4.2 The following consultation responses have been received:

- Thames Water – no objection, advise that there are public sewers crossing or close to the development site and that separate approval should be sought from Thames Water if the development works would come within 3 metres of the sewers.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Street Care - no objection.
- Environmental Health - no objection, recommended conditions in relation to contaminated land precautions, noise insulation and a railway noise assessment.
- Local Highway Authority - no objection, subject to a condition relating to cycle storage and the applicant entering into an agreement restricting future occupiers from obtaining car parking permits.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC16 (Core and Fringe Frontages In District and Local Centres), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.

- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.
- 6.2 This application follows Member's refusal of planning application P1390.15 in May 2016 for a similar proposal involving the demolition of existing building and erection of new block comprising 3no. retail units and 6no. two-bedroom flats. The application was refused on the grounds the scheme comprised an overdevelopment of the site which failed to provide sufficient amenity space for future occupiers, and insufficient parking provision.
- 6.3 Members should note that in the subsequent appeal decision (APP/B5480/W/16/3154069) the Inspector found no harm in terms of the amount of development on the site or the character and appearance of the area. In addition, the Inspector concluded that given the proximity of the site to public transport and the existing on street car parking controls in the immediate area, the proposal would result in no harm to the existing parking conditions and congestion. The Inspector also found that the Council had acted unreasonably by including the refusal reason relating to insufficient parking, owing to a lack of objective analysis or factual evidence on this matter, and awarded the appellant costs.
- 6.4 The appeal was, however, dismissed on the grounds that the development would not provide appropriate living conditions for future occupants, with particular regard to the poor provision of outdoor amenity space. Following the Inspector's comments, Staff therefore consider that the main material issue that the current proposal must address are the living conditions and the 'quality and usability' of the proposed amenity space.
- 6.5 The applicant has sought to address this issue by increasing the number of private balconies and including two separate communal roof gardens into the scheme. This is discussed further in the density/ layout section of the report.

Principle of Development

- 6.6 The premises is located within the Harold Wood Major Local Centre and is characterised by smaller retail and commercial units. The proposal would result in a 175 square metre net increase in the amount of commercial floor space at the site in comparison to the existing building. As a result the

scheme would help to sustain the commercial character and continue the function, vitality and viability of the centre in accordance with policy DC16.

- 6.7 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.
- 6.8 On this basis the proposal is considered to be policy compliant in land use terms and is therefore regarded as being acceptable in principle.

Density/Layout

- 6.9 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. The proposal would provide 6no. residential units at a density equivalent to approximately 110 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a dwelling density of between 70 to 130 dwellings per hectare would be appropriate in this location.
- 6.10 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.11 The proposed dwellings would meet the internal floor space standards for two-person one-bedroom flats. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 6.12 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.13 On the previous application the appeal Inspector found that "the majority of the [amenity] areas would be located on the elevations of the building that would face Station Road and Gubbins Lane. These are both busy roads with vehicles and pedestrians passing by frequently. Therefore, whilst I note that the flats have been designed for flexible open plan living, occupiers using these outdoor areas would be subject to noise and disturbance and this would be compounded by their poor outlook. Therefore the areas would not provide a quality space."

- 6.14 Each of the flats would be served by partially enclosed private balconies, with a floor area of between 5.6 to 6 square metres. Whilst the balconies would again be positioned on the Station Road and Gubbins Lane frontages of the building, they would be partially enclosed and on the upper floor set back into the roof slope, which would help to limit the exposure to the noisy road environment. Crucially, the proposal now includes two communal roof garden areas providing an additional 200 square metres of amenity space. The main communal roof garden would comprise some 150 square metres would be set out within the corner section of the building, set below the main roof ridge line, providing a good degree of screening and limiting any exposure to the adjacent roads. A second communal roof terrace garden of 55 square metres would be positioned to the north of the development above the single storey element of the building. This section would be enclosed by a 1.8 metre high screen along the frontage with Gubbins Lane to protect future occupiers from undue noise and disturbance.
- 6.15 As a result of the measures set out above, Staff consider that the issues raised by the Inspector have been successfully addressed and that the occupants of the proposed flats would have access to high quality and usable outdoor amenity space, which would be adequate for the requirements of the future occupants.

Design/Impact on Streetscene

- 6.16 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.17 The proposed new block would form a more prominent feature in comparison to the two storey terraced building that currently occupies the site. However, the appearance and style of the proposed building is considered on balance to be of a good quality modern design which seeks to recognise the corner plot location and form more of a salient feature within the streetscene.
- 6.18 It is acknowledged that to the east the proposed building would be juxtaposed to some extent with its setting adjacent to the traditional two-storey shop units of Station Road. On balance it is considered that the adjacent shop units offer little in terms of architectural quality to this section of the streetscene and the features of these buildings should not necessarily be replicated fully in the proposed re-development.
- 6.19 The application site forms a very conspicuous location in terms of its position adjacent to the junction of Station Road and Gubbins Lane. Given this prominence the site can be regarded with a degree of separation from the remainder of the row of shops leading down Station Road. It is recognised that the building would be larger than the building it replaces, but the additional scale and bulk of the development would be broken up by the glazing and the frontage proportions of the ground floor units would respect

those of the adjacent shop units. Staff are of the view that the proposed building would also frame the end of the commercial row and serve to compliment the streetscene arrangement which gently rises together with the street level gradient towards the road junction.

- 6.20 The current proposal is very similar to the previous scheme in terms of the design, height, scale, bulk and massing. As such it should be noted that the Inspector found no harm with regard to the design and appearance of the proposed building and the impact on the wider streetscene and setting at Station Road and Gubbins Lane. It is therefore considered that the proposed development would contribute positively to the streetscene at the junction of Station Road and Gubbins Lane would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 6.21 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 6.22 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the occupants of the dwellings at 64 Gubbins Lane located to the north of the application site and the occupiers of the adjacent first floor flat at 5a Station Road, located to the east of the application site.
- 6.23 Whilst the flank elevation of 64 Gubbins Lane contains two first floor windows the 2.5 storey northern side elevation of the proposed block would be positioned approximately 14.5 metres from No.64. The new building would include a sloping hipped roof, which would considerably reduce the scale and bulk of the northern element of the building and any overbearing impact on the occupants of no.64.
- 6.24 The proposal would also include a first floor garden terrace above the single storey projecting section of the building, positioned some 10 metres from the side elevation of No.64. In terms of the impact on privacy and overlooking Members may wish to consider the positioning of the buildings, the separation distances and that the views from the terrace would be focused towards the front garden and side elevation of 64 Gubbins Lane, across an open service road, rather than directly towards the private rear garden area, located some 16 metres away at an oblique angle.
- 6.25 In terms of the impact on daylight and outlook; given the positioning of the proposed building the majority of the bulk and massing would be set further

to the south of the site reducing the potential for overshadowing and loss of sunlight to the front garden of 64 Gubbins Lane.

- 6.26 The proposed development would extend to the rear of the site in close proximity to the rear of the adjacent first floor flat at 5a Station Road. However, the proposal would partially retain an existing rear projecting section of the terrace which currently screens the first floor rear windows from the rear of the application site. As such the majority of the new development would not be visible from the rear windows of the flat and would not unduly impact on the privacy, daylight or outlook for the occupants of this dwelling.
- 6.27 Whilst it is recognised that there would be an intensification of both residential and commercial uses at the site, Staff are of the view that due to the building's positioning and design the proposal would not result in a more harmful impact on the residential amenity of neighbouring occupiers compared on what is present on the site currently.
- 6.28 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties to an extent that would justify refusing the scheme on these issues alone, and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD..

Parking and Highway Issues

- 6.29 The site has a Public Transport Accessibility Level (PTAL) rating of 4; meaning that the premises has good access to surrounding public transport.
- 6.30 The proposal would not include any dedicated off street car parking provision for the flats or commercial units. The supporting statement highlights the close proximity of a number of public transport nodes including Harold Wood train station located directly opposite and a number of frequent bus routes on Station Road and Gubbins Lane, as well as a taxi rank within 200 metres of the site.
- 6.31 It is important that Members note the Inspector's findings on the previous application, where no harm was considered to arise from the car free development. The Inspector stated:

"the combination of the site location and access to public transport alongside the existing controls over on street parking lead me to the conclusion that, overall, the development could be accessed without the need to use a car and as such there would not be a significant increase in on street parking pressure that would lead to a highway safety issue. I therefore conclude that the absence of on-site parking within the proposal would not have a harmful effect on parking conditions and congestion."

- 3.32 The Inspector's findings are a material consideration and given the similarities of the current proposal in terms of off street parking provision Staff consider the appeal comments to still be relevant to this application. It should also be noted that by including a refusal reason relating to insufficient parking on the previous application, the Inspector found that the Council had acted unreasonably, owing to a lack of objective analysis or factual evidence on this matter, and awarded the appellant costs.
- 6.33 The Local Highway Authority has raised no objections with regard to car parking, subject to the applicant entering into a S106 to prevent future residents and business operators from applying for resident or business parking permits. This would help to prevent any overspill onto the surrounding highway network.
- 6.34 The existing service road from Gubbins Lane would be retained allowing the commercial units to be serviced from the rear of the site. The Local Highway Authority has raised no objection with regard to the proposed servicing arrangements.
- 6.35 Commercial and residential refuse stores and a secure cycle storage facility would be provided to the north of the site in the single storey section of the building adjacent to the entrance to the servicing road. The refuse store would be set at a distance well within 25 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.
- 6.36 A secure internal cycle store would be provided to the rear of the building.

Trees

- 6.37 The Gubbins Lane site frontage is lined by several young sycamore trees as well as a section of young self-sown vegetation. The trees would be removed as part of the development, but are not subject to a Tree Preservation Order (TPO). Given the type and quality of the trees and vegetation their removal is considered to be acceptable in this instance.
- 6.38 To the south of the site the mature Horse Chestnut tree located within the pavement edge adjacent to Station Road would not be affected by the proposed development.

Mayoral Community Infrastructure Levy

- 6.39 The proposed development will create 6no. residential units with 583.7 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £11,674 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.40 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.41 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.42 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.43 There has been a change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.44 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.45 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of

additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

- 6.46 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per unit towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.47 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 £24,000 (equating to 4no. net additional dwellings) for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a Section 106 agreement.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character and appearance of the area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the

Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, supporting statements, and drawings received on 29 November 2017.

REGULATORY SERVICES COMMITTEE 15 March 2018

Subject Heading:

**P1845.17: 87 Norwood Avenue,
Romford**

Conversion from single dwelling to two self-contained flats, including a double storey rear extension.
(Application received 08 November 2017)

Ward:

Brooklands

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

Kevin McLaughlin
Planning Officer
kevin.mclaughlin@haverling.gov.uk
01708 431279

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	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is to convert a single dwelling into two self-contained flats. The scheme will include a first floor rear extension in order to provide a kitchen.

It raises considerations in relation to the impact on the character and appearance of the area, the impact on the residential amenity of the future occupants and of neighbouring residents, and the implications for parking, access and highway safety.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted. It would be difficult to justify that the conversion of a three bedroom property into 1no. one bedroom flat and 1no. 2bedroom flat will present a significant impact upon the local infrastructure. With no overall increase in bedrooms available on site, officers do not envisage the development generating an increased child yield. Requesting that the applicant enter into a legal agreement in order to make an education contribution is therefore not deemed reasonable in this instance.

It is recommended that planning permission be granted subject to the conditions set out below:

This proposal is put before Members as the application has been made by a Councillor. This application should be considered on its own merits.

Additionally, this application has also been called in by Councillor Robert Benham.

RECOMMENDATIONS

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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. Materials

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Parking Provision

Before any of the dwellings hereby permitted are first occupied, the forecourt car parking provision shall laid out to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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.

6. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities shall be provided to the full satisfaction of the Local Planning

Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: In the interests of providing suitable refuse and recycling management on site which will protect the amenity of occupiers of the development and also the locality generally, and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the cycle storage shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

8. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

9. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which

exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

10. Water Efficiency

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

Reason: In order to comply with Policy 5.15 of the London Plan.

11. Noise Insulation

No unit shall be occupied until details of adequate sound insulation for protecting the neighbouring occupiers from potential noise disturbance, has been submitted to and approved by the Local Planning Authority. Any works which form part of the installation shall be completed before any of the permitted dwellings are occupied.

Reason: In order to protect future residents against potential noise disturbance in accordance with Development Control Policies Development Plan Document Policy DC61.

12. Screening

The proposed dwellings shall not be occupied until details of proposed screening at the rear of the site (stairway), has been submitted to, and approved in writing by, the Local Planning Authority. The screening shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

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

3. 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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. *Call in*

- 1.1 This application has been called in by Councillor Robert Benham for the following reasons:

- Not in keeping with the area.
- Reducing the provision of family housing.
- Would present added strain on public services and local amenities.
- Detrimental Impact on parking.

2. *Site Description*

- 2.1 The application relates to the premises at 87 Norwood Avenue, Romford, which currently comprises a two-storey end of terrace residential dwelling. To the front, this property is finished with a mixture of painted render and painted brick. A pebble dashed exterior covers both the rear and side elevations.
- 2.2 Onsite parking is available upon the area of hardstanding at the front of the property. A loft conversion has been completed which includes a dormer window to the rear. The surrounding area is residential in nature, comprising mainly terraced style dwellings.

3. *Description of Proposal*

- 3.1 The application is seeking planning permission to convert a single dwelling into two self-contained flats. The scheme will include a first floor rear extension in order to provide a proposed kitchen.
- 3.2 The accommodation would include 1no. one bedroom unit at ground floor and 1no. two bedroom unit at first and second floor level.

- 3.3 Access to the two bedroom flat will be achieved through the main entrance on the front elevation. The side entrance will serve as access to the ground floor flat. The stairway to the rear also provide access to the amenity area.
- 3.4 The existing garden area will be divided in order to provide separate amenity areas for each flat.
- 3.5 The existing area of hardstanding immediately to the front of the subject site would be retained for parking purposes.
- 3.6 A communal resident's patio area to the rear of the site will be used for both refuse and cycle storage.

4. Relevant History

- 4.1 D0179.17 - Certificate of lawfulness for a proposed loft conversion to include rear dormer and bathroom - Granted, 6 July 2017.
- 4.2 D0341.17 - Certificate of lawfulness for a proposed single storey rear extension - Granted, 2 October 2017.

5. Consultations/Representations

- 5.1 Notification letters were sent to 15 neighbouring properties and 3 representations have been received.
- 5.2 The objections can be summarised as follows:
- Disruption to neighbouring properties as result of excessive noise.
 - Out of keeping with the surrounding area.
 - Implications for access currently achieved via a shared alleyway.
 - Reduced provision of family housing.
 - Additional strain on public services and local amenities.
 - Negative impact upon parking provision within the area.

In response to the above: the functionality of a shared access route is a civil matter between the land owners in question. Matters concerning residential amenity and parking provision are discussed in the following sections of the report.

- 5.3 The following consultation responses have been received:
- Environmental Health - no objection.
 - Local Highway Authority - no objection.

- Waste Management - Waste and recycling sacks will need to be presented by 7am on the boundary of the property on Norwood Avenue on scheduled collection day. Planning guidance has been provided.

6. *Relevant Policies*

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC03 (Housing Design and Layout), DC04 (Conversions to Residential & Subdivision of Residential Uses), DC32 (The Road Network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.3 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), and 7 (Requiring good design), are relevant to these proposals.

7. *Mayoral CIL implications*

- 7.1 The proposed development includes an increase in gross floor area by less than 100 square metres and as such, is exempt from the Mayoral CIL.

8. *Staff Comments*

- 8.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.

9. *Principle of Development*

- 9.1 The proposal would only result in the rearrangement of the existing residential use. The use would therefore remain as residential and is acceptable in principle.

- 9.2 Although it is recognised that this scheme will result in the loss of a three bed family home, officers have noted how the proposal would establish two smaller units and make a contribution to the housing supply in the area. Furthermore, it is also conceivable that the smaller units, certainly the two bed flat, would provide suitable accommodation for smaller families. On this basis, it is considered that the development would be acceptable in principle.
- 9.3 Policy DC4 states that subdivision of existing units can provide an important source of additional housing for smaller households. Although the scheme will result in a living area abutting an adjacent bedroom – and therefore technically contrary to the requirements of DC4, staff do not consider this to be sufficient enough reason, on its own, to justify a refusal in this instance.
- 9.4 With regard to potential increases in noise disturbance, officers do not consider the proposal creating conditions which are significantly detrimental to neighbouring residential amenity. Based on the scale of the residential unit and the potential number of inhabitants, any disturbance to adjoining residential occupiers is not expected to notably increase above that generated by an ordinary single family dwelling.
- 9.5 Provided adequate sound insulation is first installed, officers consider that on balance, the proposal is acceptable. Should permission be granted, a condition will be attached to ensure this is the case.

10. *Density/Layout*

- 10.1 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. The proposal would provide 2no. residential units at a density equivalent to approximately 79 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 40 to 80 dwellings per hectare would be appropriate in this location.
- 10.2 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 10.3 The proposed dwellings would meet the internal floor space standards for one-bedroom flats and two-bedroom flats. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 10.4 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which

benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.

- 10.5 Each of the flats would have access to a rear garden of between approximately 50 and 80 square metres. Staff are of the opinion that the amenity space for both units would be sufficiently private, screened from general public view and access, and are in a conveniently usable form. It is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space which in this instance would be adequate for the requirements of the future occupants. As a result, it is considered that the proposed amenity area for both flats complies with the requirements of the Design for Living SPD and are acceptable.

11. *Design/Impact on Street / Gardenscene*

- 11.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 11.2 The proposal involves a limited amount of external changes which include a first floor extension and access stairway to the rear of the site. Although the stairway isn't a typical feature within the locality, it is modest in scale and confined to the rear of the site. As it does not appear a significant addition to the dwelling, the changes are considered to be acceptable and would integrate satisfactorily with the garden scene.
- 11.3 External changes are not proposed to the front elevation. The alterations will not be readily visible from the Norwood Avenue street scene.
- 11.4 Staff have taken a balanced view that the additional bulk to the rear is unlikely to appear overly dominant or overbearing in this setting. Therefore, Members are invited to consider, as a matter of judgement, whether the first floor rear extension would appear as an unduly harmful addition to the gardenscene.
- 11.5 In this instance, officers are of the opinion that on balance the scale of the proposed development would be acceptable, given the subservient design and appearance of the extension in comparison to the existing building, the height and massing of the surrounding residential dwellings.

12. *Impact on Amenity*

- 12.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

- 12.2 The depth and siting of the first floor rear extension complies with the Residential Extensions and Alterations SPD. As such, no significant impact upon residential amenity is envisaged.
- 12.3 Although the staircase would introduce the ability to overlook in a way that doesn't exist at present, it is considered that this aspect of the scheme has been appropriately positioned. The presence of the neighbouring extension will mitigate the visual intrusion and the resultant impact on privacy is not excessive enough to warrant a refusal. The proposed two storey extension will obscure any views in the opposite direction.
- 12.4 In order to eliminate the ability to look back into the first floor window, a condition will be attached to any approval. This condition will require suitable screening to first be implemented prior to the occupation of the proposed units.
- 12.5 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties to an extent that would justify refusing the scheme on these issues alone, and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

13. *Parking and Highway Issues*

- 13.1 The site has a PTAL of 3 (moderate) which attracts a parking standard of 1-1.5 spaces per unit and therefore 1 space per unit is acceptable in this case.
- 13.2 The scheme has demonstrated the availability of 2no. off-street car parking spaces on the area of hardstanding immediately to the front the building. It is intended that these spaces would be unallocated and their use shared by the occupants of the new flats.
- 13.3 A communal patio/amenity area to the rear of the site will be used for both refuse and cycle storage.
- 13.4 The Local Highway Authority have raised no concerns with regard to the parking and access arrangements.

14. *Planning Obligations*

- 14.1 Staff do not consider a contribution towards education provision to be justified in this case. 1no. one bedroom flat and 1no. two bedroom flat will replace a three bedroom property therefore there will be no increase in child yield over and above that generated by the existing property.

15. *Conclusion*

- 15.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

- 15.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 15.3 Staff are of the view that the proposal would not have a harmful impact on the character and appearance of the area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on the material planning considerations which are independent to the Council's interest as landowner of the site. No legal implications arise as a result of the proposal.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

REGULATORY SERVICES COMMITTEE

15 March 2018

REPORT

Subject Heading:

P1749.17

86 Station Lane, Hornchurch

Revised application for a part single/part two storey side extension and a single storey rear extension for the conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage and a refuse and recycling store

(Application received 25-10-2017)

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

Adèle Hughes
Senior Planner
adele.hughes@haverling.gov.uk
01708 432727

Ward:

St. Andrew's

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	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

This proposal seeks consent for a part single/part two storey side extension and a single storey rear extension for the conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage and a refuse and recycling store. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations:

- A financial contribution of £18,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- To restrict future occupiers from obtaining parking permits.

That, if by 15th July 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, grant planning permission subject to the conditions set out below:

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

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

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

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

3. Accordance with plans - 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 the LDF Development Control Policies Development Plan Document Policy DC61.

4. Parking provision - 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.

5. Landscaping - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

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

7. Gas protection measures - Prior to the commencement of any groundworks or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane. The gas protection measures shall be carried out in strict accordance with the agreed details. Upon completion of installation, a 'Verification Report' must be submitted demonstrating that the works have been carried out.

Reason: Insufficient information has been submitted to ensure that the occupants of the development and property are not subject to any risks from soil gas and/or vapour in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC53.

8. Noise assessment - Prior to the commencement of any development, an assessment of the impact of existing external noise sources on the new development shall be undertaken. Assessment shall include but not be limited to the impacts of plant, machinery and entertainment noise arising from 84 Station

Lane, Hornchurch, RM12 6LX. Reference should be made to the guideline internal noise values in BS8233: 2014 - Guidance on sound insulation and noise reduction for buildings and World Health Organisation (WHO) - Guidelines for Community Noise 1999. Thereafter, as necessary, a scheme detailing measures to mitigate and minimize adverse impacts of noise on health and quality of life shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents' health and quality of life against the adverse effects of existing noise sources.

9. Refuse/recycling - No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

11. Obscure glazing - The proposed first floor flank window serving a shower room to Flat 5 on the flank wall of the proposed two storey side extension as shown on Drawing No.'s 15-1196-30 and 15-1196-31A shall be permanently glazed with obscure glass not less than obscurity level 4 on the standard scale of obscurity and shall thereafter be maintained.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Standard flank window condition - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act

1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

13. Hours of construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Minor space standards - Minor (up to 9 units): All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

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

Reason: In order to comply with Policy 5.15 of the London Plan.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. 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 £1,760 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.

4. 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.
5. 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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application site is a detached two storey house built in the early part of the 20th century and which faces east onto Station Lane. The house has an east facing gable feature to the right of the front door, and ground and first floor bay windows to the left. The roof is finished in a hipped end to the south. The house is set back from the footway by 7 metres and there is a generous rear garden. To the side of the house is a detached garage. The house is currently divided into two flats with a ground floor flat accessed by the original front door and the flat occupying the rest of the house by an entrance in the south flank behind the garage.
- 1.2 To the north of the property is 84 Station Lane which is another detached house, this has been considerably extended to the side and rear and is now in use as a restaurant and banqueting suite. To the south is 88 Station Lane which is a two storey detached dwelling; to the east is Station Lane and to the west are the rear gardens of houses facing north onto Stanley Road and south onto Devonshire Road.

2. Description of Proposal

- 2.1 This is a revised application for the demolition of the garage and the erection of a part single/part two storey side extension and a single storey rear extension associated with the subdivision of the property to provide 5 self-contained flats (2 one-bedroom and 3 two-bedroom) together with 1 parking space, 10 cycle spaces and a refuse and recycling store.

3. Relevant History

- 3.1 P1635.16 - part single/part two storey side extension and single storey rear extension for conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage, and a refuse and recycling store – Refused. Dismissed on appeal.
- 3.2 P0353.16 - Part single/part two storey side extension and single storey rear extension associated with subdivision of property to provide 5 self-contained flats (3 x one-bed, 1 x two-bed, 1 x three-bed) together with 3 parking spaces, 20 cycle spaces and refuse and recycling store- Refused.

4. Consultation/Representations

- 4.1 Consultation letters were sent to the occupiers of 26 neighbouring properties. Five letters of objection were received with detailed comments that have been summarised as follows:
- The garage to be demolished has an asbestos roof and the correct procedures should be followed to ensure that there is no contamination of surrounding properties.
 - There is a mature Copper Beech tree in the garden of the neighbouring property to the south which is the subject of a tree preservation order. The proposed rear extension would damage the tree's roots.
Note: the tree is identified as T9 in TPO 6/90. If permission were to be granted then a condition would be imposed requiring the submission and approval of a methodology for ensuring that no damage is caused to the tree.
 - Windows in the south elevation of the extension should be obscure glazed and fixed shut to avoid overlooking and loss of privacy.
 - Overdevelopment.
 - Noise.
 - The proposal would put pressure on on-street parking in the area.
 - Congestion.
 - The traffic survey was undertaken in the early hours of the morning and the parking survey was done after midnight and as such, they do not provide a realistic picture of the parking or traffic situation during the day.
 - The parking survey is out of date as The Avenue is now resident only parking.
 - Highway and pedestrian safety.
 - Lack of consultation and no site notice.
 - Access.
 - Impact on residential amenity.

- Overlooking and loss of privacy.
- Visual impact and out of character.
- The side extension would be out of scale with the proportions of the original building, appear cramped and lack subservience.
- Lack of accessibility to the amenity space provision.
- Loss of light.
- Ventilation.
- Nothing has changed since the previous applications.
- Reference was made to a petition that was received for the previous application, P1635.16 with 42 signatures outlining concerns that the existing parking problems in the area would be made worse by the proposal.
- Requested a Planning Officer to visit a neighbouring property.
- Reference was made to previous objections under applications P0353.16 and P1535.16, which should be taken into account for this application.

4.2 In response to the above, the Council has a duty to consult neighbouring properties that abut the application site and any wider consultation is carried out at the Council's discretion. There is no requirement to provide a site notice. Comments regarding ventilation is not a material planning consideration and is a building control matter. The remaining issues are addressed in the following sections of this report.

4.3 Highway Authority - Given the comments made by the Inspector for the appeal for P1635.16, the Highway Authority is unable to object to the proposal because of a shortfall on parking, however, a legal agreement is requested to restrict future occupiers from obtaining parking permits if at all possible (see Highways section below).

4.4 Environmental Health - No objections or comments in terms of air quality. Recommend a condition regarding a noise assessment to be undertaken including the impacts of plant, machinery and entertainment noise arising from 84 Station Lane, Hornchurch if minded to grant planning permission. The site is located within a 250m radius area of a former unlicensed landfill (land adjacent to Mill Cottage). To address any potential risks of ground gas presence and release to the proposed development, it is recommended that a condition is placed regarding gas protection measures.

5. **Relevant Policy**

5.1 Policies CP1 (Housing supply), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential and Subdivisions of Residential Uses), DC29 (Educational premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC55 (Noise), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant and the Housing SPG. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. Mayoral CIL implications

- 6.1 The proposal would be liable for a Mayoral CIL contribution of £20 per square metre. The additional floor space provided by the extensions is 88 square metres and the contribution would be $20 \times 88 = £1,760$ (subject to indexation).

7. Staff Comments

- 7.1 This application follows two previous applications on the site - references P0353.16 and P1635.16, which were both refused. P1635.16 was for a part single/part two storey side extension and single storey rear extension for conversion of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage, and a refuse and recycling store that was refused planning permission for the following reasons:

1) The design, width and roof form of the proposed two storey extension would fail to respect the original building and detract from its appearance harmful to the character of the streetscene contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

2) The proposed development would, by reason of a lack of private amenity space provision for flats 1, 4 and 5 and due to the site layout, the communal amenity space for flats 1, 4 and 5 is not particularly useable or of a high quality given its lack of accessibility for future occupiers of these flats harmful to their residential amenity contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the Design for Living Residential Design Supplementary Planning Document.

3) The proposed development would, by reason of the creation of two, one bed and three, two bedroom residential units and the provision of only one car parking space for future occupiers result in increased parking congestion in surrounding streets, harmful to the amenity of surrounding occupiers and to the functioning of highway, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework.

- 4) The widening of the access to provide the parking would impact the adjacent bus stop and be detrimental to the amenity of passengers contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document.
- 5) 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.
- 7.2 Application P1635.16 was subsequently dismissed on appeal, as the proposed development would be harmful to the character and appearance of the host property and the area and the proposed development would be harmful to highway safety. The Inspector concluded that the proposed development would not harm the living conditions of future occupiers and would not have an adverse impact upon on-street parking provision. The appeal decision for P1635.16 is a material consideration when reviewing the merits of this application.
- 7.3 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme, P1635.16, in the following key areas:
- Broken the frontage line and set the main wall of the extension back 0.5m and introduced a square bay in a similar but smaller format to the main existing frontage bay with a flat roof.
 - Lowered the eaves level. The overall ridge height of the extension has reduced by approximately 0.35m.
- 7.4 The report covers the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements.
- 8. Principle of Development**
- 8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.
- 8.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of this existing residential site. The proposal is therefore acceptable in principle and in accordance with Policy CP1.
- 9. Design/Impact on Street/Garden Scene**
- 9.1 The appeal decision for P1635.16 stated that "The proposed side extension, whilst incorporating sash windows and being of brick construction, is of

bland design and lacks the strength of features and architectural detailing of the original building. Although the ridge of the proposal would be lower than that of the existing building, the proposal, by continuing the front building line and eaves height of the original building, would not appear as a subordinate addition to the original building. The proposal would substantially extend the frontage and create an addition out of scale with the proportions of the original building. Taken together, the proposal would create a large addition of visually inferior appearance and would diminish the attractive character and appearance of the original property and the area".

- 9.2 For this proposal, the main wall of the extension has been set back 0.5m and there is a square bay window in a similar but smaller format to the main existing frontage bay with a flat roof. The eaves of the side extension have been reduced in height and the overall ridge height of the extension has been reduced by approximately 0.35m. When reviewing the merits of this application, it is considered that the above changes have brought the proposal within the realms of acceptability and the changes to the architectural detailing of the two storey side extension represent an improvement. Overall, Staff consider that the two storey side extension would appear subservient to the existing building and would integrate satisfactorily with the streetscene.

10. Impact on Amenity

- 10.1 It is not considered that the proposal would have a material detrimental impact on the amenity of neighbouring occupiers. No. 88 Station Lane has a side door, one ground floor and one first floor flank windows that serve a hallway and landing and all of these are obscure glazed. The front of the two storey side extension is set further back than the ground floor side flank window of the dwelling to the south and does not extend far enough back to cause loss of light to the living room window to the rear of that property. The only first floor flank window in the two storey side extension serves a shower room and this could be conditioned to be obscure glazed if minded to grant planning permission. The rear windows look out onto the generous rear garden (with a depth of between 17 and 20 metres) and there is therefore no potential for loss of amenity from these. Staff consider that the proposed development would not create any additional overlooking or loss of privacy to neighbouring properties (including those to the rear of the site in Devonshire Road) over and above existing conditions.
- 10.2 The Technical Housing Standard states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. Bedroom 1 of Flat 4 (on the first floor) has a width of 1.9 metres, which technically does not meet the 2.15 metres in line with the DCLG Technical Housing Standard. However, given that the size and width of bedroom 2 meets the Technical Housing Standard and the gross internal floorspace of the proposed dwelling meets the standard, Staff consider that the resultant harm to the living conditions of future occupiers is not so severe as to recommend refusal on this ground. The proposal meets the remaining criteria of the Technical Housing Standard.

10.3 The previous application, P1635.16, was refused on the ground that the proposed development would, by reason of a lack of private amenity space provision for flats 1, 4 and 5 and due to the site layout, the communal amenity space for flats 1, 4 and 5 is not particularly useable or of a high quality given its lack of accessibility for future occupiers of these flats harmful to their residential amenity.

10.4 The appeal decision stated that "Whilst some of the proposed flats would not have individual private outdoor amenity spaces, the communal space to the rear of the building is large...and would be a private, attractive, functional and safe environment" for future occupiers. The Inspector concluded that the proposed development would not harm the living conditions of future occupiers.

11. Highway/Parking

11.1 In terms of parking, the third reason for refusal for P1635.16 stated that: "The proposed development would, by reason of the creation of two, one bed and three, two bedroom residential units and the provision of only one car parking space for future occupiers result in increased parking congestion in surrounding streets, harmful to the amenity of surrounding occupiers and to the functioning of highway, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework".

11.2 The appeal decision for P1636.15 stated that "The proposal, with one off-road car parking space, would fall well below the Borough's adopted parking standards of 1 to 1.5 spaces per unit. The appeal is supported by a transport statement that highlights the proposed development could be expected to generate a parking demand for six vehicles". The Inspector gave consideration to the good public transport links in the area, the proposed cycle parking provision and was of the view that "the increase in on-street parking would be low. Whilst normally parking provision should be made on site, there is no substantive evidence before me that would suggest vehicles could not be parked on the surrounding highways". The Inspector concluded that the proposal would not have an adverse impact upon on-street parking provision.

11.3 Given the comments made by the Inspector for the appeal for P1635.16, the Highway Authority have commented that they are unable to object to the proposal because of a shortfall on parking, however, a legal agreement is requested to restrict future occupiers from obtaining parking permits if at all possible.

11.4 The Inspector considered that any additional parking could be accommodated on surrounding streets. Given this finding, it would be difficult to sustain a refusal on parking grounds. However, a restriction on the ability of occupiers to obtain parking permits would mean that residents

would not be able to park in surrounding streets should controls be introduced in the future.

- 11.5 With regards to access, the fourth reason for refusal stated that "The widening of the access to provide the parking would impact the adjacent bus stop and be detrimental to the amenity of passengers contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document" and this was upheld on appeal.
- 11.6 For this proposal, the front boundary wall and hedge on the front boundary of the site would be retained in its entirety, which has addressed previous concerns regarding highway safety.

12. **Section 106**

- 12.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 12.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 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.
- 12.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 12.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 12.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant

and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

- 12.6 Furthermore, evidence clearly shows a shortage of school places in 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.
- 12.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 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.
- 12.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. The application dwelling currently comprises of two flats. The proposal seeks consent for five flats. It is considered that a contribution equating to £18,000 for educational purposes would be appropriate.
- 12.9 A unilateral undertaking was submitted for the appeal of P1635.16 with regard to a financial contribution for the proposed development towards the provision of school places. Given that the appeal was dismissed for other reasons, the Inspector advised that it was not necessary to consider this matter in any further detail. A unilateral undertaking for a contribution of £18,000 would be required for this proposal.

13. **Conclusion**

- 13.1 Having regard to all relevant factors and material planning considerations, including the appeal decision for P1635.16, Staff are of the view that this proposal would be acceptable. Staff consider that the proposal would integrate satisfactorily with the streetscene and would not be unduly harmful to residential amenity. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement to secure the education contribution and to restrict future occupiers from obtaining parking permits.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

REGULATORY SERVICES COMMITTEE

15 March 2018

Subject Heading:

P1020.17: 60 St Mary's Lane, Upminster

Demolition of existing buildings and erection of new residential block comprising 4no. apartments. (Application received 26 July 2017)

Ward:

Upminster

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report Author and contact details:

**Stefan Kukula
Principal Development Management Officer
stefan.kukula@havering.gov.uk
01708 432655**

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	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is for the demolition of the existing dwelling and the construction of a new residential development consisting of 4no. flats.

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

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 390 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £7,800 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations:

- A financial contribution of £18,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from obtaining or purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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, grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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. Materials

Before any development above ground level takes place, 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.

4. Ground Levels

No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application to judge proposed ground and finished floor levels. Submission of details prior to commencement will ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

5. Terrace Screening Treatments

Prior to the first occupation of the development, privacy screening treatments shall be provided for the private outdoor terraces associated with the ground floor flats in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Following installation, the screening treatments shall remain in place permanently.

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

6. Construction Methodology

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

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

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

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

7. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Vehicle Cleansing

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: In order to 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

9. Pedestrian Visibility Splay

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

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

10. Parking Provision

Before any of the dwellings hereby permitted are first occupied, the car parking as indicated in drawing no. SP1767-2 shall laid out to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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.

11. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities shall be 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 the storage of refuse and recycling. 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. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the cycle storage shall be 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.

13. Landscaping

No development above ground works shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

14. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

15. Lighting

Prior to the first occupation of the building external lighting shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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

16. Road Noise Assessment

No works shall take place in relation to any of the development hereby approved until an assessment is undertaken of the impact of road noise emanating from St Marys Lane upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application to judge the impact of road noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of road noise in accordance with Development Control Policies Development Plan Document Policy DC61.

17. Protection of Trees

No works shall take place in relation to any of the development hereby approved until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

Reason: Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

18. Water Efficiency

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

Reason: In order to comply with Policy 5.15 of the London Plan.

INFORMATIVES

1. 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 the agent Gary Cumberland, via telephone. The revisions involved changes to the layout of the building and amenity areas. The amendments were subsequently submitted on 15 January 2018.
2. 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 £7,800 (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.
3. **Fire Safety**
The applicant is advised that a pump appliance should be able to approach to within 45 metres of all points within each dwelling measured along a line suitable for laying a hose. If this cannot be met, a fire main should be provided and a pump appliance should be able to approach to within 18 metres of the inlet to the main, which should be visible from the appliance. The fire main should comply with BS9990:2015. There should also be a fire hydrant within 90 metres of the inlet to the fire main. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.
4. **Changes to the public highway (including permanent or temporary access)**
Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

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

Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

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

Surface water management

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

5. 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.
6. 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.
7. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.

8. 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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application relates to 60 St Mary's Lane, Upminster. The site comprises a two storey house and detached double garage, positioned centrally within a rectangular plot. The property is set out with a driveway and parking area to the front and western side and garden to east and rear.
- 1.2 The surrounding area is of a mixed nature with residential properties to the west and directly opposite to the north at Carlton Close. Immediately to the south of the site is the Sacred Heart of Mary Girl's School. The Grade II listed Old Chapel building lies to the east.
- 1.3 The land has no specific designation in the Local Development Framework (LDF).

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing building and the construction of a new residential development consisting of 4no. two bedroom flats.
- 2.2 The proposed building would be positioned centrally within the plot and brought forward from the front building line of the existing house. The proposed block would comprise two main storeys with an additional third floor contained within the roof space and served by dormers and roof light windows.

- 2.3 The new building would measure approximately 16.6 metres in width, and project back into the site with a depth of 11.6metres. The proposal would incorporate a hipped crown roof design with central gabled feature and a ridge height of approximately 8.6 metres.
- 2.4 Off street parking provision for 6no. vehicles would be set out in a linear arrangement along the western boundary of the site.
- 2.5 A communal resident's refuse store and secure cycle storage facility would be positioned to the rear of the building.

3. Relevant History

- 3.1 No recent relevant planning history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 74 properties and 1 representation has been received.
- 4.2 The comments can be summarised as follows:
- The boundary wall which runs alongside number 58 needs to be high for security, and to prevent overlooking from the car park.
- 4.3 In response to the above: a relevant condition will be included requiring the prior submission of all boundary treatments, including fencing along the boundary with no.58.
- 4.4 The following consultation responses have been received:
- Essex Water - no objection.
 - London Fire Brigade Water Team - no objection.
 - London Fire and Emergency Planning Authority - no objection.
 - Street Care - no objection.
 - Environmental Health - no objection, recommended a condition relating to a road noise assessment.
 - Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing as well as a restriction on future residents obtaining car parking permits.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), DC32 (The Road Network, DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Heritage SPD, and Planning Obligations SPD (technical appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), and 12 (Conserving and enhancing the natural environment), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene and on the setting of the adjacent listed building, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.

Principle of Development

- 6.2 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.3 Under the provisions of the NPPF there is no priority given to residential plots and gardens as re-developable brownfield land. However, 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.

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

Density/Layout

- 6.5 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.6 The proposal would provide 4no. residential units at a density equivalent to approximately 64 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 70 to 130 dwellings per hectare would be appropriate in this location.
- 6.7 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.8 The proposed dwellings would meet the relevant internal floor space standards for four-person two-bedroom flats. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 6.9 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.10 The proposed flats would be served by a 100 square metre communal garden area located adjacent to the eastern flank of the building. In addition, two ground floor flats would be served by private terrace areas tot eh rear of the block comprising 30 square metres and 15 square metres respectively.
- 6.11 It is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space. Accordingly, the communal garden space and terraces would be to a functional size and which would provide a satisfactory environment for their occupiers.

Design/Impact on Streetscene & Setting of Adjacent Listed Building

- 6.12 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. Policy DC67 states that planning permission will only be granted where it does not adversely affect the setting of a Listed Building. The National Planning Policy Framework (NPPF) advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset,
- 6.13 A key characteristic of this section of St Marys Lane is the gradient which rises from west to east. The site lies towards to the brow of the hill placing the new development in a more elevated position in relation to the house at 58 St Marys Lane to the west and at a lower ground level to that of the Old Chapel to the east. In this context the proposed block would form a more prominent feature in the St Marys Lane streetscene in comparison to the detached two storey dwelling and detached double garage that currently occupies the site.
- 6.14 Whilst the replacement building would be set closer to the site frontage, and be of a greater bulk and massing, it would also be positioned more centrally within the plot allowing the larger building to sit more comfortably within the site and reducing a sense of over dominance in the streetscene. The western flank elevation of the proposed building would appear the most prominent feature, particularly from views looking east along St Marys Lane, owing to the sloping ground level. However, the existing front building line of the Old Chapel hall would still sit further forward of the new building, maintaining a staggered building line arrangement. Given the amount of spacing between the properties, it is the view of Staff that each plot can be regarded with a greater degree of isolation.
- 6.15 The proposed new block would be set approximately 11 metres from the western flank elevation of the Grade II listed Old Chapel building which lies immediately to the east of the development site. A key consideration relates to the impact on the setting of the adjacent heritage asset, and in this instance Staff are of the view that the proposal would maintain a comfortable element of separation within the streetscene between the new and existing development. In addition, the mature trees and vegetation along the boundary would be retained providing a good level of natural screening between the two sites. As such the amount of spacing, coupled with the sloping gradient and mature vegetation, would be sufficient to maintain the characteristic setting of the listed chapel.
- 6.16 The surrounding buildings are drawn from a variety of heights and designs, with traditional two storey dwellings to the west and three-storey flat roof residential blocks immediately opposite. As such there is no prevailing design type in this locality. Nevertheless, the design and style of the proposed building is considered to largely adhere to the wider architectural character of the surrounding area.

- 6.17 On balance Staff are of the opinion that the scale of the proposed development would be acceptable and in accordance with policy, given the height and massing of the surrounding buildings.

Impact on Amenity

- 6.18 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 6.19 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the adjacent property at 58 St Marys Lane, located immediately to the west of the application site.
- 6.20 The new building would be set in from the boundary with No.58 by over 12 metres. Whilst it is acknowledged that the proposal would be significantly larger in terms of the overall depth and massing, Staff consider this to be a sufficient separation distance to maintain privacy and minimise overshadowing and loss of light.
- 6.21 The proposed car parking spaces would be set out in a linear arrangement adjacent to the western site boundary with No.58. Whilst it is recognised that there would be an intensification of residential use at the site, Staff are of the view that the amount of vehicle movements would not be significantly different from that of the existing dwelling, and crucially not to such a greater extent that would justify refusing the application on the grounds of noise and disturbance. Although it is a matter of judgement, Members may wish to consider that with the removal of the detached double garage, the proposal would result in a reduction in the amount of built development directly along the boundary with no.58.
- 6.22 The three-storey apartment blocks to the north of the site at Carlton Close would be located some 20 metres from the proposed development across the public highway on the opposite side of St Marys Lane. Given this distance it is not considered that the proposed development would present any undue impact on the residential amenity of these neighbouring dwellings.
- 6.23 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties to an extent that would justify refusing the scheme on these issues alone. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

Environmental Issues

- 6.24 The site is not located within a Flood Zone and presents no issues in relation to local flood risk.

Trees

- 6.25 There are several preserved trees on site, subject of a group Tree Preservation Order (TPO) 23/85, including a sycamore and two limes located along the eastern boundary with the Old Chapel. There is also a grouping of other (unspecified) trees immediately to the rear of the site, along the southern boundary, subject to a group TPO 34-88. The eastern flank elevation of the new building would be positioned approximately 7 metres from the protected trees, providing sufficient spacing for the protection of the tree roots. Any future works to the tree canopies would require separate TPO consent. A condition for protecting the trees during development will be included.

Parking and Highway Issues

- 6.26 The application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 4, meaning that the site offers a reasonably good degree of access to surrounding public transport.
- 6.27 The scheme can demonstrate off street car parking provision for 6no. vehicles; at a ratio of 1.5 spaces per dwelling on a paved forecourt area. This level of parking provision is acceptable and meets London Plan Policy 3.5. The increase in traffic along St Marys Lane as a result of the four additional dwellings and six parking spaces, is considered to be negligible and within acceptable limits.
- 6.28 The Local Highway Authority has raised no objection subject to the applicant entering into a legal agreement to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed development would result in parking or highway safety issues.
- 6.29 A communal resident's refuse store and secure cycle storage area have been indicated on the proposed layout plan located to the rear of the block, however further details of these facilities and arrangements will be obtained through the inclusion of relevant conditions.

Mayoral Community Infrastructure Levy

- 6.30 The proposed development will create 4no. residential units with 390 square metres of new gross internal floor space. Therefore the proposal is liable for

Mayoral CIL and will incur a charge of £7,800 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.31 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.32 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.33 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.34 There has been a change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.35 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.36 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary,

primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

- 6.37 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per unit towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.38 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. In this case the development would replace an existing house on the site, resulting in the net addition of 3no. dwellings. It is considered that a contribution equating to £18,000 for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and the completion of a Section 106 legal agreement.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the setting of an adjacent listed building and the impact on the amenity of the neighbouring residents.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, supporting statements, and drawings received 26 July 2017, and amended plans received on 14 December 2017.

REGULATORY SERVICES COMMITTEE

15 March 2018

REPORT

Subject Heading:

P1463.17 – Proposed erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development (received 5/9/17)

Ward

Heaton

SLT Lead:

Steve Moore – Director of Neighbourhoods

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

This proposal seeks consent for the proposed erection of an apartment block comprising 19 one and two-bed flats plus car parking, landscaping and associated development on a brownfield site at Straight Road, Romford. Planning permission has previously been granted for a mixed-use redevelopment of the site comprising retail on the ground floor and residential above over two additional floors. The current proposal is for a part three and part two-storey building.

The site lies with the residential area of Harold Hill in a prominent corner location. It was previously in commercial use and is considered appropriate for redevelopment for residential purposes. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £29,300 (subject to indexation). This is based on the creation of 1465 square metres of new gross internal floorspace.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following obligations.

- A financial contribution of £75,665 towards affordable housing to be paid in three stages; first payment on commencement, second payment at the completion of the 5th unit and third payment on the completion of the 17th unit.
- A financial contribution of £114,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A review of the viability of the development if not commenced within two years of the date of the permission to assess whether there has been any improvement in market conditions such that affordable housing could be provided on site or an additional financial contribution towards the provision of affordable housing off-site in accordance with LDF Core

Strategy and Development Control Policies Development Plan Policies
DC6 and DC72.

- 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.
- Greater London Council (General Powers) Act 1974; S16 - Restrictions on Parking Permits - Not to sell, lease, let or otherwise dispose of any dwelling unit or permit any occupation of any dwelling unit without first imposing in the relevant transfer lease, letting or occupation document a term preventing any owner or occupier of any dwelling unit from applying to the Council for a residents parking permit for the area within which the proposed development is situated.

That, if by 15 September 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, grant planning permission subject to the conditions set out below.

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

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

2. Accordance with plans - 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawings 20-001 Revision B and 20-501 Revision C

has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

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

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

5. Landscaping - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. No development other than the access shall take place until the approved tree and shrub protection measures have been implemented. All development other than the access shall only be carried out in accordance with the approved tree and shrub protection until completion. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following completion of the development or in accordance with a programme approved in writing by the Local Planning Authority. Any tree or plant which within a period of 5 years from completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another tree or plant of the same species and size as that originally planted, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Refuse and recycling – Prior to the first occupation of the dwellings hereby permitted, the proposed refuse store shown on drawing No.'s 20-001 Revision B, 20-501 Revision C, 20-510 Revision B, 20-511 Revision B and 20-512

Revision B shall be provided to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

9. Secured by Design - 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 external lighting is provided in accordance with details previously submitted to and approved in

writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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

11. Hours of construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Vehicle Cleansing - 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.

13. Construction Method Statement - 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.

14. Vehicle access - All necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: It is essential to ensure that all permissions are in place before commencing on site. This is to ensure the interests of the travelling public are maintained and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. Pedestrian Visibility Splay - Prior to the first occupation of the development a 2.1 by 2.1 metre pedestrian visibility splay shall be provided on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay. The visibility splay shall be retained through the lifetime of the development.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

16. Land contamination (1) - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
- 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 sites 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

17. Land contamination (2) - a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

18. Electric vehicle charging points - None of the residential units hereby permitted shall be occupied until provision has been made for 20% of the parking spaces within the development to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

Reason: Insufficient information has been supplied with the application to demonstrate what level of provision is to be made for electric vehicle charging points. Provision prior to occupation will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the London Plan.

19. Renewable energy - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

20. Wheelchair user dwellings – At least two of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair User Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings. All of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair User Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

21. Road Noise Assessment - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Straight Road/Faringdon Avenue upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application to assess the impact of road noise. Submission of this detail prior to occupation

in the case of new building works will prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

22. Air Quality Assessment - Prior to the commencement of the development hereby approved, an Air Quality Assessment shall be submitted to and agreed by the Local Planning Authority. The assessment shall include details of:
- a. the proposed development;
 - b. the basis for determining significance of effects arising from the impacts;
 - c. the assessment methods, including the model, input data and assumptions;
 - d. model verification;
 - e. model of the baseline conditions (existing and future without development);
 - f. model of the future impacts (with the development);
 - g. dust risk assessment for the demolition, earthworks, construction and trackout phases of the development;
 - h. impact assessment;
 - i. mitigation measures, including identification / model of their impact;
 - j. measures that will be implemented (or continue to be implemented) after development is completed to protect both the internal air quality of buildings and to ensure that there is no adverse impact on air quality in the vicinity of the development.

The use hereby permitted shall not commence until all measures identified in the Air Quality Assessment have been shown to be implemented to the satisfaction of the Local Planning Authority. For further guidance see: EPUK & IAQM 'Land-Use Planning & Development Control: Planning for Air Quality', published January 2017 and the Mayor of London Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition.

Reason: Insufficient information has been supplied with the application to assess air quality. Submission of this detail prior to occupation in the case of new building works will protect the health of future occupants, neighbours, those engaged in construction, and to comply with the national air quality objectives within the designated Air Quality Management Area in accordance with the Development Control Policies Development Plan Document Policies CP15 and DC52.

23. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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.

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

Reason: In order to comply with Policy 5.15 of the London Plan.

25. Brick boundary wall to balcony - The second floor flat adjacent to the southern boundary of the site annotated as 2_03 on Drawing No. 20-503 Revision B shall not be occupied until details of a brick boundary wall to the southern flank wall of this balcony have been submitted to and agreed in writing by the Local Planning Authority. The brick boundary wall shall be provided in accordance with the approved details and retained in position for the lifetime of the development.

Reason: Insufficient information has been supplied with the application to demonstrate how the potential for overlooking of rear garden areas of adjoining properties would be adequately mitigated. The agreement and implementation of appropriate level of screening prior to occupation is considered necessary in the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

26. Obscure glazing - The proposed first floor flank window serving the rear bedroom of the flat adjacent to the southern boundary of the site annotated as 1_03 hereby approved as shown on Drawing No.'s 20-502 Revision B and 20-513 Revision B shall be permanently glass with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

27. Balcony condition - The flat roofed areas of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and

therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. 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 £29,300. 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. Further details with regard to CIL are available from the Council's website.
3. Changes to the public highway (including permanent or temporary access)
 - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
4. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
5. Temporary use of the public highway -- The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
6. Surface water management - The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.
7. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
8. 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.

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>
10. 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.
11. Informative on AQA modelling - The applicant is advised to follow the guidelines below:
 - ADMS-Roads output files need to be provided to the Council on validation of the planning application.
 - AQ modelling need to be based on transport related inputs which have been approved by the Council's Transport Assessment team.
It is essential that junctions and heavily congested roads are modelled accurately and this is reflected in the choice of relevant node spacing and vehicle speed inputs, which are representative of congestion. Where under predictions occur nodes should be scrutinised and where necessary vehicle speeds adjusted to reflect queuing.
 - It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs should be provided at validation.
 - Margin of error should not exceed 4 (refer to LAQM guidance as best practice).
 - Contrary to the values given in the EPUK guidance a magnitude of change greater than $0.5 \mu\text{g}/\text{m}^3$ is considered significant in areas where present concentrations are near to or breaching limit values and shall be assessed as such. Such changes do not contribute towards EU limit values (NPPF paragraph 124).

- Any other scenarios should be considered which are relevant to this site.
- (Heathrow Met Data is not acceptable) The meteorological data need to be representative of the conditions in the vicinity of the proposed development.
- If there is insufficient monitoring data of the proposed development area, a minimum of 6 months diffusion tube monitoring should be conducted to inform the Air Quality Assessment. Locations should be agreed with the Council's Environmental Protection officers before monitoring commences.
- A written assessment of air quality for major developments is not acceptable; all assessments should include dispersion modelling of present and future air quality with & without the development.
- A cumulative assessment of major committed developments in the area must be incorporated into the modelling.
- For further guidance please see: EPUK & IAQM 'Land-Use Planning & Development Control: Planning for Air Quality', published January 2017 and the Mayor of London Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.

REPORT DETAIL

1. Site Description:

- 1.1 The site which amounts to about 0.165 hectares lies on the east side of Straight Road at its junction with Farringdon Avenue in Harold Hill. The site was previously occupied by a car wash facility, car sales and a taxi business, but all buildings and structures have been removed.
- 1.2 To the east of the site is a terrace of two storey dwellings in Appledore Close with an area of green space between the rear boundary and Farringdon Avenue. To the south and west of the site there are also two-storey dwellings. The property immediately to the south is separated from the site by a public footway that leads from Straight Road to Appledore Close.
- 1.3 The scale of residential development in the locality is mainly two-storey, but there are some three-storey developments in the vicinity, including the Masfield Crescent local centre where there is two floors of flats above the retail units, the flats to the north between Mimosa Close and Straight Road and those close to Gallows Corner. Further to the east is the Harold Hill Industrial Area.

2. Description of development:

- 2.1 The development proposed entails the redevelopment of the site to accommodate 19 flats in a single two and three-storey building. The accommodation would comprise 13 two-bed and 6 one-bed units.
- 2.2 The building would be located on the western side of the site with the main frontage along Straight Road. There would be a single vehicular

access from Farringdon Avenue (in the same location as previously approved) to a car parking area to the side and rear of the building. There would be provision for 19 car parking spaces, plus two disabled spaces. Refuse storage facilities would be provided close to the site entrance and cycle storage adjacent to the eastern boundary. Entrances to the flats would be provided from the front and rear of the building.

2.3 The predominant materials for the elevations of the building are facing brick and white render. The mansard roof would have grey zinc cladding. Doors and windows would be dark grey aluminium. There would also be grey powder coated metalwork in the form of balconies and balustrades.

2.4 Amenity space would comprise of balconies, terraces and communal gardens. The ground floor flats would have external amenity space to the front and rear of the building. The flats would meet the minimum space standards set out in the DCLG Technical Housing Standard.

3. Relevant History:

3.1 P0545.16 - Proposed erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development – Refused and dismissed on appeal.

3.2 P0355.15 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1,2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas P1087.14 - Variation of condition 2 (approved plans) and condition 22 (opening hours) - Approved.

3.3 P1087.14 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas – Approved.

4. Consultations/Representations:

4.1 The application has been publicised through site notice and newspaper advert and 65 neighbours were notified. Three letters of objection were received with detailed comments that have been summarised as follows:

- Overshadowing.
- Loss of privacy.
- Insufficient parking.
- Overall height of the building is out of proportion with the surrounding context.
- Pitched roof is more overbearing than a flat roof.
- There should be potential to increase the footprint of the building near the junction and reduce the height of the building, to improve its appearance in the streetscene.

- All sun path diagrams are shown for March. Evening summer sun could have a significant overshadowing effect on adjacent properties.
 - Queried if there is a fence or shrubs along the boundary with the path. Railings could be used instead if a fence is proposed.
 - The scheme is too tall.
- 4.2 In response to the above, each planning application is determined on its individual planning merits. Details of landscaping and boundary treatment can be secured by condition if minded to grant planning permission. The remaining issues will be addressed in the following sections of this report.
- 4.3 Environmental Health - No objection subject to conditions relating to contaminated land, air quality and a road noise assessment.
- 4.4 Streetcare (Refuse) - No objection.
- 4.5 Thames water - Surface Water Drainage – With regards to surface water drainage, it is the responsibility of a 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 water 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from the Thames Water Developer Services will be required. The contact number is 0800 009 3921. No objection in terms of sewerage infrastructure.
- 4.6 The Highway Authority has no objections to the proposals in principle, although the cycle parking is not conveniently placed for residents of the development and the parking places appear to be too close to be practical. It is recommended that the applicant either provides more detail or the final layout is conditioned. Recommend a restriction on parking permits for occupiers of the proposed dwellings to be secured by a Legal Obligation if minded to grant planning permission. Recommend conditions regarding pedestrian visibility splays, vehicle access and vehicle cleansing and informatives.
- 4.7 London Fire Brigade (Water) no additional hydrants required
- 4.8 Metropolitan Police Designing Out Crime officer – Has some concerns that can be addressed through conditions regarding boundary treatment, cycle storage, lighting and secured by design and an informative.
- 4.9 London Fire and Emergency Planning Authority – There should be access for a pump appliance to within 45m of all points in every dwelling. If this cannot be achieved, a fire main should be installed and access provided to within 18m of the inlet to the main which should be visible from the

appliance. There should be a fire hydrant within 90m of the inlet to a fire main.

- 4.10 School Organisation - A S106/CIL contribution is a necessary requirement from all new developments that will generate additional children. The S106/CIL education contribution will go towards the cost of creating the additional school places needed for those children generated as a consequence of new housing in the borough.

5. Relevant policies:

- 5.1 Policies CP1 (Housing Supply), CP9 (Reducing the need to travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC21 (Major developments and open space, recreation and leisure facilities), DC29 (Educational premises), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC40 (Waste recycling), DC49 (Sustainable Design and Construction), DC52 (Air quality), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Residential Design Supplementary Planning Document, the Planning Obligations Supplementary Planning Document, Designing Safer Places SPD, the Sustainable Design and Construction SPD and the Havering Local Plan 2016-2031 Proposed Submission Version are material considerations.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation), 3.8 (Housing choice), 3.9 (Mixed and balanced communities), 3.11 (Affordable Housing targets), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); 3.13 (Affordable Housing thresholds), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable design and construction), 5.13 (Sustainable drainage), 5.21 (Contaminated land), 6.13 (parking), 6.9 (Cycling), 6.10 (Walking), 7.1 (building London's neighbourhoods and communities), 7.3 (Designing out crime), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document, Parking Standards Minor Alterations to the London Plan, Housing Standards Minor Alterations to the London Plan, Shaping Neighbourhoods: Play and Informal Space SPD, the Housing SPG 2016 and the Mayor's Affordable Housing and Viability Supplementary Planning Guidance are relevant.
- 5.3 Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This application is a resubmission of an earlier application, P0545.16, for the erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development, which was refused planning permission for the following reasons:
- 1) The proposed development would, by reason of its proximity to the boundaries of the site, design and extent of site coverage and hard surfacing, represent an excessively dense, cramped development of the site, which would be out of character with the locality and contrary to Policy DC2 and DC61 of the Development Control Policies DPD.
 - 2) The proposed development would, by reason of its design, height and proximity to neighbouring properties, result in an overbearing relationship to neighbouring development, having an adverse impact upon residential amenity contrary to Policy DC61 of the Development Control Policies DPD.
 - 3) The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC2 of the Development Control Policies DPD.
 - 4) 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 and Policy 8.2 of the London Plan.
- 6.2 The appeal for P0545.16 was dismissed on the grounds that the proposal would: cause significant harm to the character and appearance of the area, cause harm to the living conditions of neighbouring occupiers in terms of outlook and would conflict with the Framework's objective of always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:
- The proposal has a more traditional building form with pitched roofs.
 - The pitched roof form steps down in height to the south of the application site.
 - The building has an approximate 18% smaller footprint/plot coverage at ground floor level than the previous refused scheme, P0545.16.
 - The building has an approximate 6% smaller footprint (at GFL) than the extant planning consent (P0355.15).
 - The depth of the building has been significantly reduced along the southern boundary of the application site.
 - The building has a significantly reduced street frontage along Straight Road and is set back from the north-west corner of the site adjacent to Faringdon Avenue.

- The materials palette has been simplified.
- The building is located substantially further from the boundaries of the site, particularly to the north and south.
- Balconies have been located in more discreet locations and separated from properties to the south by built form.
- The number of car parking spaces has been increased from 19 to 21 spaces.
- Communal amenity space has been provided for the flats.
- The ratio of one and two bedroom flats has changed.

- 6.4 The report covers the principle of the development, density/site layout, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements. The previous appeal decision for P0545.16 is considered to be a material consideration.

7. Principle of development

- 7.1 The site lies within the urban area of the borough where Policy CP1 of the LDF Core Strategy and Development Control Policies DPD seeks to provide new homes by prioritising the development of non-designated sites outside town centres and the Green Belt, in particular brownfield land for housing. It also seeks to ensure that such land is used efficiently. LDF Policy DC11 requires that where non-designated commercial sites become available for development their redevelopment should be for housing. Planning permission for the redevelopment of this site for a mixed use scheme, involving retail use on the ground floor and residential above was granted in 2015 – reference application P0355.15.
- 7.2 One of the core principles of the NPPF is that brownfield sites should be reused effectively and that housing applications should be considered in the context of the presumption in favour of sustainable development. Residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets. In light of these factors the proposed development is considered acceptable in principle.
- 7.3 The site is considered to be in a sustainable location in terms of access to services, although it is not the most accessible part of the borough in terms of public transport. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. This is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants.

8. Density and site layout

- 8.1 The site has a PTAL of 2 and the area is considered to be suburban in character. Policy 3.4 Table 3.2 of the London Plan indicates that for 2.7-

3.0 habitable rooms/unit, a density range of 50-95 units per hectare would be appropriate. The proposed density of development is 115 units per hectare.

- 8.2 The proposed development is above the indicated range, however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties. The layout and scale of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF. The appeal decision for P0545.16 stated that “the density of the proposal would appear to be in excess of that set out within the density matrix in Policy DC2 of the LDF. A proposal must be appropriate to the local context with regard to the principles of good design and as such, density is therefore only one measure of acceptability insofar as design is concerned”.
- 8.3 The approved mix-use scheme for the site had a nominal residential density of 75 units per hectare and the building had a footprint of 526 square metres. In comparison with the previous refused application, P0545.16, the footprint of the building has been significantly reduced from 599 to 495 square metres. As such, the footprint of the proposed building is smaller than that was originally granted under application P0355.15. Given that the size of the building has been significantly reduced, Staff consider that the higher density is acceptable, although this will be a matter of judgement for Members. Staff consider that the development would make efficient use of the brownfield site, whilst retaining a degree of spaciousness in accordance with NPPF principles. It would have an acceptable relationship with its surroundings and provide parking in accordance with development plan policies. It would also provide an acceptable level of accommodation for future residents.
- 8.4 Amenity space for the proposed flats is proposed in the form of balconies, terraces and garden areas for the ground floor units. In comparison with the previous refused application, this proposal includes a communal amenity space of approximately 136 square metres for the flats. The guidance in the Residential Design SPD is that the space should be both private and usable. The balconies and terraces are above the minimum size of 5m² recommended in the SPD and can be considered private and would also be usable. A condition will be placed in respect of the submission of details for a brick boundary wall to the southern flank wall of the balcony to the second floor flat adjacent to the southern boundary of the site annotated as 2_03 on Drawing No. 20-503 Revision B if minded to grant planning permission. The ground floor space would also be usable, although privacy would be limited as there would be some overlooking from first and second floor balconies and from the street. However, frontage space is generally considered to offer an acceptable form of

amenity space which new occupiers would be aware of in advance. The amount of amenity space would, therefore, be acceptable for the scale and type of development proposed.

9. Design/impact on street/Garden scene

- 9.1 Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout, which is compatible with the character of the surrounding area and does not prejudice the environment of the occupiers or adjacent properties.
- 9.2 The application site lies within a residential area where the majority of the buildings are of a domestic scale, the majority being two-storey, but with some three-storey development along Straight Road, especially in Shenstone Gardens and Marlowe Gardens close to Gallows Corner.
- 9.3 The appeal decision for P0545.16 stated that the building would be very close to the junction, separated from it by the substation. The overall perception would be of three storeys of substantial built form within close proximity of its boundaries, in particular to the sides. The Inspector was of the view that the overall mass and scale of the proposal would appear considerably at odds with the prevalent pattern, building form and scale of development that provides the immediate context to the appeal site. The Inspector concluded that the proposal would result in a visually intrusive and overly dominant building that would fail to respect or enhance its surroundings.
- 9.4 Compared to the previous refused scheme, the building is located substantially further from the boundaries of the site, particularly to the north and south. Also, the building has a significantly reduced street frontage along Straight Road and is set back between approximately 12 and 13 metres from the north-west corner of the site adjacent to Faringdon Avenue. Staff consider that these changes have addressed previous concerns raised by the Inspector regarding the proximity of the building to the junction. The building has an approximate 18% smaller footprint/plot coverage at ground floor level than the previous refused scheme, P0545.16. The building has an approximate 6% smaller footprint at ground floor level than the extant planning consent (P1087.14). The proposal has a more traditional building form with pitched roofs and the pitched roof form steps down in height to the south of the application site adjacent to No. 70A Straight Road. This transition would also be less marked due to a gap of between approximately 5-6 metres between the properties. The depth of the building has been significantly reduced along the southern boundary of the application site. Staff consider that the cumulative impact of the above changes represent a significant improvement, which have addressed previous concerns regarding the design, scale, mass and position of the proposed building and brought the proposal within the realms of acceptability. The current proposal very closely follows the scale and massing of the extant planning consent (reference P1087.14), particularly in relation to the height and extents of the main roof to the building. Overall, it is considered that the proposed

building would integrate satisfactorily within the streetscene and the character and appearance of the surrounding area. The development would represent significant improvement over the previous commercial use of the site.

- 9.5 The appeal decision for P0545.16 stated that the overall effect of a varied mix of buff brick, accentuated with grey brick, a weathered cedar cladding and in parts, stone and zinc cladding with powder coated metalwork and render would not be reflective of surrounding buildings or sympathetic to them. The Inspector was of the view that the overall palette of materials and their appearance would be considerably out of keeping and visually jarring.
- 9.6 The materials palette has been simplified for this proposal. The predominant materials for the elevations of the building are facing brick and white render. The mansard roof would have grey zinc cladding. Doors and windows would be dark grey aluminium. There would also be grey powder coated metalwork in the form of balconies and balustrades. Staff are of the view that the proposed materials would integrate satisfactorily with the streetscene and samples of materials can be secured by condition if minded to grant planning permission.

10. Impact on amenity

- 10.1 The main impacts from the development would arise from the scale of the proposed building and the intensity of the use. Concerns have been raised about overlooking and overshadowing, and the visual impact of the scale of the development.
- 10.2 There is the potential for overlooking of adjoining gardens from windows of the first, second and third floor flats and from balconies. For this proposal, the balconies have been located in more discreet locations and separated from properties to the south by built form. Subject to screens on terraces and balcony areas there would be no overlooking of the garden of the nearest properties in Straight Road. The gardens of the properties in Appledore Close would be overlooked to some degree from windows of habitable rooms, mainly bedrooms, in the southern part of the development. The nearest part of the adjoining garden in Appledore Close would be about 16 metres away from the relevant windows. In these circumstances it is judged that there would be no serious overlooking issues. The appeal decision for P0545.16 stated that views of properties at No.'s 1-9 Appledore Close would not be direct and although the proposal would be evident it would not provide any overwhelming sense of enclosure, be visually intrusive or harm the outlook from them. The plans state that the flat roofed areas of the building would be non-accessible and notwithstanding this, a condition has been placed to ensure that the flat roofed areas of the proposed building shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority to prevent undue overlooking and loss of privacy and to protect neighbouring amenity.

- 10.3 The Inspector for P0545.16 was of the view that the depth of the side elevation facing the footpath would be clearly evident to the occupiers of No. 70A Straight Road and the dwelling to the rear, when using their garden and from the rear facing windows of No. 70A. The Inspector considered that the significant depth and proximity of the building to the boundary would appear visually intrusive and overbearing when viewed from the rear elevation and garden of No. 70A and the amenity space of the properties. The appeal decision concluded that the proposal would cause harm to the living conditions of neighbouring properties in terms of outlook.
- 10.4 In contrast to the previously refused scheme, the building is located substantially further from the boundaries of the site, particularly to the north and south. In addition, the depth of the building has been significantly reduced along the southern boundary of the application site. The layout of the site has changed, the cycle store has been repositioned and communal gardens are located adjacent to the southern boundary of the site. The pitched roof form steps down in height to the south of the application site, which minimises its bulk.
- 10.5 The flank to flank separation distance between the proposed building and the single storey side extension of No. 70A Straight Road is between approximately 5-6 metres at ground floor level (including the footpath), which would help to mitigate its impact. The first floor southern flank elevation of the proposed building (closest to the southern boundary of the site) would be in general alignment with the single storey rear facade of No. 70A Straight Road, beyond which its rear projection would be set in approximately 5 metres from the southern boundary, which would help to offset its impact. The second floor of the building adjacent to the southern boundary of the site occupies a smaller footprint than the ground and first floors. There is a flank to flank separation distance between the third floor of the proposed building and the single storey side extension of No. 70A Straight Road of between approximately 9-12 metres, which would help to mitigate its impact. Staff consider that these relationships are acceptable. Taking the above factors into account, it is considered that the proposal would not result in a significant loss of amenity or outlook to No. 70a Straight Road or the single storey dwelling to the rear entitled Brooklyn Cottage, 11 Appledore Close.
- 10.6 Concerns have also been expressed by some local residents about potential overshadowing and loss of sunlight given the height of the proposed building. In response the applicant has submitted an assessment that demonstrates that there would be no significant overshadowing of or loss of light to garden areas at times when these are most likely to be in use. Overall Staff consider that there would be no material adverse impact on adjoining residents.

11. Parking and Highway Issues

- 11.1 The proposed access to the new parking area to the rear of the development would be from Farringdon Avenue, close to the existing access point. There is an existing cross-over and there are no highway objections. It is proposed to provide 21 parking spaces, plus 2 disabled which amounts to one space per unit. This level of parking would be in accordance with the relevant LDF and London Plan policies. The Inspector (for P0545.16) stated that the proposed parking provision would be adequate and there would not be an unacceptable degree of increase of parking congestion or overspill of parking arising from the development onto surrounding streets that would cause harm to highway safety. In comparison with the previous application, P0545.16, the amount of car parking provision has increased from 19 to 21 spaces, which is acceptable. The servicing arrangements are also considered to be acceptable. Any works to the highway would require agreement with Streetcare (Highway Authority).

12. Contamination and ground conditions

- 12.1 An assessment of ground conditions has been submitted with the planning application. This identifies a potential risk of contamination linkages being realised during the development of the site. The report recommends further intrusive investigations to quantify the risks. Two appropriate conditions are recommended to address this.

13. Designing out crime

- 13.1 LDF Policy DC63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The Designing Out Crime Officer has some concerns, although these can be addressed through a Secured by Design condition. Details of boundary treatment, cycle storage and lighting can be secured by condition if minded to grant planning permission.

13. Infrastructure

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 14.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that

development proposals should address strategic as well as local priorities in planning obligations.

- 14.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 14.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations 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.
- 14.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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.
- 14.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 14.7 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.
- 14.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. There would be 19 units and a charge of £114,000 is considered necessary to make the development acceptable in accordance with these

policies and which would need to be secured through a S106 Planning Obligation.

15. Affordable Housing

- 15.1 In terms of affordable housing, the proposal should be assessed against the Mayor's Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance. Additionally, Policy 6.2 of the Draft Local Plan states that all residential dwellings of 10 or more dwellings or residential developments with a site area of more than 1,000 square metres to provide at least 35% affordable housing contribution (based on habitable rooms). Applications which do not meet the 35% policy requirement or require public subsidy to do so, will be required to submit detailed viability information which will be scrutinised by the Council and treated transparently. In addition, a review mechanism will be applied to schemes that do not meet this threshold in order to ensure that maximum affordable housing contributions are increased and secured if viability improves over time. Developments will be required to deliver a tenure mix of affordable housing of 70% social/affordable rent.
- 15.2 An affordable housing statement was submitted with the application. The viability appraisal has been independently reviewed and following revised figures, the advice to the Council is that there would be a surplus sufficient to enable some limited on-site affordable housing (as Intermediate Tenure) or a commuted sum payment of £75,665 to be made. The Council's consultants have recommended that there should be a review mechanism covered in the S106 Obligation if the scheme has not reached slab level within two years from the date of a planning permission to assess whether there has been an improvement in market conditions such as to make a payment viable.

16. Other matters

- 16.1 The Mayor's Supplementary Planning Guidance - Shaping Neighbourhoods: Play and informal recreation, seeks to secure good quality playspace in new developments in accordance with London Plan Policy 3.6. The level of provision should be based upon the expected number of children generated by the scheme. For this site the toolkit indicates that for the proposed unit mix between 1-2 children would be expected, with one being under 5. This gives a requirement for 16m² of playspace or 8m² if there is a locally lower threshold. No playspace is proposed as part of this development.
- 16.2 The SPG indicates that where there is playspace within 100m an off-site contribution may be acceptable. In this case there is open space within 100m and there is limited space within the development. In view of the very small child yield and the existence of space nearby a contribution would normally be acceptable. However, whilst a charge could be made in accordance with LDF Policy DC72 there is no adopted charging mechanism. On this basis, no contribution is sought.

17. Mayoral CIL

- 17.1 All new floorspace is liable for Mayoral CIL. As the site has been cleared of all buildings there is no existing floorspace than can be offset against the CIL liability. The new build would amount to 1465 square metres and the CIL rate is £20 per square metre giving a CIL liability of £29,300, subject to indexation.

16. Conclusion

- 16.1 The proposed redevelopment of the site would be acceptable in principle. The proposed scale of the development is also considered acceptable in terms of the impact on the character and appearance of the area. Staff consider that the proposed new building would make a positive contribution to the local streetscene and represent a significant improvement over the former commercial usage of the site and would also help to meet housing need in the Borough. The site is also close to local services and bus routes to Romford Town Centre. It is considered that the proposal would not be unduly harmful to residential amenity. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 5/9/2017.

REGULATORY SERVICES COMMITTEE

15 March 2018

REPORT

Subject Heading:

P0485.17

123 Victoria Road, Romford

The demolition of a redundant joinery workshop and store and the construction of a terrace of four 2 bedroom homes (Application received 23-03-2017)

Ward:

Romford Town

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

Cole Hodder
Planner
cole.hodder@havering.gov.uk
01708 432829

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	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The application was previously considered by members on June 29th 2017 and the resolution was made to grant planning permission subject to the completion of a legal agreement to secure a contribution towards education infrastructure and to prevent future occupiers from obtaining residents parking permits. The timescale set out in the recommendation for completion of the Section 106 required that if it was not completed by December 29th 2017 that the application would be referred back to planning committee. The reasons for the application not adhering to those timescales are due to the applicant entering into a dialogue with the Local Authority regarding the Section 106 Agreement and planning conditions imposed.

As with the previous submission the proposals comprise of the demolition of two existing buildings within a commercial yard and the formation of a terraced row comprising of four, two bedroom dwellings with off-street parking and private amenity space. It raises considerations in relation to the impact on the character and appearance of the street-scene, the impact on the residential amenity of future occupants and that of neighbouring residents, in addition to matters relating to highways/parking. It is worth noting that the development remains identical to that previously considered.

On balance, the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 874 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £500 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations and that if by 22nd June 2018 the legal agreement has not been completed, the Assistant Director Development is delegated authority to refuse planning permission.

- A financial contribution of £24,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of

completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.

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

1. Time Limit

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

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

2. Materials

Before any development above ground level takes place, 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.

3. Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (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.

4. Landscaping

No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990

5. Boundary Treatment

No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are 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.

6. Cycle Storage

Prior to the first occupation of the development hereby permitted cycle storage shall be 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.

7. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be 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.

8. Removal of permitted development rights

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

Reason: In the interests of retaining a satisfactory level of amenity for future occupiers given the size of the plots, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. Construction Methodology

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;

- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

10. Hours of Construction

No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impact of the development on the surrounding area in the interests of amenity.

11. Railway noise

Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

- a) Railway noise (in accordance with the Technical memorandum, 'Calculation of Railway Noise', 1995)
- b) Vibration noise from the use of the railway lines

Upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to, approved in writing by, the Local Planning Authority, implemented prior to occupancy taking place.

Reason: To protect residents from transportation noise and vibration

12. Vehicle Cleansing

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.

13. Air Quality Assessment

Prior to the commencement of any works pursuant to this permission, the developer shall submit for the written approval of the Local Planning Authority;

- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
- b) The air quality assessment shall include a prediction of future air quality without the development in base (future baseline)
- c) The air quality assessment shall predict air quality with the development in place (with development)
- d) The air quality assessment should also consider the following information;
 - A description containing information relevant to the air quality assessment
 - The policy context for the assessment- national, regional and local policies should be taken into account.
 - Description of the relevant air quality standards and objectives.

- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/ mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see: 'EPUK Guidance Development Control: Planning for Air Quality (2015 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

14. Contaminated Land 1

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the 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 sites 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for

contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

15. Contaminated Land 2

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

16. Access

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

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

17. Water Efficiency

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

Reason: In order to comply with Policy 5.15 of the London Plan.

18. Sound Insulation

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Planning Obligation

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.

2. Approval No negotiation required

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

3. Mayoral CIL

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 £500 (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.

4. Changes to the Public Highway

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. please note that unauthorised work on the highway is an offence.

5. Highway Legislation

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

Please note that unauthorised works on the highway is an offence.

6. Temporary use of the public highway

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708434343 to make the necessary arrangements.

Please note that unauthorised works on the highway is an offence.

7. Street name/numbering

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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

8. AQA Modelling

The applicant shall be aware of the following:

- AQ modelling must be based transport related inputs which have been approved by LB Havering's Transport Assessment team.
- It is essential that junctions and heavily congested roads are modelled accurately and this is reflected in the choice of relevant node spacing and vehicle speed inputs.
- Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing.
- It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation.
- Margin of error must not exceed 4 (refer to LAQM guidance as best practice).
- A cumulative assessment of major committed developments in the area must be incorporated into the modelling.
- Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5 µg/m³ is considered significant in areas where present concentrations are breaching limit values and shall be

assessed as such. Such changes do not contribute towards EU limit values (NPPF paragraph 124).

- Any other scenarios should be considered which are relevant to this site

9. Sprinkler System

The attention of the applicant is drawn to comments received from the Fire Brigade who suggest that if a suitably sized turning facility for a pump appliance is not provided at the far end of the site, that the provision of domestic sprinklers throughout each of the dwellings should be considered as an alternative.

Background

The application has previously been considered by members. The previous resolution of members required that if the Section 106 Agreement to secure a financial contribution towards education infrastructure and a restriction on future occupiers obtaining residents parking permits was not completed by December 29th 2017 that the application would need to be returned to Regulatory Services Committee. The revised wording in this report would allow the Council to refuse planning permission should the applicant not complete the Section 106 Agreement in the timeframe given.

The reason that the deadline was not adhered to previously was due to the applicant entering into a dialogue with the Council to query planning conditions imposed and also other details relating to the S106 agreement. The Council has set out its position and justification for the conditions which have been applied to this current iteration of the development proposals in writing to the applicant and save for the removal of three planning conditions and the addition of an informative in place of one of those conditions the Council are not willing to consider any further changes. It is understood that the applicant would consider their options in the event of members resolving to grant planning permission. The conditions that have been removed were not considered to alter the acceptability of the current proposals. Two of the conditions which were removed from the current proposals were highways related and were not recommended by the Highway Authority. The other condition removed has been applied as an informative, consistent with other applications where a sprinkler system has been requested as an alternative to a turning facility for a pump appliance by the Fire Brigade.

As the proposed development remains identical to that previously considered, the report is therefore reproduced below with the sole addition being point 12.7 of the Highways section. This addition references the requirement to secure a restriction on future occupiers obtaining parking permits.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of an area of land located on the North side of Victoria Road. The site at present has two existing buildings, both observed at the time of site inspection to be in a general state of disrepair and of no architectural merit.
- 1.2 The application site is located to the rear of an existing detached building in use as offices presently and backs onto the Railway Line to the north of the site.
- 1.3 The site is set back from the highway and is accessed via an existing service road which runs perpendicular to the shared boundary. Ground level is relatively even.

2. Description of Proposal

- 2.1 Permission is sought for the demolition of the existing redundant joinery building and lock-up store and the formation of a terraced row of four, two bedroom dwellings.
- 2.2 The existing vehicular access will be utilised, however the site will be resurfaced to accommodate vehicle parking. A total of 12 spaces are shown.

3. History

ES/ROM/411/53 - Use for joinery shop - APPROVED

ES/ROM/411/B/53 - Permanent use of existing joinery workshop - APPROVED

408/58 - Extension to joinery workshop - APPROVED

1981/70 - New Storage Building - APPROVED

P1970.16 - The demolition of a redundant joinery workshop and construction of a terrace of five two bedroom homes - REFUSED

- The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 and the Residential Design SPD.

- The proposed development would, by reason of its size, scale, design, position and proximity to neighbouring properties represent intrusive and overbearing development, which would be out of character with its surroundings and have a serious and adverse effect on the living conditions of adjacent occupiers, including potential for overlooking and loss of privacy, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 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.

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 45 neighbouring occupiers. One letter of representation was received at the time of writing which expressed a concern over the access to the site and inadequate parking for residents/visitors. The highways impacts of the development will be fully assessed within the body of this report.
- 4.2 Highway Authority - No objections, subject to conditions.
- 4.3 Environmental Health - No objections, subject to conditions.

5. Relevant Policy

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places), DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 In addition the Residential Extensions and Alterations SPD and the Residential Design SPD
- 5.2 Policies 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

6. Mayoral CIL implications

- 6.1 The proposed development will require the demolition of approximately 298m² of existing built form and the formation of four two bedroom units with a gross internal floor area of 323m².
- 6.2 In total the proposal would create 25m² of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £500 based on the calculation of £20.00 per square metre.

7. Staff Comments

- 7.1 The main considerations relate to the principle of the development and the layout of the scheme, the impact on local character/the established pattern of development, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.
- 7.2 In addition, this application follows a previous submission in 2016 and therefore whether the previous reasons for refusal have been addressed is a primary factor in the assessment of this current application.

8. Principle of Development

- 8.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable. The proposal is therefore acceptable in land use terms.

9. Density/Site layout

- 9.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 9.3 For two storey, two bedroom, three person dwellings the required gross internal floor area is set at a minimum 70m². Each of the proposed units would exceed this standard, with floor area of 80m² measured internally. In addition to a satisfactory gross internal floor area, the proposed dwellings would benefit from sufficient headroom and bedroom size/mix. It is the opinion of staff that the proposed dwellings would comply with all other standards which must be applied. It can therefore be concluded that an

internal arrangement capable of providing a standard of living acceptable for future occupiers which would meet the aims and expectations of the London Plan is demonstrated.

- 9.4 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The previous application was unable to demonstrate an adequate arrangement of amenity space in line with the requirements of the SPD.
- 9.5 The current submission has relocated the terraced row from a position perpendicular to the shared boundary, to a position more central within the site. Whilst still allowing for adequate space for the manoeuvring of vehicles to/from the dwellings, the altered position and reduced number of units allows for a greater degree of separation from the rear boundaries of the site and thus an increased area set aside for amenity space. The rear gardens for the proposed dwellings in terms of size vary from between 35m² and 42m². This is a significant improvement over the previous submission which demonstrated an outdoor area of only 15m² for each of the dwellings.
- 9.6 It is recognised that the surrounding dwellings within this location are characterised by private spacious rear gardens and therefore the view could be taken that the arrangement shown does not replicate that prevailing character.
- 9.7 However, the amenity space shown would nevertheless align with the requirements of the Residential Design SPD. Staff consider that an adequate and functional space would be provided. Therefore the previous reason for refusal has in the view of staff been overcome.

10. Design/Impact on Street/Garden Scene

- 10.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the NPPF reinforces this by placing emphasis on good quality, design and architecture.
- 10.2 The proposed terraced row would share the same overall ridge height/eaves height among other unifying architectural qualities.
- 10.3 The previous submission sought a terraced row of five units, perpendicular to the shared boundary with adjacent residential occupiers. The current submission reduces the number of units and thereby the scale, bulk and mass of the development equivalent to one dwelling and relocates the terraced row to a position more central within the site with greater separation from site boundaries - and adjacent neighbouring occupiers.
- 10.4 The wider locality is not entirely devoid of backland development. It is recognised that parts of Victoria Road, particularly to the west of the site are characterised by development to the rear and that this is also a feature of the application site. The previous submission was judged to result in a discordant feature, visually out of scale with its surroundings.

- 10.5 The reduction in scale implemented by the applicant seeks to address the previous refusal reason. Whilst materially larger than the existing buildings which would be replaced, the terraced row would be satisfactorily set in from site boundaries so as not to appear overly cramped as is often the case with such development.
- 10.5 Staff consider the proposed development to represent an acceptable redevelopment of the site from its historic commercial use and that previous reasons for refusal have been overcome.

11. Impact on Amenity

- 11.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 11.2 It is unlikely that the proposed development would result in any unacceptable loss of light, or give rise to a level of overshadowing outside of acceptable parameters due to the positioning of the terraced row within the plot and the orientation of the site relative to neighbouring premises/rear gardens.
- 11.3 The closest neighbouring property would now be in excess of 33 metres from the front elevation of the terraced row, which is an increase of some 10 metres. Previously, the close proximity to shared boundaries and unimpeded views from first floor rear windows was deemed to result in an unacceptable level of overlooking, harmful to neighbouring amenity. Staff consider that this has now been addressed.
- 11.4 The relocation of the terraced row to a more central position has allowed for a greater separation from site boundaries and in reducing the number of units the bulk of the terraced row has also been scaled down. Therefore the visual impact of the dwellings from the rear windows of adjacent neighbouring occupier's rear gardens/windows has been lessened when seen within the context of the previous submission.

12. Highway/Parking

- 12.1 The site would utilise an existing vehicle crossover from Victoria Road which has historically been used to gain access to the joinery/storage unit. The access would appear to be of a sufficient width to accommodate traffic to/from the proposed dwellings with adequate space for manoeuvring.
- 12.2 The public transport accessibility level rating for the site is 6A which is the second highest rating and translates to good access to public transport.

Consequently there are grounds to allow a reduced level of off-street parking, owing to the relatively central location of the proposed development.

- 12.3 The proposal makes provision for one off-street parking space per dwelling. It is considered that this arrangement is acceptable.
- 12.4 The development also shows the provision of a parking area to be laid out to the rear of no.123 Victoria Road. This has not been taken into consideration however as is not shown to be within the application site by the site location plan provided with the submission. Cycle storage could be secured by condition.
- 12.5 It must be recognised that the Highway Authority have not raised any objection, subject to the imposition of appropriate conditions.
- 12.6 The site does not enable access for refuse collection but no objection has been raised to this providing a communal bin or collection point is provided within 30m of the main road. Although not provided for in the proposals, this could be secured by condition in event of approval.
- 12.7 Members in resolving to grant permission included a parking permit restriction due to concerns with regards to capacity and overspill onto the surrounding highways network.

13. Section 106

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 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.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per new residential unit for educational purposes would be appropriate.
- 13.9 On the basis that five additional residential units are proposed, a financial contribution of £24,000 would be expected. On the basis that this scheme is recommended for refusal, the failure to secure this contribution forms grounds for refusal.

14. Conclusion

- 11.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form

and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or result in any highway issues subject to the completion of the Section 106 agreement and the monitoring of planning conditions given earlier in this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

REGULATORY SERVICES COMMITTEE

15 March 2018

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 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 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 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 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

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 be 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 31st 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 14th May 2015.