



REGULATORY SERVICES COMMITTEE

REPORT

02 February 2017

Subject Heading:

P1161.16

Land at the junction of Crow
Lane/Sandgate Close, Romford

Re-development of the site to provide 150
dwellings, together with new access
junctions, associated car parking,
landscape and infrastructure works
(Application received 10th August 2016)

Ward:

Brooklands

Lead Officer:

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Planning Manager

Report Author and contact details:

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Policy context:

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

Financial summary:

Not relevant

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 is an application for the re-development of land at the junction of Crow Lane and Sandgate Close. The development would provide 150 dwellings together with new accesses, associated car parking, landscaping and infrastructure works. The development would comprise five blocks of flats, up to five storeys in height, together with four blocks of terrace houses.

This site forms part of a secondary employment area however the Employment Land Review undertaken by the Council in 2015 identified an over-provision of such land and suggested that this site was potentially suitable for a change of use. Accordingly, no principle land-use objection is raised to a residential led re-development of the site.

The application has been assessed in context of material planning considerations including design and layout, amenity and local character, highways and environmental impacts and, on balance, staff consider that the development complies with relevant policy and guidance and recommend that planning permission be granted subject to conditions and appropriate legal agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL), in accordance with policy 8.3 of the London Plan, and that the applicable levy, based on the creation of 13,700m² new floorspace, would be £274,000 (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:

- The provision of 16 affordable units in intermediate forms of tenure - block E as shown on the approved drawings;
- A management and maintenance plan for the public open spaces; non-adopted roads; car parking areas; and sustainable urban drainage; and
- A financial contribution of £900,000 to be paid prior to the commencement of development to be used towards education and projects required as a result of increased demand for school places in the Borough.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall 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; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

It is therefore recommended that the Assistant Director of Regulatory Services 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. 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 policy DC61 of the Development Control Policies Development Plan Document.

3. Before the development hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify which spaces within the development would be assigned to each unit and/or as visitor, servicing and delivery spaces, together with those with electric charging points. All car parking areas 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 interests of highway safety, and that the development accords with policies DC2, DC33 of the Development Control Policies Development Plan Document and policies 6.3 and 6.13 of the London Plan.

4. No building shall be occupied 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 would 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 to comply with policy DC35 of the Development Control Policies Development Plan Document and policy 6.9 of the London Plan.

5. A Travel Plan shall be developed in accordance with details outlined in the document titled 'Residential Travel Plan', produced by Motion and submitted with the application. With regard to this, a travel survey shall be undertaken once the development is 75% occupied. Within six months of this survey being undertaken a detailed Travel Plan for the site outlining targets, monitoring and review mechanisms shall be produced and this shall be submitted to the Local Planning Authority for approval in writing. The Travel Plan shall be implemented as approved.

Reason: The applicant as part of this application has submitted a Framework Travel Plan which includes a number of initiatives and mitigation measures to ease potential impact on the highway. Ensuring that the applicant promotes, monitors and updates the Travel Plan, throughout the life of the development, will seek to ensure the development accords with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 6.1 and 6.3 of the London Plan.

6. The proposals shall provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed accesses, set back to the boundary of the public footway. There shall 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 policy DC32 of the Development Control Policies Development Plan Document.

7. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: In the interests of ensuring good design, public safety and to comply with policies CP10, CP17 and DC61 of the Development Control Policies Development Plan Document.

8. No works shall take place in relation to the development hereby approved until a Construction Method Statement and Construction Logistics Plan 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 Statement and Plan shall include details of:

- a) the phasing of the build programme;
- b) vehicle routeing and how construction vehicle movements would be optimised to avoid the am and pm traffic peaks;
- c) parking of vehicles of site personnel and visitors;

- d) storage of plant and materials;
- e) dust management controls;
- f) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- h) a scheme for monitoring noise and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- i) siting and design of temporary buildings;
- j) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and
- k) 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 with policy DC61 of the Development Control Policies Development Plan Document.

9. 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 policy DC61 of the Development Control Policies Development Plan Document.

10. 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 shall provide:

- a) A plan showing where vehicles would be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show

where construction traffic would access and exit the site from the public highway.

b) A description of how the parking area would be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;

c) A description of how vehicles would 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 would 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 policies DC32 and DC61 of the Development Control Policies Development Plan Document.

- 11.No development shall take place until a scheme/details of how principles and practices of the Secured by Design award scheme are proposed to be adopted within the development. The scheme shall include, but not be limited to, details on proposed boundary treatments and site security measures and shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to determine whether the proposals meet Secured by Design standards. Submission of such details is in the interest of crime prevention and community safety and guidance contained in policies CP17, DC49 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 7.3, 7.4 and 7.5 of the London Plan.

- 12.No development shall take place until a Delivery and Servicing Plan is submitted to and approved in writing by the Local Planning Authority. The Plan shall seek to identify ways in which deliveries and collections (to in-particular occupiers of the flats), servicing, and waste removal would be organised and managed. The Plan shall include details of refuse and recycling facilities, where safe and legal loading would be permitted to take place, and any communal storage areas for deliveries or collections (inclusive of the management of such areas). The development shall be carried out in accordance with the approved Plan.

Reason: Insufficient information has been supplied with the application in respect of how deliveries and servicing would be managed. Submission of details prior to commencement will ensure due consideration of such issues and that the development accords with policies DC32 and DC61 of the

Development Control Policies Development Plan Document and policies 6.1, 6.3 and 7.3 of the London Plan.

13. The development hereby permitted shall be undertaken in accordance with the details outlined in the submitted Energy Statement, dated June 2016, inclusive of the details of the proposed location of the solar panels as shown on the approved drawings referred as part of this decision notice.

Reason: In the interests of sustainable development, achieving aspirations for a reduction in carbon dioxide emissions and to ensure that the development accords with policies CP15, CP17, DC49, DC50, DC52 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.7 and 7.14 of the London Plan.

14. No building shall be occupied 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 development. Submission of this detail prior to occupation will protect residential amenity and ensure that the development accords with policies CP15, CP16, CP17, DC58 and DC61 of the Development Control Policies Development Plan Document and policies 7.3, 7.4 and 7.5 of the London Plan.

15. No development shall take place until details of a scheme for protecting potential occupiers from road and railway noise is submitted to the Local Planning Authority for approval in writing. Such a scheme shall be based upon the details and technical specifications outlined within the Noise Assessment, dated June 2016, submitted with the application, and cover the type of glazing proposed for each unit; together with passive acoustic ventilators where an exceedance in standards may result from the opening of windows, patio or balcony doors in living rooms or bedrooms. The development shall be implemented in accordance with the details approved.

Reason: Insufficient information has been supplied with the application to demonstrate that the outlined noise mitigation measures would be employed across all potentially impacted units. Submission of the scheme prior to commencement will prevent noise nuisance to the development and subsequent complaints against established employment uses in the locality, in accordance with policies CP17, DC49, DC50, DC55 and DC61 of the Development Control Policies Development Plan Document and policies 3.5, 5.3, 5.7 and 7.15 of the London Plan.

16. No development shall take place until details of the sustainable urban drainage system proposed to be installed on-site has been submitted to the Local Planning Authority for approval in writing. The drainage scheme shall follow the principles as outlined in the Flood Risk Assessment, dated July 2016, submitted

with the application, and that shown on drawing titled 'Proposed Surface Water Drainage Strategy Plan', drawing no. C6712/SK1.

Reason: In the interests of ensuring that sufficient permeability and underground storage water capacity is created and that the development does not give rise to additional flood risk in the locality. To furthermore comply with policies CP15, DC48, DC49, DC51, DC58 and DC61 of the Development Control Policies Development Plan Document and policies 5.3 and 5.13 of the London Plan.

17. The development hereby permitted shall be undertaken in accordance with the tree protection measures outlined in Appendix 5 of the submitted Arboricultural Impact Assessment, dated July 2016.

Reason: To ensure that the trees to be retained, many of which are subject of Tree Preservation Orders, are not harmed during the course of the development and to comply with policies CP16, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 7.4 and policies 7.21 of the London Plan.

18. At least 15 of the units hereby approved shall be constructed to comply with Part M4 (3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the units hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to accord with policy DC7 of the Development Control Policies Development Plan Document Policy and policy 3.8 of the London Plan.

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

Reason: In order to accord with policy 5.15 of the London Plan.

20. No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until a verification report has been submitted to the Local Planning Authority for approval in writing, demonstrating that the remediation works identified in the Geotechnical and Geoenvironmental Interpretative Report and Remediation Strategy, dated May 2016, submitted with the application, have been carried out satisfactorily and any longer-term monitoring, maintenance and contingency actions necessary identified.

Reason: Insufficient information has been supplied with the application to demonstrate no unacceptable risk arising from contamination. Submission of a verification report prior to commencement will ensure the safety of the occupants of the development and the public generally. It will also ensure that the development accords with policies CP15, DC53, DC54 and DC61 of the Development Control Policies Development Plan Document and policies 5.19 and 5.21 of the London Plan.

21. 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 submitted assessment, then revised contamination and remediation proposals shall be submitted to the Local Planning Authority for approval in writing. The remediation strategy shall be implemented as approved. Following completion of any such remediation works a verification report shall be submitted demonstrating that the works have been carried out satisfactorily and remediation targets 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 and to comply with policies CP15, DC53, DC54 and DC61 of the Development Control Policies Development Plan Document and policies 5.19 and 5.21 of the London Plan.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including additions to roofs) shall be made to the terrace houses hereby permitted, or any detached building erected, without the express permission in writing 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 policy DC61 of the Development Control Policies Development Plan Document.

Informative(s)

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. 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.

3. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus are not affected by the development.
4. As this site is adjacent to Network Rail's operational railway infrastructure, the applicant is advised to contact Network Rail at assetprotectionanglia@networkrail.co.uk, prior to undertaking any works on site. Network Rail recommends that the developer agrees an Asset Protection Agreement with Network Rail to enable approval of detailed works. Further information can be obtained from www.networkrail.co.uk/asp/1538.aspx.
5. In aiming to satisfy the secure by design condition of this permission, the applicant should seek the advice of the Police's Designing Out Crime advice service. This service is available free of charge and officers can be contacted on 02082173813 or at docomailbox.ne@met.police.uk.
6. Before occupation of the residential units 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: www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx
7. 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 £274,000 (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.
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. 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.

REPORT DETAIL

1.0 Site Description

- 1.1 The application site lies on the northern side of Crow Lane, circa 1km to the south-west of Romford town centre and the railway station. The site can be accessed from Crow Lane and Sandgate Close, as existing, and forms a rough rectangle, measuring 1.5ha in size. The site is currently vacant although previously was used by National Grid in association with the gas works.
- 1.2 The site is bound to the north by an embankment to the railway line and its associated infrastructure. To the east of the site lies Sandgate Close, beyond which is the Royal Mail Romford Sorting Office. To the south is Crow Lane, beyond which is Romford cemetery. And, directly west of the site, separated by a row of trees and shrubs, lies the rear gardens of the residential properties in Beechfield Gardens.
- 1.3 The application site does not form part of a conservation area, and is not located within the immediate vicinity of any listed buildings. The site is however located within the buffer zones for the Romford/Baker Street pipeline; Chigwell/Romford pipeline; Romford/Stagg Hill pipeline; and Romford Holder Station.
- 1.4 The site forms part of a secondary employment area although it is noted that, as part of the Employment Land Review undertaken by the Council in 2015, this site was identified as potentially being suitable for de-designation and a residential led re-development.

2.0 Description of Proposal

- 2.1 The proposal is for the re-development of the site to provide 150 dwellings, together with new access junctions, associated car parking, landscaping and infrastructure works.
- 2.2 The development would comprise five blocks of flats, up to five storeys in height, together with 17 dwellings formed from four terrace rows. In terms of layout, it is proposed that along Crow Lane the development would be three storeys, rising to five storeys as it moves into Sandgate Close, and adjacent to the Royal Mail sorting office. The two further blocks to the north of the site would fall to four storeys, with the row of terraces proposed to the west the site, in an attempt to form a relationship with those along Beechfield Gardens.

- 2.3 The proposed mix of units is as follows:
- 18 x one bed, two people flats;
 - 19 x two bed, three people flats;
 - 74 x two bed, three people flats;
 - 22 x three bed, four people flats; and
 - 17 x four bed, six people houses.
- 2.4 225 car parking spaces are proposed, facilitated by two underground or basement car parking areas, together with 282 cycle spaces.
- 2.5 In terms of access, vehicular access has principally be confined to Sandgate Close, to avoid possible conflict with the Crow Lane roundabout. However, additional entry/exits points are proposed to be created. With regard to this, the first entry point to the site, from Sandgate Close, would provide access to a ground parking area and the underground car park below block B. The second access to the site forms one end of a loop road within the site providing access to the parking areas in front of the terrace houses and the underground car park beneath block C. This road loops around block D to come out just south of the bend in Sandgate Close as the road sweeps around the Royal Mail building. A pedestrian access point to the site would be created from Crow Lane and a new footpath installed along Sandgate Close to provide safe public access into the site.
- 2.6 In terms of design, and proposed building treatments, a brickwork façade is proposed to match the surrounding vernacular. Window bays, on the building blocks, are proposed to be articulated, with subtle changes in brick type, colour and detail to add interest. Cladding panels are nevertheless proposed at fifth floor level, and on corner junctions, to add interest and prominence. In terms of brick colour, it is proposed that blocks A, C and E and the terrace blocks 2 and 4 would be constructed in a handmade red brick, whereas blocks B and D and terrace blocks 1 and 3 would be constructed in a cream buff brick. Each flat is proposed with either a private terrace or garden (ground floor) or a self-supporting or free standing balcony. The terrace houses would all be supported by private rear gardens. Three communal plays areas are furthermore proposed within the development.

3.0 Relevant History

- Application ref: P0989.14 - Change of use to provide a temporary car park for up to 290 spaces to serve Queen's Hospital employees, together with revised access and associated infrastructure - Approved 03/10/2014
- Application ref: P0607.11 - Change of use of land and positioning of 100 containers plus open storage for individual and business users - Approved 10/06/2011
- Application ref: P1521.10 - Proposed site remediation works - Approved 14/01/2011

4.0 Consultations/Representations

61 properties were directly notified of this application. The application was advertised in the local press and by way of site notice. Four letters of representation have been received including one submitted on behalf of Royal Mail. Taking the comments received from Royal Mail separately, the three letters of public representation raised concerns about the suitability of the site (from a contamination perspective) for residential use and potential implications from ground interference to nearby properties; traffic, parking and the efficient operation of the Crow Lane mini-roundabout; loss of privacy and light; amenity (dust and odour) impacts; and the loss of TPO trees along the boundary with the properties on Beechfield Gardens. Questions were also asked about the provision of affordable housing within the development; and the quality of life, mindful of the 24 hour nature of Royal Mail, occupiers would experience.

The representation submitted on behalf of Royal Mail was quite detailed and technical. Principally the objection nevertheless raised concerns about the balconies proposed on the blocks facing Royal Mail. Royal Mail is concerned of complaints arising, should planning permission be granted, about noise from vehicles and the 24 hour nature of the site. An Acoustic Report, commissioned by Royal Mail, was submitted in support of their concerns. Royal Mail is furthermore concerned about the location of the accesses and one of the play areas, for the same reason and safety. In addition to the aforementioned - comments in respect of congestion, density, parking, refuse and construction were all raised.

Anglian Water - No comments received.

EDF Energy - No comments received.

Environment Agency - The proposed development appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. Where necessary, we advise that you seek appropriate planning conditions to manage both the risks to human health and controlled water from contamination.

Essex and Suffolk Water - No objection.

Highway Authority - No objection, in principle, subject to conditions. The applicant has reviewed the operation of the junction of Oldchurch Road and Oldchurch Rise which shows that this is currently running beyond capacity. The development would therefore put added pressure on this junction. This pressure has been deemed negligible, in the evening peak, by the assessment submitted by the applicant. The Highway Authority consider this opinion reasonable but believe it appropriate that Members should be aware of the capacity issues in this area and that this is a limiting factor to development coming forward.

Sandgate Close is a private road and therefore the Highway Authority has no control over its use of management. Any parking which may or may not have

historically taken place are not within the Authority's legal interest. To confirm, the Highway Authority are not in a position to adopt Sandgate Close and accordingly would not adopt the roads forming part of this development.

HS1 - No comments received.

London Borough of Havering Environmental Health/Public Protection:

Contamination - No objection subject to conditions.

Noise - It is the opinion of the Environmental Protection Officer that the balconies proposed, as part of the development, should be considered amenity space and subject to the 55dB(A) design criteria which they fail to meet. It is accepted that this only a guideline but the failure is nevertheless raised to be considered in the planning balance, mindful of relevant design policies and guidance and the potential for noise nuisance complaints from the nearby Royal Mail use.

London Borough of Havering Lead Local Flood Authority - No objection.

London Borough of Havering Waste & Recycling - No objection.

London Fire Brigade - One additional fire hydrant would be required to be installed on-site. This would be arranged and installed by Essex and Suffolk Water. Access for vehicles should comply with Section 11 of Volume 1 of Approved Document B of the Building Regulations 2010, and in the case of flats, 16.3 or Note 1, if applicable, of Volume 2 of ADB. Access roads should be a minimum 3.7m in width and any dead-ends provided with adequate turning facilities.

Metropolitan Police (Designing Out Crime) - No objection subject to the imposition a condition requiring the submission of how the principles and practices of the Secured by Design Scheme are to be incorporated into the development. Additional conditions with regard to boundary treatment, lighting, vehicle and cycle parking are furthermore supported.

National Grid - Due to the presence of National Grid apparatus in proximity to the application area, the applicant should contact National Grid before any works are carried out to ensure that apparatus are not affected by the development.

Network Rail - The applicant must ensure, both during construction and completion that the site does not:

- encroach onto Network Rail land;
- affect the safety, operation or integrity of the company's railway and its infrastructure;
- undermine its support zone;
- damage the company's infrastructure;
- place additional load on cuttings;

- adversely affect any railways land or structure;
- over-sail or encroach upon the airspace of any Network Rail land;
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

The applicant is strongly encouraged to contact Network Rail prior to commencement, should planning permission be granted.

Thames Water - No objection. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

Transport for London - No objection in principle although clarification of the status of Sandgate Close with regard to Royal Mail customer parking is sought; it is recommended that the total number of spaces be reduced to no more than one space per unit; that the small area of car parking to the north-west be removed to increase the size of the play space; and that conditions in respect of a site travel plan, delivery and service plan and construction logistics plan be secured by condition.

UK Power Networks - No comments received.

5.0 Relevant Policies

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP01 - Housing Supply, CP02 - Sustainable Communities, CP09 - Reducing The Need To Travel, CP10 - Sustainable Transport, CP15 - Environmental Management, CP16 - Biodiversity and Geodiversity, CP17 - Design, DC02 - Housing Mix and Density, DC03 - Housing Design and Layout, DC06 - Affordable Housing, DC07 - Lifetime Homes and Mobility Housing, DC10 - Secondary Employment Sites, DC21 - Major Developments and Open Space, Recreation and Leisure Activities, DC29 - Educational Premises, DC30 - Contribution of Community Facilities, DC32 - The Road Network, DC33 - Car Parking, 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, DC54 - Hazardous Substances, DC55 - Noise, DC58 - Biodiversity and Geodiversity, DC60 - Trees and Woodlands, DC61 - Urban Design, DC72 - Planning Obligations

The Council's Landscaping SPD, Protection of Trees during Development SPD, Residential Design SPD, Residential Extensions and Alterations SPD, Sustainable Design and Construction SPD and Planning Obligation SPD

London Plan: 3.3 - Increased 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, 3.11 - Affordable Housing Targets, 3.13 - Affordable Housing Thresholds, 5.3 - Sustainable Design and Construction, 5.7 - Renewable Energy, 5.13 - Sustainable Drainage, 5.15 - Water Use and Supplies, 5.19 - Hazardous Waste, 5.21 - Contaminated Land,

6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.9 - Cycling, 6.13 - Parking, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.14 - Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 7.21 - Trees and Woodlands, 8.2 - Planning Obligations and 8.3 - Community Infrastructure Levy

Government Guidance: National Planning Policy Framework and National Planning Practice Guidance

6.0 Mayoral CIL Implications

The application seeks planning permission for 150 residential units. In consideration of the net amount of residential accommodation which would be created, as detailed on the CIL liability form submitted by the applicant, a Mayoral CIL contribution of £274,000 (this figure may go up or down subject to indexation) would be required should planning permission be granted.

7.0 Appraisal

Principle of Development

- 7.1 Policy CP1 of the LDF states, as a headline objective, that a minimum of 535 new homes will be built in Havering each year. Table 3.1 of the London Plan supersedes this 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. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.
- 7.2 As outlined previously in this report, this site forms part of a secondary employment area. Policy DC10 of the LDF states that within secondary employment areas, planning permission for non B use classes will only be granted in exceptional circumstances and when the applicant has demonstrated the following:
- the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period;
 - the site is not considered fit for purpose when assessed against the economic, planning and property market criteria provided in Appendix A of Havering's Employment Land Review 2006; and
 - the site has proved very difficult to dispose of for B1 (b) (c), B2 and B8 uses.
- 7.3 The Employment Land Review undertaken by the Council in 2015 assessed the Crow Lane designation and suggested that all but the 2.4ha Royal Mail site

could be released from industrial/employment use. The Employment Land Review concluded that there was an over-provision of employment land in the Borough and suggested releasing this site for such purposes as there is limited prospect of the site being re-developed for industrial uses. The position is confirmed in the marketing evidence submitted by the applicant in support of the application.

- 7.4 This site has been vacant for approximately four years, since the open storage use ceased, and staff consider the proposed residential led re-development would help meet housing and wider regeneration objectives. Accordingly, no principle objection is raised to the development coming forward. This is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

Density, Scale, Mass and Design

- 7.5 Policy DC2 of the LDF states that planning permission will only be granted for new housing if a design led approach is adopted in determining the type, size and form of new development with regard to:
- the type and size of new housing required to meet local and sub-regional housing needs and create mixed and balanced communities; and
 - the densities detailed within the density matrix outlined in the policy which considers the Public Transport Accessibility Zone (PTAL) for the area.
- 7.6 This site has a PTAL rating of between 1b (very poor) and 2 (poor). The recommended density for development coming forward in such locations is between 30-50 units per hectare together with a parking provision of 2-1.5 spaces per unit.
- 7.7 On the basis that this site has an area of 1.5ha, the development of 150 units represents an over-development of the site in context of the density matrix outlined as part of policy DC2 - at 100 units per hectare. With regard to this, the policy suggests that densities higher than 30-50 units outside the PTAL zones identified may be acceptable, but only when:
- on a large development site;
 - where the existing use is non-conforming or 'bad neighbour';
 - on sites which are adjacent to higher PTAL zones; or
 - the development is intended for permanent occupation by the elderly.
- 7.8 Staff consider that at 1.5ha this is a relatively large or major development site. Staff also note that adjacent industrial/employment use (Royal Mail) which although not non-conforming, in terms of the employment designation, could potentially fall within the 'bad neighbour' bracket - refer to section on amenity for further comment. The site is also located within 400m of an area with a 6a PTAL. Mindful of this, staff consider that the higher density proposed could

potentially be acceptable noting that density in any respect is only one measure of acceptability.

- 7.9 The supporting text to policy DC3 of the LDF details that the Council requires good design in all new housing developments in order to create attractive, safe, secure and high quality living environments which are sustainable and where people will choose to live. Expanding on this, policy DC61 seeks to ensure that development proposals maintain, enhance or improve the character and appearance of the local area.
- 7.10 Staff note that as existing the vacant nature of this site aids the transition from the more residential character and make-up of the area to the west from the more employment/industrial nature to the east. That being said the previous type and scale of development on-site must be remembered and the vacant appearance, as existing, accordingly not seen solely as the starting point or basis to define any visual impact or character change moving forward.
- 7.11 Given that the employment uses to the east do not form part of this application, a key objective identified by the applicant in formulating the proposed site layout was to design a development which positively responded to both characters/areas. With regard to this, the applicant has sought to create a new active frontage to Crow Lane and Sandgate Close in an attempt to add character and street interest but keep the taller elements of the proposal to the corner junction with Crow Lane and adjacent to the Royal Mail building, with the terrace housing to the west of the site to mirror the street form along Beechfield Gardens.
- 7.12 Staff concur with this approach adopted and consider that the rationale for locating the higher/taller elements of the development towards the east and Royal Mail logical. At five storeys it is acknowledged that the development would be higher than that surrounding it however it is considered that the scale and nature of the Royal Mail building renders a block of flats more logical than say detached, semi-detached and terraced dwellings, given the interaction likely between the two sites and juxtaposition a lower form of development would create from a street scene perspective.
- 7.13 In terms of Crow Lane and the existing street scene, as one travels from the town centre, the residential nature of the street scene changes from the roundabout with Dagenham Road. For a circa 330m stretch of road, there is very little active frontage on the northern side of the road, with Romford cemetery to the south. Looking at this stretch of road in more detail, on the northern side of the road you first come to the gas holders; then the Royal Mail building; and then the site to which this application relates. None of the aforementioned have a significant street appeal and a key objective of any re-development of this site, for staff, was achieving this and seeking to create more interaction. The proposed development achieves this through the creation of private entrance doors to the ground floor units, new pedestrian footways through the site and new footways along Crow Lane and Sandgate Close.

- 7.14 In terms of building heights, part of block B and block C would be the tallest elements of the development, extending to five storeys. Whilst it is accepted that this would be relatively tall development, in context, staff are of the opinion that height in this case, instead of seeking to maximise the number of units, has been used in a positive manner to help define the site. The applicant has not sought to seek five storey blocks of development across the site and instead through appropriate variation of form and spacing in the opinion of staff been able to come forward with a site layout which can be both read in isolation and as part of the wider locality. Accordingly, staff do not consider that the development as a whole would appear over-bearing and/or detrimental to the existing character of this area.
- 7.15 Staff, in support of this, note that the proposed material palette seeks to be traditional in form with a bit of a modern twist with the use of cladding on the taller elements and projecting aluminium balconies to break up the extent of the brick facades. The development would furthermore be broken up by additional landscaping with three communal play areas, a cumulative provision which complies with the London Plan.
- 7.16 In terms of private amenity space, the Council's Residential Design SPD suggests that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. In this instance, all of the ground floor units proposed as part of this development would have a defensible garden or patio area; and above ground flats would be supplied with a balcony area. The terrace dwellings, to the west of the site, are all proposed with private rear gardens, circa 60m² in size. In terms of unit size, staff have also assessed the development against the Technical housing standards - nationally described space standard and confirm that each unit complies with the appropriate standard for the intended level of occupation.
- 7.17 With regard to accessibility at least 10% of the dwellings proposed would be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. With the remainder of the dwellings constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings, in compliance with that required by the London Plan.
- 7.18 From a sustainability perspective, it is proposed that enhanced insulation would be installed in all walls, floors, roofs and windows to reduce thermal leakage; with all units proposed to be heated by individual gas combi-boilers with mechanical heat recovery ventilation. Photovoltaic panels would furthermore be installed throughout the development to realise a policy compliant 35.12% reduction in CO₂ emissions relative to Building Regulations.
- 7.19 For the aforementioned reasons it is considered that the development complies with policies DC2, DC3, DC7, DC36, DC40 and DC61 of the LDF and policies 3.5, 5.3, 5.15, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan with regard to density, scale, mass and design.

Residential Mix and Affordable Housing

- 7.20 Policy DC2, expanding on the above, details that the Council will, as part of any major residential development coming forward be seeking an indicative housing mix of: 24% one bedroom units; 41% two bedroom units; 34% three bedroom units; and 1% five+ bedroom units.
- 7.21 Policy DC6 states that the Council will aim to achieve 50% affordable housing provision as part of new major housing development in the Borough. In applying this target the Council, will through negotiation and agreement with the applicant, assess the suitability of on-site or off site provision for affordable housing the subsequent percentage that is sought with regard to:
- site, size, suitability and viability;
 - the need to achieve and deliver a successful housing development;
 - availability of public subsidy; and any
 - other scheme requirements.

In determining planning applications for private residential schemes, including sheltered housing, the Council will seek the maximum reasonable amount of affordable housing having regard to the borough-wise target and tenure need.

- 7.22 Although the indicative mix of units does not comply with that outlined in policy DC2, staff consider that the mix at 12% one bedroom units; 62% two bedroom units; 15% three bedroom units; and 14% four bedroom units is acceptable in principle and sufficient to allow a mixed balanced community to form.
- 7.23 With regard to affordable housing, the applicant has submitted a viability appraisal which suggests that the development cannot support any affordable housing. Following independent review of this by two parties, the Council has negotiated that offer with the applicant following disagreement over suggested build costs. 16 affordable units have subsequently been offered on an ex gratia basis, which the Council's independent appraiser is content with as an offer. In respect of this, the applicant intends to offer block E in its entirety and has suggested all units would be offered in intermediate forms. The Council's preference is for a 50:50 split between affordable rent and shared ownership (intermediate), as outlined in the Housing Strategy 2014-17, but the applicant has suggested that Registered Providers spoken to would not accept such a split from one core (i.e. in one block). There is also added financial implications with affordable rent, when compared to shared ownership, which on the basis that the offer is ex gratia the applicant considers is unwarranted and not justifiable.
- 7.24 The Council's Housing department considers it important that any affordable housing provided meets Havering's needs. However, in context that Havering's identified need is not currently supported by policies in the LDF and recent guidance from the Mayor is only in draft, it is considered that there would be a significant risk in refusing the application solely on this basis (tenure split). Staff therefore are content, in this instance, to accept the offer as presented. In

coming to this conclusion, staff have been mindful of negotiations which have already occurred, the basis (ex gratia) on which the units are coming forward and the actual number of units being created.

Impact on Amenity

- 7.25 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 7.26 Staff note that of the letters of public representation received, amenity impacts and the amenity likely to be experienced by potential occupiers of the development are raised as concerns. With regard to this, block A, along Crow Lane, at three storeys has been set in by approximately 2.5m from the site boundary and the residential property adjacent (number 4 Crow Lane). Whilst the height of the development would be taller than that adjacent by circa 0.5 of a storey (the residential property being 2.5 storey - pitched roof), given the separation distance, the fact that the building line along Crow Lane would be maintained and that that the block has no flank windows staff do not consider that the development would result in amenity impacts, to number 4 Crow Lane, at a level to warrant refusal.
- 7.27 The terrace houses along the western boundary of the site would back onto the gardens of the properties on Beechfield Gardens. These gardens are approximately 25m in length which when combined with the rear gardens proposed for the terraces would result in a 35-40m distance between habitable room windows. The existing tree line along the boundary would also provide further screening.
- 7.28 At the northern end of the development, staff note that block E would be located approximately 20m from the western boundary. In terms of potential impact to numbers 46 and 48 Beechfield Gardens, mindful of the rear gardens of these properties, a separation of distance of approximately 45m would exist and staff accordingly do not consider the development would appear overbearing or result in a significant loss of privacy.
- 7.29 In terms of living conditions for potential occupiers, the applicant has submitted an internal daylight and sunlight study. The study demonstrates that the terrace houses, which was the area of staff concern in context of the five storey block adjacent, would enjoy good levels of internal sunlight, with all living rooms meeting the 25% Annual Probable Sunlight Hours standard. Approximately 70% of the units, across the site, would furthermore be dual aspect which would increase natural ventilation and levels of sunlight and daylight for the flats.
- 7.30 Turning to noise and air quality, the applicant has submitted assessments in respect of both of these issues and during the course of determination also submitted an additional noise statement following concerns raised by Royal Mail. The applicant considers that the dominant noise source for the site, at all times, is road traffic and the railway. The assessment submitted nevertheless

suggests that with appropriate glazing the development would be able to comply with the appropriate standard for internal noise levels. It is accepted that internal noise standards would be breached with windows or balcony doors opened for ventilation; and the 55dB standard (for amenity areas) would be breached on the balconies facing onto Crow Lane and Sandgate Close. However, it is suggested that this is not an uncommon issue and reference is made to guidance associated with BS8233 which states that these guideline values (the 55dB level) are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.

- 7.31 Staff note the concerns raised by Royal Mail and the fears that, should the development come forward, noise complaints may arise from residents. On balance, staff however consider that the benefits of a useable balcony area needed to be weighed against the quality of that provision. In this instance, staff consider that the benefits of having the provision outweigh the fact that the quality of it may not be to that standard normally associated with amenity space. It is noted that many balconies overlook busy roads and it is ultimately the occupiers choice as to how they choose to use that space. It is considered that this is nevertheless a matter of judgement and Members may take a different view.
- 7.32 In terms of air quality, it has been identified that during construction the development has the potential to result in dust emissions of medium significance. However, subject to suitable management and mitigation which could be secured by condition it is not considered that such impacts would give rise to impacts to warrant refusal, in isolation.

Car Parking Provision & Highway Impact

- 7.33 Sandgate Close becomes a private road just beyond the junction with Crow Lane. Sandgate Close is a two-way single carriageway that has double-lines either side of the road. It is understood that Royal Mail as part of their leasehold is not permitted to park along Sandgate Close although as a private road this is not managed or controlled by the Highway Authority.
- 7.34 Vehicular access to the site is proposed at five points, as part of the development proposals:
- one from Crow Lane; and
 - four from Sandgate Close.

The Crow Lane access would only serve four car parking spaces and would provide no permeability to the rest of the site. Of the four accesses proposed from Sandgate Close; one provides access to a ground parking area behind block A and B and the underground parking area beneath block B; one is an

access to a car parking area to the north of the site; and the final two are the access/egress junctions for the main loop road serving blocks C, D and E and the terrace houses and associated car parking areas.

- 7.35 A total of 225 car parking spaces would be provided across the site. Of the spaces provided, 15 would be disabled bays and 20% would be provided with electric charging points; with a further 20% capable of being upgraded in the future. In addition 282 secure bicycle spaces would be provided.
- 7.36 In terms of the quantum of vehicle and bicycle spaces proposed, at a ratio of 1.5 vehicle spaces and 1.88 cycle spaces per unit, this represents a compliant provision in respect of policies DC2 and DC33 of the LDF, albeit at the low end of the vehicle parking range. In terms of the London Plan, that proposed represents also represents a compliant provision as per that detailed in policies 6.2 and 6.3. The vehicle parking ratio, at 1.5 spaces per unit, for reference, is representative of the maximum possible provision which would be compliant with the London Plan for a development of this density in an area with a PTAL of between 1b and 2.
- 7.37 With regard to the above, staff nevertheless note that limited details have been provided in terms of management of spaces; and how spaces would be assigned to units and/or as visitor spaces. It is therefore considered that should planning permission be granted, whether by condition or legal agreement, a parking management plan and strategy should be secured.
- 7.38 Looking at highway impact and congestion, it is noted that the Transport Assessment submitted by the applicant suggests that at weekday morning peak (8:00-9:00am), 24 vehicles would arrive at the site and 102 depart. In terms of evening peak (17:00-18:00pm), it is suggested 76 vehicles would arrive and 33 depart. With regard to impact, it is suggested that once traffic has passed through Sandgate Close and the junction with Crow Lane, the impact on the highway network would be negligible. In terms of the actual junction (roundabout), it is suggested that the development would add to congestion but the junction would remain within theoretical capacity - peaking at 79% with a queue of four vehicles estimated from the eastern Crow Lane approach in morning peak. For reference, the baseline, for the eastern approach is currently three vehicles in the morning peak so in simple terms the development would increase the queue length by one vehicle.
- 7.39 The Highway Authority has not objected to the proposal although has sought to express that Sandgate Close is not adopted and therefore the existing parking issues on this road are outside the scope of consideration. The Highway Authority acknowledge that the highway impact as a result of the development and associated vehicle movements is likely to be negligible. However, many of the junctions to the east and towards Romford are as existing operating at or over capacity and accordingly, albeit negligible, the development would put further strain on these junctions.
- 7.40 Staff whilst mindful of the above consider the development, on balance, acceptable from a highway perspective. It is considered that substantiating a

reason for refusal when the additional impact is likely to be negligible would be difficult at appeal, in context of that detailed at paragraph 32 of the NPPF.

Other Considerations

Contaminated Land

- 7.41 Given that this site is noted as potentially contaminated, and mindful of the former site use, the applicant has submitted a full geotechnical and geo-environmental report and remediation strategy. The report submitted through the results of the site investigation indicate that any re-development of the site has the potential for unacceptable risks to human health given the concentrations of hydrocarbons, PAH and asbestos within shallow soils.
- 7.42 To mitigate such risks it is proposed to install a ventilated subfloor void or vapour resistant membrane in the buildings to the north of the site; install placement capping in soft landscaped areas; use appropriate water supply pipe material; and use an appropriate concrete mix for buried concrete to protect against sulphate attack. The Council's Environmental Health/Public Protection department has assessed that submitted and offered in terms of mitigation and are content that subject to verification of the aforementioned being completed on-site that contamination and/or human risk is not a reason to withhold the granting of planning permission.

Flood Risk

- 7.43 Policy CP15 of the LDF, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems unless suitable mitigation measures can be secured through conditions attached to the planning permission or a legal agreement.
- 7.44 This site is located within flood zone 1 with a low risk of fluvial flooding. There are no historical records of flooding on the site. With regard to run-off, assessments undertaken by the applicant suggest that the developed site would increase peak run-off rates and volume by around 4%. This would however be off-set by the larger permeable area of garden/landscaping proposed as part of the development when compared to the hardstanding as existing. Given the known site contamination issues, sustainable urban drainage in the form of soakaways and/or trenches are not appropriate in this instance. However, to off-set the increased run-off rate, permeable paving and

cellular storage tanks are proposed to achieve a storage capacity of 167m³ for a 1 hour storm. This although not representative of greenfield run-off rates is an improvement compared to the existing situation. Subject to suitable conditions to ensure the drainage strategy is implemented and maintained it is considered that the development complies with policy DC51.

Trees & Ecology

- 7.45 Policy CP16 of the LDF states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority habitats, species and sites. This is a position supported by policy DC42 and DC58. Policy DC60 furthermore details that the amenity and biodiversity value afforded by trees and woodland will be protected and improved. Policy 7.21 of the London Plan expanding on this states that existing trees of value should be retained and any loss as a result of development should be replaced following the principle of 'right place, right tree'.
- 7.46 The Council's Protection of Trees during Development SPD states that aged or 'veteran' trees found outside ancient woodland are particularly valuable for biodiversity and their loss should be avoided. An Arboricultural Assessment has been submitted with the application which notes the TPO on the 26 x Poplar trees and one Silver Birch along the western boundary of the site. The Assessment submitted has reviewed the quality of these and all other trees on-site and identified works necessary to facilitate the development and general good management. Whilst staff note that the Assessment suggests the removal of six trees - these are identified as of a condition that any existing value would be lost within 10 years and which should be removed irrespective of the development. Accordingly no objection is raised to this work occurring. In terms of the other works proposed, it is noted that many of the Poplars would receive a crown lift however such works is considered in good practice and accordingly would not seek to unduly open up views to the rear gardens of the properties along Beechfield Gardens. Suitable conditions to ensure adequate tree protection measures during the development would nevertheless be necessary should planning permission be granted.
- 7.47 In terms of ecology, whilst the site itself is not designated for any ecological interest or merit, it is noted that railway verge and Romford cemetery are sites of local ecological importance. Given the existing site conditions; and mindful of the additional landscaping proposed as part of the development it is not considered that subject to acceptable mitigation during the course of the construction that the proposals would have significant ecological impacts.

8.0 Section 106

- 8.1 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.

- 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 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.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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 per dwelling 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.
- 8.8 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 £6,000 per dwelling for educational purposes would be appropriate.

- 8.9 In the event that planning permission is granted, this application as such would be liable for a £900,000 education contribution, in addition to any contribution under the Mayoral CIL. Should a recommendation for refusal be made, as there would be no mechanism for securing this contribution, this could form an additional reason for refusal.

9.0 Conclusion

- 9.1 The Council is under increasing pressure to find additional housing stock and as evidenced as part of the Employment Land Review undertaken in 2015 have identified this site as potentially representing a suitable re-development site. Whilst the proposed density of development exceeds that suggested within the LDF for a site such as this, the circumstances advanced in terms of the size of the site; the proximity of the site to areas with higher PTALs; and the adjacent land use no principle objection is raised to the density proposed.
- 9.2 Staff consider that the development is of an acceptable scale, mass and form to integrate within the immediate context and it is considered that the building design and material palette would positively contribute to the local area. Staff have assessed the application from an amenity perspective and are content with the site layout and the provision of play space. Although it is accepted that the balconies facing Crow Lane and Sandgate Close would not meet the 55dB standard for amenity areas, it is considered that the benefits of having a balcony or larger useable balcony outweighs such concerns. The concerns raised by Royal Mail in context of likely noise nuisance complaints are noted but staff are of the opinion that this would be a situation where buyer beware would apply.
- 9.3 A policy compliant quantum of car parking spaces is proposed across the site and whilst the development would add to local congestion it is not considered that any such impact would render the development unacceptable in principle. Accordingly, mindful of all other material planning considerations, staff recommend that planning permission be granted subject to conditions and legal agreement.

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.

BACKGROUND PAPERS

1. Application form, plans and associated documents submitted with planning application ref: P1161.16, validated by the Local Planning Authority 20/08/2016.