



# REGULATORY SERVICES COMMITTEE

22 December 2016

# REPORT

**Subject Heading:**

P0923.16  
Demolition of existing Use Class B2 / sui generis units and redevelopment of the site comprising 46 residential units (1-bed, 2-bed and 3-beds) two storeys in height with associated car parking and landscaping.

Ward: Rainham and Wennington

(Application received: 03-06-2016  
Revised Plans Received: 05-12-2016

**Lead officer**

Simon Thelwell  
Planning Manager  
simon.thelwell@havering.gov.uk  
01708 432685

**Report Author and contact details:**

Peter Fletcher  
peter.fletcher@havering.gov.uk  
01708432605  
Local Development Framework

**Policy Context:**

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

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for [x]  
People will be safe, in their homes and in the community [x]  
Residents will be proud to live in Havering [x]

## SUMMARY

This report considers an application for the redevelopment of an existing commercial site on the north side of New Road, Rainham. The proposal is to demolish all existing buildings, remediate the site and construction 14 one and two bed maisonettes in two blocks and 32 two and three-bed houses. The site lies within a predominantly residential area where the redevelopment of previously developed land for housing would be acceptable in principle. The proposal raises issues in respect of the scale of the development and impact on the character and appearance of the area. There are matters of judgement for members in relation to these issues, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable.

## RECOMMENDATIONS

1. 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 £54,160 (subject to indexation). This is based on the creation of a net increase of 2,708 square metres of new internal floorspace.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £276,000 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 financial contribution of £125,269 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 the completion of the obligation irrespective of whether the obligation is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.
- That the Assistant Director of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, 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 listed below:

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. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 8167/05 Rev D for that part of the development 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* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. 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 development 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.

6. *Refuse and recycling* - Prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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

7. *Cycle storage* - Prior to first occupation of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and 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. In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. 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 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* - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be 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 (DOCOs), 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. *External lighting* - Prior to the first occupation of any dwelling unit external lighting shall be installed in accordance with a scheme of lighting that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting shall be retained thereafter for the lifetime of the development.

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 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, including any works of demolition; 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 within the site 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 breakdown of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to vehicle 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 methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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 authority;
- 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.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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. *Highway agreements* - No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and the retail store shall not open to customers until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

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* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) 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.

b) 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.

c) 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

d) 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.

17. *Electric vehicle charging points* – None of the residential units within the two apartment blocks hereby permitted shall be occupied until provision has



been made for 20% of the parking spaces for those blocks 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.

18. *Renewable energy* - A 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.

19. *Wheelchair user dwellings* - At least five 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 ground floor flats and houses 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

20. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

21. *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

22. *Sustainable drainage* – The development hereby permitted shall not until full details of a Sustainable Drainage Systems (SuDS) to be incorporated into the scheme has been submitted to, and approved in writing by, the Local Planning Authority. The SuDS shall then be carried out in accordance with the approved details and retained permanently thereafter for the lifetime of the development.

*Reason:-*

Insufficient information has been submitted with the application to demonstrate how surface water drainage from surfaced areas would be achieved. Submission of details prior to commencement is considered necessary to ensure that drainage and discharge from the site is managed and maintained, and that the development accords with the Development Control Policies Development Plan Document Policies DC48 and DC51 and the SuDs Developer Guide.

*23. Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C, D or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

*24. No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Article 3, Schedule 2, Part 1 (or any order revoking and re-enacting that Order with or without modification), 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.

*25. Highway safety* - The proposed access shall not be constructed until its layout has been subject to a combined Stage 1 and Stage 2 road safety audit and no residential unit shall be occupied until a Stage 3 road safety audit has been carried out. The road safety audits shall be undertaken in accordance with Transport for London standard SQA-0170 or HD19/15 of the Design Manual for Roads and Bridges and any recommendations in the audits accommodated within the layout/design. Details of both the Stage 1 and 2 audits shall be submitted to the local planning authority prior to any access works commencing and the Stage 3 prior to first occupation.

Reason:-

In the interests of securing good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development control Policies DPD.

Informatives

1. *DMO Statement* - Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with paragraph 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated by e-mail and telephone between 16<sup>th</sup> August 2016 and 30<sup>th</sup> November, including meeting on 30<sup>th</sup> November 2016 with Alan Hill of LAP, Peter Harris of Bellway and Ben Thomas of Savills. The revisions involved design and layout changes. The amendments were subsequently submitted on 5<sup>th</sup> December 2016.

2. *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 £54,160 (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. *Planning obligation* - The planning obligation required has 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.

4. *Temporary use of the highway* - If any 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.

5. *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 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.

6. *Highway works* - The grant of planning permission 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.

7. *Secured by Design* - 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.

8. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

9. *Sustainable development* - 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.

10. *Street naming* - 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 site, which amounts to 0.835 hectares, lies on the north side of New Road (A1306). It is currently occupied by a number of mainly vehicle related commercial uses, including vehicle repairs and servicing, but also a metal recycling unit. The area adjoining the site is mainly residential and includes land where there has been recent redevelopment of a commercial site. The area to the south of New Road is predominantly residential. The residential properties comprise a mix of dwelling styles, including flats, bungalows and two storey houses. There is a single access from New Road.

### 2. **Description of proposal**

- 2.1 It is proposed to demolish all existing buildings and redevelop the site for residential purposes comprising 32 two and three- bed houses and 14 one and two bed apartments. There would be a single access to the site close to the existing location. The proposed layout comprises two 2-storey maisonettes in two blocks on either side of the site entrance, with semi-detached and terraced housing beyond off internal access roads which branch either side of the access. A right of way to garages to the rear of Westlyn close is maintained through the development. Car parking is provided to the front and side of the houses and in two parking areas either side of the apartment blocks. There is provision for 72 spaces, including one space each for the apartments and six visitor spaces. Each of the dwellings would have rear amenity areas and the maisonettes would have balconies or ground floor terraces to the front and rear.

### 3. **Relevant History**

- 3.1 P0060.08 - Residential development comprising 9 buildings providing in total, 2 no. studio flats, 16 no. one bedroom flats, 81 no. two bedroom flats and 6 no. four bedroom houses - refused

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

- 4.1 Neighbours have been notified of the application, including subsequent revisions and the application advertised by way of newspaper advert and site notice. Eight neighbours have made representations, some at each stage of the layout and design revisions; two raising objections to the scale and impact of the development, two seeking changes to the boundary treatment, the reminder in support . The objections are as follows:

- Concern about proposed wooden fence adjacent to alleyway in Westlyn Close and how this would be maintained. Requests a wall instead;
- Impact of increase in traffic and potential for overspill car parking in neighbouring streets;

- Existing views across the site obstructed and flats too far forward in the site;
- Lack of school places and medical facilities in the area;
- Would bring large number of people to the area which would cause disruption to existing residents;
- Overdevelopment;
- Impact on privacy of neighbouring properties due to 3-storey height;
- Noise during construction and afterwards.
- More affordable properties required rather than properties fro private rent

In support:

- Housing would be a bonus and remove all the problems associated with the existing commercial use, including noise, burning, fumes pollution and parking issues. Parking on highway verges and across private driveways
- Existing uses carried on without regard to neighbours or health and safety, including night time activities.
- Housing would result in less vehicles and activity on the site
- There is a good mix of nicely designed housing and the development would put the site to positive use and improve visual appearance. The development would enhance the area.

Comments on representations:

- The impacts of the development on the locality and the environmental benefits of removing the existing uses is addressed in detail within the main body of the report. The height of the frontage flats has been reduced to two-storey in the final designs.
- The issue of boundary treatment has been addressed in the revised plans and walls are proposed in certain locations to address neighbour concerns.
- The traffic levels would reduce from the existing and car parking proposed is in accordance with the standards in the LDF and London Plan. The access to development is considered acceptable by the highway authority.
- Potential impacts during construction can be addressed by conditions
- The development has been subject to viability appraisal and a small financial contribution is proposed. This has been verified by independent consultants

4.2 Environment Agency - no comments;

- 4.3 Streetcare (Refuse) - generally acceptable but some plots not easily accessible. Would need to be parking restriction on access routes;
- 4.4 Essex & Suffolk Water - no objections - new water mains will be required;
- 4.5 Transport for London - New Road is not part of the TfL network, but note that the site has a low PTAL rating of 1b with the nearest bus stop over 300 metres away. Agrees that development would not have a significant impact on the highway network. Cycling - provision of 97 cycle spaces accords with London Plan. Parking- 81 spaces (incl. 6 visitor) is in accordance with London Plan. Should be 6 blue badge spaces. Electric charging points should be provided, plus passive provision.
- 4.6 Metropolitan Police-Designing out Crime Officer - no objections but requests changes including: increase in height of certain boundary fences; omission of internal bin store doors and windows; relocation of cycle store door. Requests conditions covering boundary treatment, vehicle parking, lighting and cycle storage..
- 4.7 Thames Water - no objections
- 4.8 Public Protection - land contamination condition requested, but air quality mitigation not required.
- 4.9 London Fire and Emergency Planning Authority - satisfied with the proposals.
- 4.10 London Fire Brigade (Water)- satisfied with the proposals
- 4.11 Streetcare (Highways) - car and cycle parking acceptable, but cycle stores do not appear to be large enough. Access and servicing arrangements acceptable. Footpaths need to be extended to remove shared surfaces. Contribution to provide off-road cycle link to Dovers Corner requested. Conditions covering access, visibility and wheel cleaning requested.
- 4.12 Historic England (Archaeology) - development unlikely to have a significant effect on heritage assets.
- 4.13 Education - development will generate demand for school spaces and financial contribution required to address deficit.

## 5. **Relevant Policies**

### 5.1 Local Development Framework (LDF)

- Core Strategy and Development Control Policies Development Plan Document (DPD) 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 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)

- Evidence base to the Planning Obligations SPD
- Residential Design SPD
- Designing Safer Places SPD
- Sustainable Design and Construction SPD

## 5.2 London Plan

- Policies: 3.3 - Increasing housing supply; 3.4 - Optimising housing potential 3.5 - Quality and design of housing developments; 3.8 - Housing choice; 3.10 - Definition of affordable housing; 3.11 - Affordable housing targets; 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes; 3.13 - Affordable housing thresholds; 3.18 - Education facilities; 5.7 - Renewable energy; 6.10 – Walking; 6.13 – Parking; 7.3 - Designing out crime; 7.4 - Local character; 8.3 - Community infrastructure Levy.
- Parking Standards Minor Alterations to the London Plan
- Housing Standards Minor alterations to the London Plan
- Housing SPG
- Shaping Neighbourhoods: Play and Informal space SPD

## 5.3 National Policy Documents

- Nationally described space standards
- National Planning Policy Framework
- National Planning Practice Guidance

## 6. **Staff Comments**

Principle of the development

- 6.1 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.

- 6.2 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. It would also provide a large proportion of family accommodation (69%) in line with the Borough's housing needs. The existing use also has an adverse impact on neighbouring residential occupiers and its replacement with new housing would secure environmental improvements to the area. In light of these factors the proposed development is considered acceptable in principle.
- 6.3 The issues for consideration in this case are the design and layout of the proposed development and the impact on the character and appearance of the area, the standard of accommodation, the impact on nearby residential properties and parking and highway matters.

#### Scale, Density and Site Layout

- 6.4 The proposed density of development is 55 units per hectare. The site has a PTAL of 1b and the area is considered to be suburban in character. The density matrix in LDF Policy DC2 indicates a density of 30-50 units per hectare. However, higher densities may be acceptable where the existing use is 'non-conforming' or 'bad neighbour' which is the case with this proposal. In these circumstances as the development includes some maisonettes a range of 50-80 units may well be acceptable, subject to layout and design considerations. Policy 3.4 and Table 3.2 of the London Plan indicate that for the number of habitable rooms per unit proposed a density range of 50-75 would be appropriate for the overall development. Parking is indicated at 1-1.5 spaces per unit for flatted development and 1.5-2 spaces for houses in Policy DC2. The London Plan also indicates up to 1.5 spaces per unit. 72 spaces are proposed which equates to 1.56 spaces per unit.
- 6.5 The proposed density lies within 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.
- 6.6 In this case whilst the layout seeks to make efficient use of this brownfield site, the placing of the largest buildings to the front of the site impacts on the character and appearance of the area. The shape of the site and the proximity of residential properties to the site boundaries has to a large extent determined

the form of the layout placing the maisonettes to the front of the site to limit any overlooking. The original proposal was for these to be three-storey flats, but as a result of negotiations these buildings have been reduced to two stories. The need for some maisonettes, rather than entirely houses, is to achieve a viable form of development given the relatively high cost of development. The layout of the development is very tight and there will be matters of judgement for members in deciding whether the layout is acceptable and forms a satisfactory form of development.

#### Design/Impact on the streetscene

- 6.7 The development would consist of mainly two storey dwellings of traditional design constructed in brick and board cladding under pitched tiled roofs. The dwellings are located towards the rear of the site as either three unit terraces or semi-detached pairs. In terms of their scale and appearance these houses are considered to be in keeping with the character of the area, which is mainly houses and bungalow. However, there are some tight relationships within the layout but having regard to the site's configuration these are judged to be generally acceptable. The dwellings would all have rear gardens that would adjoin those of adjoining development and the relationship with these is considered to be acceptable. Back to back distances are typically in the region of 20 metres. The houses proposed to the front of the site would be set back from the road frontage to respect the building line of existing properties and to avoid any unacceptable overlooking issues. The impact of the houses on the character and appearance of the area is judged to be acceptable.
- 6.8 The part of the development that would have the greatest impact on the character and appearance of the area would be the two blocks of two-storey maisonettes proposed either side of the site access. Given their location close to the road frontage the blocks would appear much more visually dominant in the streetscene. However, as these have now been reduced to two-storey and set a little further back into the site they would have much less impact. There are few flatted blocks within the area which is characterised by mainly detached and semi-detached houses and bungalows; however, there are two 2-3 storey blocks opposite the site and other blocks in the wider area.
- 6.9 The blocks would be two-storey constructed in brick with panel cladding, one with hipped tiled roof, the larger with a gabled ended tiled roof. There would be gable ended projections facing onto New Road. There would be entrances to the maisonettes from the front and rear. There would be balconies on the upper floors and ground floor terraces. There would be no ground floor communal amenity space and limited landscaped areas. Most of the area around the maisonettes would be hard surfaced for car parking or circulation, including site access roads. Staff consider that some form of smaller units, such as maisonettes are necessary in order to achieve a viable form of development. Placing these other than towards the site frontage would create unacceptable relationships with existing properties. On balance the proposed is considered acceptable, however, a degree of judgement will need to be applied to the impact of the frontage blocks on the streetscene. They would be similar in scale to those opposite and there is a relatively wide highway verge.

## Impact on amenity

- 6.10 There are existing residential properties along the boundaries of the site, including recent development in Harle Way and Warwick Road. This gives the potential for adverse impact on existing occupiers. The proposed development along the site boundaries would comprise semi-detached and terraced properties and the layout would not give rise to any significant adverse impacts, subject to conditions restricting new windows in flank elevations and controls of garden development. The development would remove an existing commercial use which has an adverse impact on neighbours evidenced by the representations received. The removal of commercial uses would significantly improve their amenities by reducing noise and disturbance and the parking issues identified by neighbours. Taking these factors into account the impact on existing occupiers is considered acceptable.

## Amenity space provision and standard of accommodation

- 6.11 All of the proposed houses would have amenity space either in the form of rear/side garden areas ranging from about 30m<sup>2</sup> to 50m<sup>2</sup>. The maisonettes would have balconies or ground floor terraces. These would face both towards New Road and the properties proposed to the rear of the site. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well-designed manner. Amenity space should also be private and not unreasonably overshadowed. In this case some of the garden areas would be less than 40m<sup>2</sup> and on the north side of dwellings which means that they would be partly overshadowed. For three-bed properties some of the gardens would be particularly small. While new occupiers would be aware of the situation prior to occupation it is also incumbent on the planning system to ensure that new developments are designed with adequate levels of accommodation and amenity for future residents. Notwithstanding these matters most of the new houses are considered to have an acceptable level of amenity space. Whilst there would be some cases where the provision would not be ideal overall it is judged that the level of amenity provision for the housing would be acceptable. With regard to the maisonettes each of the units would have some usable amenity space either to the front or rear of the blocks, although on the ground floor this would not be entirely private and in some cases below the recommended standard of 5m<sup>2</sup>. However, frontage space is generally considered to offer an acceptable form of amenity space which new occupiers would be aware of in advance. Overall it is judged that the level of amenity space would be adequate given the scale of development necessary and the design and layout constraints.
- 6.12 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the units are considered to be acceptable. Overall the proposed layout of the buildings and amenity areas is considered acceptable. Given the density of the development and the issues

raised in respect of amenity space members will need to exercise judgement in relation to acceptability.

- 6.13 All of the units would meet the nationally described internal space standards. In terms of accessibility 10% of the new dwellings would need to be wheelchair user and the remainder would need to be accessible and adaptable, except where it has been demonstrated that the cost of installing and maintaining lifts to upper floors would be unreasonable and disproportionate given the number of units involved. In this case no lifts are proposed for the maisonettes and the first floors would not be accessible in accordance with LDF Policy DC7 and London Plan Policy 3.8 on accessibility and 'Lifetime Homes' which has now been replaced by reference to the Building Regulations. Whether development should comply with Part M4 (2) of the Building Regulations (Accessible and Adaptable Dwellings) needs to be considered at the planning application stage. The scheme as designed would require a lift that would serve only three and four units respectively for the two blocks. Installing lifts would make the development unviable and service charges would be disproportionate and prohibitive for future occupiers which would discourage potential purchasers. In view of this Staff are of the view that given the small number of units on each floor of the individual blocks that there would be implications for future occupiers of significant on-going maintenance costs. Accordingly Staff consider that a development without lifts to the upper floors can be justified in this case.

#### Children's Play Space

- 6.14 The Shaping neighbourhoods: Play and informal recreation SPG to the London Plan provides guidance on the provision of children's play space in new developments. London Plan policy 3.6 requires that space should be provided in accordance with the SPG and LDF policies. LDF Policy DC21 requires major new development to include adequate open space on site. Where this is not possible a financial contribution may be accepted to improve existing facilities. However, there is no longer any specific charging mechanism. Previously play space would have been funded from the general infrastructure contribution but due to legislation changes this no longer applies. For this proposal given the site constraints no on-site provision is proposed. The assessment of provision under the SPG is that the development would generate 14 children, most under 5 years. This indicates 68m<sup>2</sup> of provision would be required.
- 6.15 The London Plan expects provision to normally be made on site. However, off-site play provision including the creation of new provision, improvements to existing play facilities and/or an appropriate financial contribution secured by legal agreement towards this provision may be acceptable in accordance with Policy 3.6 where it can be demonstrated that there are planning constraints and that it fully satisfies the needs of the development whilst continuing to meet the needs of existing residents. If there is existing provision within an acceptable distance of a proposed development, financial contributions as an alternative to new provision would be appropriate if this would meet the objectives set out in the play strategy. Off-site provision may be particularly relevant for smaller schemes, such as the current case.

- 6.16 The SPG indicates that where there are private rear gardens this may be sufficient to meet the needs of under- 5s. For other age groups existing provision within 400 metres would be acceptable. There is existing park in the area within 400 metres and further park about 540 metres away. In the light of these factors and the small number of children the site would generate the provision of private rear gardens for the family units and the existing parks with play areas nearby are considered acceptable to provide adequate play space. In the absence of a specific charging mechanism that replaces the infrastructure contribution an off-site contribution is not considered appropriate.

#### Parking and Highway Issues

- 6.17 The proposed parking is at a ratio of 1.56 spaces per unit. Most of the three-bed properties would have two spaces each and each of the two bed units would have one space. This level of provision would accord with London Plan and LDF policies. No objections have been raised in terms of the access, although some minor changes would be required in terms of the internal layout, although this could be addressed through conditions.
- 6.18 In its consultation response Streetcare (Highway authority) has recommended that if the accessibility objectives set out in the application for cyclists are to be achieved then an off-road cycle route should be provided. There is currently no provision and given the existing 40mph speed limit along New Road an off-carriageway route To Dovers Corner would make cycling more attractive. This would be secured through a financial contribution. This would, in principle accord with LDF policies DC35 and DC72. However, there are no specific proposals to secure a route to Dovers Corner which the money would contribute to and other recent housing development in the locality has not been required to make a contribution to a scheme. Any contribution is likely to be at the expense of the affordable housing contribution given the viability of the scheme. In these circumstances seeking a contribution is not considered appropriate or necessary to make the development acceptable.

#### Contamination and ground conditions

- 6.19 A Phase 1 contaminated land report has been submitted with the application. This identifies several potential sources of contamination from existing and previous uses. This includes various hydrocarbons from the various automotive related uses. The site was previously occupied by a petrol filling station. There is also the potential for solvents, heavy metals and asbestos. However, the report concluded that it is unlikely that there is widespread contamination and that which is present is likely to be localised. A further targeted site investigation is recommended which could be addressed by condition. Remedial works are considered likely to be necessary. The level of contamination can be addressed and remediated prior to development. There are no objections to the development on the grounds of contamination.

## Designing out crime

- 6.20 The scheme has been considered in respect of the potential for crime and design solutions to minimise the risk. The Metropolitan Police Designing Out Crime officer has recommended a number of measures. These include increasing the height of boundary treatments to 2 metres and removing internal doors and windows to cycle and bin stores. These are matters that can be addressed through conditions. A further condition is recommended on lighting within the development. Conditions covering these matters are recommended.

## Infrastructure impact of the development

- 6.21 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.
- 6.22 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 Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.23 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.
- 6.24 Changes to the CIL Regulations in 2015, mean 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.
- 6.25 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.
- 6.26 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve

all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's 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, unless the development is within an area of the Borough where there is a surplus of school places. Evidence has been provided from the Council's education service that there is a shortage of school places at both secondary and primary level in the Rainham area.

- 6.27 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought and it is considered that in view of the supporting evidence 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. It is considered that a financial contribution equating to £6,000 per dwelling would be appropriate in accordance with policy DC72 to make the development acceptable. There would be a net addition of 52 units and a charge of £312,000 is considered necessary to make the development acceptable in accordance with the policy.

#### Affordable Housing

- 6.28 For all new housing schemes the Council seeks to achieve a target of 50% affordable housing in accordance with LDF Policies CP2 and DC6. This equates to 23 units. London Plan Policy 3.12 requires that the maximum amount of affordable housing should be sought. In considering this a range of matters should be taken into account, including viability. The NPPG states that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.
- 6.29 In this case the applicant has submitted a viability appraisal that seeks to demonstrate that affordable units could not be delivered on site through these proposals but that there would be scope for a financial contribution of £125,269. The appraisal has been independently assessed which confirms these conclusions. Consequently the developer has proposed to provide this sum to be used towards affordable housing. Subject to the prior completion of a S016 planning obligation this is considered acceptable in accordance policies DC6 and DC72 of the LDF.

#### 7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing commercial floorspace has been lawfully used within this period. ben

7.2 The existing buildings amount to 1,345 square metres and the proposed development would be 4,053 square metres, giving a liability on the net increase of 2,708 square metres at £20 per square metre (subject to indexation). The CIL liability would amount to £54,160 (subject to indexation).

## 8. **Conclusions**

8.1 The proposed redevelopment of the site would be acceptable in principle in accordance with LDF and London Plan policies for new housing and brownfield land. The site is in commercial use but lies within a predominantly residential area. The redevelopment of the site would bring about important environmental improvements by removing 'bad neighbour' development and assist in meeting Havering's housing needs. The proposal raises issues in respect of the scale of the development and impact on the character and appearance of the area. There are matters of judgement for members in respect of these issues and should there be concerns in this regard these matters could amount to a material objection to the proposals. However, Staff consider that taking all material considerations into account that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable. The grant of planning permission is recommended accordingly.

## **IMPLICATIONS AND RISKS**

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

None

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

Legal resources will be required to prepare and complete the S 106 legal agreement. 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:**

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

## **BACKGROUND PAPERS**



1. Application form and revised plans received 3<sup>rd</sup> June 2016 and 5<sup>th</sup> December 2016.