



REGULATORY SERVICES COMMITTEE

29 June 2017

REPORT

Subject Heading:

P0587.17

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 05th April 2017)

SLT Officer:

Steve Moore
Director of Neighbourhoods

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Policy context:

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

Financial summary:

Not relevant

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

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

SUMMARY

This 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 recommended change of use away from industrial, indicating residential would be a suitable alternative 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 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 obligations by 29 December 2017 and in the event that the s106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- 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 totalling £900,000, to be paid in instalments at identified triggers, 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.

Subject to the appropriate notice being given to the Health and Safety Executive and no call-in from the Secretary of State it is therefore recommended that the Director of Neighbourhoods be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. 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. The proposed development hereby approved shall be constructed in accordance with the materials and plans detailed/referred under Section 9 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Development Control Policies Development Plan Document Policy DC61.

4. No building shall be occupied 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. The scheme shall furthermore detail all proposed boundary treatments. 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 and boundary treatment proposed. Submission of a scheme prior to occupation will ensure that the development accords with Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

5. 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.

6. No building shall be occupied until cycle storage is provided serving that building 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.

7. 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. This level of occupation shall be confirmed in writing to the Local Planning Authority. 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.

8. 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.

9. 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.

10. No works relating to the construction of the development hereby permitted 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 routing 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. For the avoidance of doubt, this condition does not restrict demolition, site clearance, ground or site investigation, site surveys and/or site remediation.

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.

11. 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.

12. 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.

- 13.No above ground works 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.

- 14.No above ground works 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 polices 6.1, 6.3 and 7.3 of the London Plan.

- 15.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.

16. 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.

17. No above ground works shall take place until details/specifications of the proposed measures for protecting potential occupiers from road and railway noise have been submitted to the Local Planning Authority for approval in writing. Such a scheme shall be based upon the details and technical specifications outlined with in the Noise Assessment and Addendum, submitted with the application, and cover the type of glazing; and mechanical ventilation, where appropriate, proposed for each unit. The development shall be implemented in accordance with the details approved.

Reason: Insufficient information has been supplied with the application to demonstrate that the specific detail of the outlined noise and air quality mitigation measures. 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.

18. The development hereby permitted shall be undertaken in accordance with the drainage scheme as shown on drawing titled 'Proposed Surface Water Drainage Strategy Plan', drawing no. C6712/SK1, dated 19/09/16.

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.

19. 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.

20. 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.

21. 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.

22. Prior to occupation of the development hereby permitted a verification report shall be 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.

23. 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.

24. 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 ensuring these houses have an appropriate sized private amenity area, to enable the Local Planning Authority to retain control over future development in the interests of the amenity of adjacent occupiers and those in Beechfield Gardens and the character of the development as a whole 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/aspx/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.haverling.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 Call-In

- 1.1 This application has been called in by Councillor Benham on the basis of assessing whether this is an over-development of cramped design; that the development would be two storeys higher than other development at street level in Crow Lane; lack of amenity spaces; and that the proposals are not much different from the previous application that was refused.

2.0 Background

- 2.1 This is a re-submission of a previously refused application (ref: P1161.16). The previous application, which was for the same amount of units, was refused planning permission for three reasons:

- The proposed development would, by reason of its height, bulk and mass, result in a cramped, excessively dense over-development of the site detrimental to future occupiers and the local area as a result of lack of amenity space and car parking. The proposed development would furthermore be unacceptably dominant and visually intrusive in the streetscene, harmful to the appearance and character of the surrounding area, contrary to policies DC2, DC3, DC32, DC33 and DC61 of the Development Control Policies DPD and policies 3.5, 7.4 and 7.6 of the London Plan. It is not considered that the benefits of additional housing outweighs such concerns in this instance.
- The proposed development would, by reason of the site layout and close proximity to the adjacent Secondary Employment Area, result in unacceptable living conditions for future occupiers of the development as a result of high levels of pollution and noise. Some of the balconies facing Sandgate Close would not meet the 55dB BS8233/World Health Organisation criterion for amenity areas and furthermore when windows are open it is likely that some internal living areas would be adversely impacted, as a result of the 24 hour nature of the adjacent use. Accordingly, the development is considered to be contrary to the principles of policies DC3, DC10, DC52, DC55 and DC61 of the Development Control Policies DPD and policies 3.5, 7.14 and 7.15 of the London Plan.
- In the absence of a legal agreement to secure affordable housing and a financial contribution towards the demand for school places arising from the development, the proposal fails to comply with the principle of policies DC6, DC29 and DC72 of the Development Control Policies DPD and policies 3.11, 3.13 and 8.2 of the London Plan and/or satisfactorily mitigate the infrastructure impact of the development contrary to the provisions of policies DC29 and DC72 of the Development Control Policies DPD and policy 8.2 of the London Plan.

- 2.2 The applicant has as part of this re-submission sought to review the design of the development and the use of open spaces in a bid to overcome reason for refusal two; and demonstrate that the development density is sustainable and would not be excessively cramped to the detriment of future occupiers. It is understood that the applicant also had a meeting with Royal Mail to discuss their concerns and alterations suggested/agreed with Royal Mail have been incorporated into the revised proposals. In this regard, Royal Mail has submitted a letter stating all of their concerns have been met and expressing their support for re-development of the site (refer to: 'Consultations/Representations' section of this report for further comment).
- 2.3 Whilst staff acknowledge the contents of reason for refusal one, and that the density of the development (the number of units); number of car parking spaces; and overall quantum of amenity space has remained the same, staff are re-presenting this re-submission to Members on the basis that when the previous application was considered the concerns about the relationship with Royal Mail supported the conclusions of an over-development. By addressing the second refusal reason, in staff's view, it is considered that the first reason for refusal would be difficult to substantiate in isolation for the reasons set out below. It is on this basis that the application is brought forward with a recommendation for approval. The impact of the proposals upon the appearance and character of the surrounding area do however require an element of subjective judgement. The revisions made to the original application are assessed in the below sections of the report in context of planning policy and the original reasons for refusal.

3.0 Site Description

- 3.1 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.
- 3.2 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.
- 3.3 The application site does not form part of a conservation area, and is not located within the immediate vicinity of any listed buildings.
- 3.4 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 recommended as being suitable for de-designation and suitable for a residential led re-development.

4.0 Description of Proposal

- 4.1 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.
- 4.2 The development would comprise five blocks of flats, up to five storeys in height, together with 17 dwellings formed from four terrace rows of houses. 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, to form a relationship with those along Beechfield Gardens.
- 4.3 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, four people flats;
 - 22 x three bed, four people flats; and
 - 17 x four bed, six people houses.
- 4.4 225 car parking spaces are proposed, facilitated by two underground or basement car parking areas, together with 282 cycle spaces.
- 4.5 In terms of access, vehicular access has principally been 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.
- 4.6 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. All flats, with the exception of a few facing Sandgate Close, are 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. Two communal plays areas are furthermore proposed within the development.

5.0 Relevant History

- Application ref: P1161.16 – Re-development of the site to provide 150 dwellings, together with new access junctions, associated car parking, landscape and infrastructure works – Refused 10/02/2017 please refer to ‘Background’ section of this report for full reasons for refusal. For reference, staff also confirm an appeal has been lodged against this decision.
- 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

6.0 Consultations/Representations

61 properties were directly notified of this application. The application was also advertised in the local press and by way of site notice. Nine letters of representation have been received including one submitted on behalf of Royal Mail. Taking the comments received from Royal Mail separately, the eight 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; the loss of TPO trees along the boundary with the properties on Beechfield Gardens; lack of communal amenity space; and inappropriate design/scale of development. Questions were also asked about the quality of life, mindful of the 24 hour nature of Royal Mail, occupiers would experience. A number of the representations also suggest concern about the strain additional households would put on local services but in-particular health care.

The representation submitted on behalf of Royal Mail was quite detailed, following the concerns raised to the previous version of this scheme. The representation received nevertheless confirmed the applicant has met with Royal Mail and discussed outstanding concerns. With regard to this, the letter states that as the balconies facing Sandgate Close have been removed/re-positioned; and the children’s playspace adjacent to Sandgate Close re-designated as simply general amenity/open space Royal Mail raise no objection and are happy to support the development coming forward.

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.

Health & Safety Executive - Advise against. The assessment indicates that the risk to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission in this case. If minded to grant planning permission HSE must be allowed 21 days from the date of notice to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

Staff comment: The reason for the above response is on the basis that this site forms part of the outer consultation zone of the gas holders, to which there is a hazardous substance licence issued. The applicant has been in touch with HSE to discuss this and if anything can be done to amend the advice offered. However, HSE have confirmed that this initial position/guidance would be maintained until such a time that the hazardous substance licence is withdrawn or revoked. The gas holders were decommissioned some years ago (in 2010) and although the hazardous license remains it is within the Local Planning Authority's power to initiate the withdrawal/revocation process should a site (or license) be dormant for a number of years – as is the case here. Accordingly, whilst noting that the application would have to be referred back to HSE, staff in principle do not consider the consultation response received from HSE sufficient to form a potential reason for refusal. In coming to this conclusion, staff are also mindful that planning permission has been granted for other residential development closer to the gas holders, than this site, in recent years on the basis that the gas holders have been decommissioned.

Highway Authority - No objection 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, generally, 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 is 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/Air Quality - No objection.

Staff comment: The no objection comment received from the Council's Environmental Health/Public Protection team differs from concerns raised previously in respect of application ref: P1161.16. Previously concerns were raised about the quality of amenity areas facing onto Sandgate Close and whether these areas would meet the 55dB(A) guideline. The amendments made to the scheme, as outlined in this report, have therefore been deemed sufficient by the Council's Environmental Health/Public Protection team to withdraw such concerns about the development coming forward.

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

London Borough of Havering Waste & Recycling - No objection.

London Fire Brigade - No objection.

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.

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 it is recommended that the total number of spaces be reduced to no more than one space per unit; the small area of car parking to the south-west of the site be removed; 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.

7.0 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 Obligations SPD (Technical Appendices)

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

8.0 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.

9.0 Appraisal

Principle of Development

- 9.1 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.
- 9.2 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.
- 9.3 The Employment Land Review undertaken by the Council in 2015 assessed the Crow Lane designation and recommended 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 recommended releasing this site from such use 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.

- 9.4 This site, in the majority, has been vacant for 10 years and staff consider the proposed residential led re-development would help meet housing and wider regeneration objectives. Accordingly, no in 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

- 9.5 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.
- 9.6 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. The London Plan however suggests a higher density of between 50-95 units per hectare (suburban setting at 2.7-3.0 habitable rooms per unit) or 70-170 units per hectare (urban setting at 2.7-3.0 habitable rooms per unit). Whether this area is representative of an urban or suburban area is a question of judgement with the area exhibiting many of the features of both settings, as suggested in the London Plan.
- 9.7 On the basis that this site has an area of 1.5ha, the development of 150 units represents a development density of 100 units per hectare. As per the above, this whilst representing a possible over-development in context of policy DC2 does represent a potentially acceptable density for an urban setting, as per Table 3.2 of the London Plan. With regard to policy DC2, the policy does nevertheless suggest that densities higher than 30-50 units outside the PTAL zones identified may be acceptable 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.
- 9.8 Staff consider that at 1.5ha this is a relatively large or major development site. Staff also note that being an industrial use, with residential to the west, the site is a potential non-conforming or bad neighbour use to the nearby residential properties. The site is also located within 400m of an area with a 6a PTAL. In context of this, the higher density ranges suggested in the London Plan and that density in any respect is only one measure of acceptability, staff do not

consider that this (the density) in itself is a sufficient reason to refuse the application.

- 9.9 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.
- 9.10 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.
- 9.11 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 and this concern did form part of one of reasons why the previous version of this scheme was refused. Whilst the height of the development has not changed, as part of this re-submission, it is noted that the applicant has undertaken a further assessment of the locality and its character. This assessment seeks to demonstrate that Crow Lane has no particular homogeneity. The applicant has suggested that whilst responding to the height, bulk and mass of the new development at Oldchurch Hospital, the development has also sought to positively respond to the scale of the built form to the west. The transitional nature of this site, from the aforementioned Oldchurch Hospital development, gas holders and Royal Mail has furthermore been suggested in demonstration that height, where proposed on-site, is appropriate and would not appear overly dominant in the streetscene.
- 9.12 With regard to this, staff consider 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.
- 9.13 In terms of Crow Lane and the existing street scene, as one travels from the town centre, the residential nature of the streetscene 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.

- 9.14 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 entirety of 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.
- 9.15 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 and the three amenity/play areas.
- 9.16 Overall, whilst the overall height, bulk and mass of the development has not been amended with this re-submission, staff acknowledge that such issues in part involve a matter of judgement. In context of the additional assessments undertaken by the applicant and amendments made to the scheme, which suitably overcome reason for refusal two, on balance, staff bring the application back before Members with a recommendation for approval. Staff, in the absence of identified harm and/or conflict with policy consider substantiating such reasons for refusal at appeal may be difficult. This is a subjective judgement and it is recognised that Members may give greater weight to different issues and come to a differing opinion.
- 9.17 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, with the exception of 11 units that would just have a Juliette balcony (proposed as an amendment to the earlier application, at the request of Royal Mail). The terrace dwellings, to the west of the site, are all proposed with private rear gardens, circa 60m² in size.
- 9.18 Previous reasons for refusal included concerns about amenity space in general. In respect of this the revised proposals have sought to re-assign a previous child playspace to a general communal amenity area, adjacent to Block D. This area is approximately 230m². Whilst this has not increased the overall

quantum of amenity space staff note that this change does mean the development now offers residents the use of a central general communal amenity area, whereas before only child playspace was proposed. Two formal children playspace areas would, to confirm, nevertheless remain (one to the west of the site and another to the north). These combined provide approximately 530m² of child playspace which is a compliant provision as per London Plan standards. Similarly to the opinion taken in terms of the scale, bulk and mass of the development, the quantum and quality of amenity space proposed and the acceptability of this is a subjective judgement and it is considered that Members may come to a differing opinion.

- 9.19 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.
- 9.20 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.
- 9.21 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.
- 9.22 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

- 9.23 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.
- 9.24 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.

- 9.25 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.
- 9.26 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, including Discount Market Rent. 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.
- 9.27 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

- 9.28 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.
- 9.29 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.

- 9.30 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.
- 9.31 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.
- 9.32 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.
- 9.33 Turning to noise and air quality, following the amendments made to the design of the development and additional information submitted in respect of likely living standards, the Council's Environmental Health/Public Protection department have raised no objection to the development. Additional information/assessments submitted with the application demonstrate that subject to appropriate glazing both internal and external areas would comply with appropriate standards and the 55dB guidance figure for amenity areas. As a safeguarding measure, the applicant has also sought to ensure all flats are mechanically ventilated.
- 9.34 The previous version of this scheme was brought before Members on the basis of the quality of accommodation offered was a balanced decision or required a matter of judgement. It was acknowledged that the design of the development previously meant that there was the potential that some of the balcony areas would experience noise levels above the 55dB guidance figure. The amendments made to the scheme, in the form of the re-location or removal of these balconies overcomes this concern. Furthermore the provision of mechanical ventilation for the units, facing Crow Lane and Sandgate Close, seeks to ensure that at any time should a resident wish to keep their windows closed (for whatever reason) there will be a supply of fresh air to habitable rooms.

- 9.35 Staff note, in this respect, that Royal Mail no longer have concerns about the development or fears that, should the development come forward, noise complaints would arise from residents. Accordingly, it is considered that the additional information submitted and revisions made to the scheme suitably address previously reason for refusal two.
- 9.36 In terms of air quality, mindful for the above, staff do not consider that the existing nearby uses (or environmental conditions) would render this development unacceptable (i.e. the standard of living conditions offered would be sub-standard or fail to meet appropriate standards or guidance). 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 warrant refusal.

Car Parking Provision & Highway Impact

- 9.37 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.
- 9.38 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. This replaces an existing access into the site in broadly the same location. Of the four accesses proposed from Sandgate Close; one provides access to a ground level 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.

- 9.39 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.
- 9.40 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. 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.

- 9.41 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.
- 9.42 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.
- 9.43 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.
- 9.44 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

- 9.45 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.
- 9.46 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

- 9.47 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.
- 9.48 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

- 9.49 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'.

- 9.50 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. Further, the scheme landscape proposals show numerous additional trees being planted. Suitable conditions to ensure adequate tree protection measures during the development would nevertheless be necessary should planning permission be granted.
- 9.51 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.

10.0 Section 106

- 10.1 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.
- 10.2 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.
- 10.3 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.

- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 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.
- 10.8 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.
- 10.9 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.

11.0 Conclusion

- 11.1 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.

- 11.2 Whilst this is a re-submission of a previously refused scheme, which in essence has remained at the same density (150 units), staff, in the absence of significant identifiable harm, consider the scale, mass and form of the development acceptable. It is considered that the proposal would integrate within the immediate context and it is considered that the building design and material palette would positively contribute to the local area.
- 11.3 Amendments made to the design and location of the balconies facing Sandgate Close and Royal Mail overcome previous concerns from an amenity perspective and staff are content with the overall quantum and quality of private and communal amenity areas and child play space.
- 11.4 A policy compliant provision of car parking spaces is furthermore proposed and in view of the suggested negligible impact on highway capacity it is not considered a reason for refusal on highway grounds could be supported at appeal.
- 11.5 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: P0587.17, validated by the Local Planning Authority 05/04/2017.