



# REGULATORY SERVICES COMMITTEE

# REPORT

26 October 2017

**Subject Heading:**

P1058.17

195-205 New Road, Rainham, RM13 8SJ;

Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 77 units with ancillary car parking, access and landscaping;

(Application received 27.06.2017);

**SLT Lead:**

Steve Moore - Director of Neighbourhoods;

**Report Author and contact details:**

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Principal Planner;  
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**Ward:**

South Hornchurch

**Policy context:**

National Planning Policy Framework 2012;  
The London Plan 2016;  
Development Plan Document 2008;

**Financial summary:**

None.

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

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

[X]  
[X]  
[X]  
[X]

## SUMMARY

This report concerns an outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 77 units (a mixture of 1, 2 and 3-bedroom apartments and 3-bedroom units) with ancillary car parking, landscaping and access. Staff considers that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions.

This application is submitted by Council, the planning merits of the application are considered separately to the Council's interests as applicant.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

As this is an Outline application, CIL would be assessed and applied when a reserved matters application is submitted.

That the Assistant Director of Development be authorised to enter into any subsequent legal agreement or other appropriate mechanism to secure the requirement of Condition 34 below, including that:

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That planning permission be granted subject to the conditions set out below:

### **1. Outline – Reserved matters to be submitted:**

Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

**2. Time limit for details:**

Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**3. Time limit for commencement:**

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**4. Materials:**

Unless details are provided and approved as part of the reserved matters submission(s), no above ground works shall take place in relation to any of the development hereby approved until details and samples of all materials to be used in the external construction of the building(s) and hard landscaped areas are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

**5. Accordance with Plans:**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice) and any other plans, drawings, particulars and specifications pursuant to any further approval of details as are approved by the Local Planning Authority

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**6. Site levels:**

Unless details are provided and approved as part of the reserved matters submission(s), prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

**7. Piling Method Statement:**

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

**8. Refuse and recycling:**

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

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

**9. Cycle storage:**

Prior to the completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and approved in writing by the Local Planning Authority shall be provided for a minimum of 101.No. spaces and permanently retained thereafter.

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

**10. Hours of construction:**

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

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

**11. Land contamination:**

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

- a) A Phase II (Site Investigation) Report, as the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

## **12. Land contamination continued:**

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

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

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

## **13. Construction methodology:**

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;

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

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

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

#### **14. Air quality:**

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

Reason: Being a major development in Greater London, but outside the Non-Road Mobile Machinery (NRMM) Central Activity Zone, NRMM used on site must meet Stage IIIA of EU Directive 97/68/EC as a minimum. From 1st September 2020 the minimum requirement for any NRMM used on site within Greater London will rise to Stage IIIB of the Directive.

#### **15. Air quality continued:**

- a) Prior to the commencement of the development, a Dust Monitoring Scheme for the duration of the demolition and construction phase of the development hereby approved, shall be submitted for the written approval of the Local Planning Authority. The scheme shall detail:
  - Determination of existing (baseline) pollution levels;
  - Type of monitoring to be undertaken;

- Number, classification and location of monitors;
- Duration of monitoring;
- QA/QC Procedures;
- Site action levels; and
- Reporting method.

b) Following the completion of measures identified in the approved Dust Monitoring Scheme, a “Dust Monitoring Report” that demonstrates the effectiveness of the dust monitoring carried out must be produced, and is subject to the approval of the Local Planning Authority.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the construction activities do not give rise to any exceedances of the national air quality objectives/limit values for PM10 and/or PM2.5, or any exceedances of recognised threshold criteria for dust deposition/soiling.

#### **16. Air quality continued:**

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority full details of mitigation measures that will be implemented to protect the internal air quality of the buildings. The use hereby permitted shall not commence until the approved measures have been shown to be implemented to the satisfaction of the Local Planning Authority in writing.

Reason: To protect the health of future occupants from potential effects of poor air quality and to comply with the national air quality objectives within the designated Air Quality Management Area.

#### **17. Air quality continued:**

Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

#### **18. Development facilities:**

Electric charging points shall be installed in 10% of the allocated parking spaces at the development. The charging points shall be supplied with an independent



32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the National Planning Policy Framework states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles."

#### **19. Boundary Treatment:**

Unless details are provided and approved as part of the reserved matters submission(s), no development above ground level shall take place until details of all proposed walls, fences and boundary treatment are submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details prior to the first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

#### **20. Surfacing materials:**

Unless details are provided and approved as part of the reserved matters submission(s), before any above ground development is commenced, surfacing materials for the access road and parking areas shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the surfacing materials. Submission of this detail prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### **21. Car parking:**

Before the residential units hereby permitted are first occupied, the area set aside for car parking spaces shall be laid out and surfaced to the satisfaction of the Local Planning Authority and provide a minimum of 81.No. vehicular parking spaces,

those areas shall be retained permanently thereafter for the accommodation of vehicles associated with the site.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

## **22. Pedestrian Visibility Splay:**

The proposals shall provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access onto Lower Mardyke Avenue and South Street, 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 the Development Control Policies Development Plan Document Policy DC32.

## **23. Vehicle Access:**

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

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

## **24. Vehicle Cleansing:**

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;

a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

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

c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.

f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

## **25. Drainage:**

No development shall commence until full details of the drainage strategy, drainage layout, together with suds information to serve the development have been submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained.

## **26. Servicing:**

No above ground development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of access road widths, turning area dimensions and swept path analysis to demonstrate that the proposed development can be adequately serviced and that service vehicles can exit the site in forward gear.

Reason: Insufficient information has been supplied with the application to demonstrate the width of the access road, the dimensions of the turning area and details of a swept path analysis. 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 highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC36.

## **27. Community Safety:**

Prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full 'Secured by Design' accreditation. The development shall only be carried out in accordance with the approved details.

Reason: In the interest of community safety and in accordance with the Development Control Policies Development Plan Document Policies DC63 and London Borough of Havering's Supplementary Planning Documents on '*Designing Safer Places*' (2010) and '*Sustainable Design Construction*' (2009).

## **28. Community Safety continued:**

Prior to the first occupation of each building or part of a building or use, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use.

Reason: In the interest of community safety and in accordance with the Development Control Policies Development Plan Document Policies DC63 and London Borough of Havering's Supplementary Planning Documents on '*Designing Safer Places*' (2010) and '*Sustainable Design Construction*' (2009).

## **29. Water Efficiency:**

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

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

## **30. Access:**

The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

## **31. Archaeology:**

No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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

**32. Ecology/Biodiversity:**

No development shall take place until a scheme for the provision of bat and bird boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved within each phase of the development shall be completed and available for use before the last dwelling within that phase is occupied.

Reason: To ensure that any protected species remain safeguarded.

**33. Hard and soft landscape details including:**

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

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

**34. Requirements/Contributions:**

Before the development hereby permitted is commenced, the landowner shall enter into a suitable legal agreement (such as a S106 agreement) or other appropriate mechanism that ensures, to the satisfaction of the local planning authority, the performance of the following obligations:

- Pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 - Restrictions on owner and occupiers applying for Parking Permits including provisions not to sell, lease, let or otherwise dispose of any dwelling unit or permit any occupation of any dwelling unit without first imposing in the relevant transfer lease, letting or occupation document a term preventing any owner or occupier of any dwelling unit from applying to the Council for a residents parking permit for the area within which the proposed development is situated;
- Controlled Parking Zone Contribution: Provision of £8624 to be paid prior to commencement;
- Financial contribution of £342,000 to be used for educational purposes, to be paid prior to first occupation;
- Financial contribution of £159,960 to be used for off-site carbon emissions offset measures in lieu of on-site carbon reduction measures, to be paid prior to first occupation;
- Financial contribution of up to £79,255.38 towards the A1306 Linear Park, to be paid prior to commencement;
- To provide affordable housing in accordance with a scheme of implementation for all New Road sites controlled by the developer that ensures that individual development sites are completed so that the overall level of affordable housing (by habitable rooms) provided across the sites does not at any time fall below 35% overall. The affordable housing to be minimum 50% social rent with up to 50% intermediate;

Reason: The development would otherwise be unacceptable if the obligations sought were not able to be secured.

## **INFORMATIVES**

### **1. Approval following revision**

Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework In accordance with para 186-187 of the National Planning Policy Framework 2012.

## **2. Fee:**

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.

## **3. Changes to the Public Highway:**

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

## **4. Highway Legislation:**

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

## **5. Temporary use of the public highway;**

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised works on the highway is an offence.

## **6. Surface water management:**

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

## **7. Community Safety:**

In aiming to satisfy the condition the applicant should seek the advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 02082173813.

## **8. Street name/numbering:**

Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## **9. Surface Water Drainage:**

it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

## **10. Waste Water:**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)



## **11. Archaeology:**

The applicant will be expected to meet the Museum's (or other archaeologist's) reasonable costs in carrying out the agreed programme of archaeological work, subject to any grant or voluntary contributions from other sources which may be obtained.

## **12. Bird Protected:**

Anyone who takes damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.

## **13. Bat Protection:**

Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations 2007. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult Natural England (tel. 0845 6003078).

# REPORT DETAIL

## **1. Site Description:**

- 1.1 The site is located on the north side of New Road, west side of Cherry Tree Lane and east side of Philip Road. Cherry Tree Lane is a principle vehicular route linking Rainham to the east with Hornchurch, Elm Park and Romford to the north. The area to the north of the site is predominately characterised as suburban residential comprising a mix of housing types. New Road is more mixed in character with commercial and residential uses. Opposite the site is the 4 storey Rainham Steel office building.
- 1.2 The application site relates to a parcel of land with a combined area amounting to approximately 0.762ha (7620m<sup>2</sup>). The site currently comprises a range of uses including a large warehouse divided into three distinctive sections to the north-east, a motor shop, garage and car washing service to the south-east and a single large warehouse and hardstanding to the south whilst the south-west part of the site retains 3.No. buildings (two-storey townhouse, a single storey townhouse and shed) with areas of hardstanding and grassland. To the rear part of the site fronting Cherry Tree Lane, the site is vacant. Running along the boundary with properties in

Philip Road is a group of mature Plane trees, which are protected by a Tree Preservation Order.

- 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. It is however noted as potentially contaminated land and an area with potential archaeological significance.
- 1.4 The site is within the Rainham and Beam Park Housing Zone and within the area covered by the adopted Rainham and Beam Park Planning Framework.

## **2. Description of Proposal:**

- 2.1 The application is for outline permission seeking approval with access, layout, appearance, landscaping and scale are reserved matters.
- 2.2 The outline proposals submitted with this application is for the demolition of the existing buildings and redevelopment of the site comprising the erection of a four-storey tall building (62 self-contained flats) and between two and three-storey tall buildings (15.No. terraced townhouses), a net gain of 76 residential units. The indicative mix proposed across the site includes 18.No. of 1 bedroom apartments, 35.No. of 2 bedroom apartments, 9.No. of 3 bedroom apartments and 15.No. 3 bedroom houses (19.5%).
- 2.3 The development proposal seeks to utilise vehicular access off Philip Road to the west, which will link via a new site estate road to one of two proposed access points from Cherry Tree Lane, at the eastern end of the site. The scheme is to provide 81.No. off street car parking spaces which is at a ratio of 1:1.
- 2.4 The application site lies within the Rainham and Beam Park Housing Zone, and is owned by private landowners. The applicant is the London Borough of Havering, although they do not own the land. The Council are seeking to undertake Compulsory Purchase Orders ("CPOs") to help deliver the comprehensive redevelopment of the area which is key to delivering the forecasted rate of house building and quality of development identified the adopted Rainham and Beam Park Planning Framework. The precursor to a CPO is normally to have planning permission in place.

## **3. Planning History:**

- 3.1 A planning history search revealed an extensive planning background, as this application seeks the complete re-development of a particular site, the specific historical permissions issued to the land in question are not considered overly relevant in this instance.

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

- 4.1 The application was advertised by way of site and press notices as well as notification to 108 properties nearby. In total 4 representations have been received objecting to the proposal. These are summarised as follows:
- Impact of height of buildings on existing property including overlooking and loss of sunlight
  - Development out of keeping with surroundings
  - Concern over anti-social behaviour in car parking areas
  - Impact on existing businesses having to relocate
  - Lack of schools and medical facilities in the area
  - Increased traffic and parking issues
- 4.2 The following consultee responses have been received:
- 4.3 Highways Authority: No objection subject to imposition of conditions on pedestrian visibility splays, vehicle access and vehicle cleansing (conditions 22-25 and informatives on changes to and temporary use of the public highway, highway legislation and surface water management (informatives 3-6). The highways engineer has also requested that any S106 obligations in the form of restrictions on parking permits be made and Controlled Parking Zone Contributions be sought (condition 34).
- 4.4 Transport for London: Further information required, details of which have been outlined under condition 26.
- 4.5 LBH Street Management for Floods and Rivers Management: Proposal acceptable, further Information required in regard to drainage layout together with suds information being conditioned (condition 25).
- 4.6 LBH Street Management Waste and Recycling: No objection subject to condition (conditions 8) being imposed to the grant of any consent.
- 4.7 LBH Environment Protection: No objection in relation to land contamination, air quality matters subject to the imposition of conditions (conditions 11-18).
- 4.8 Essex and Suffolk Water: No objection.
- 4.9 Thames Water: No objection subject to condition (condition 7) and informative (informative 9 and 10) being imposed on grant of any permission. The sewage and infrastructure capacity is adequate, however, a condition on detailing the depth and type of piling to be undertaken and the methodology by which the piling will be carried out is required alongside an informative for waste and groundwater risk management permit.
- 4.10 London Fire Brigade: No objection subject to condition (conditions 26) on access for fire brigade vehicles adhering to approved documents being imposed to the grant of any consent.

- 4.11 Power Networks: Comment, electrical substation must be retained as it serves the wider community.
- 4.12 School Organisation and Pupil Place Team: No objection subject to a S106/CIL education contribution being made to support the requirement of 8.No. early years, 23.No. Primary and 15.No. Secondary schools generated from the development.
- 4.13 Metropolitan Police: No objection subject to Secured by Design principles being imposed by way of condition (conditions 27 and 28).
- 4.14 Historic England: Further information required, request for pre-determination archaeological assessment/evaluation.
- 4.15 Health and Safety Executive: No objection. HSE does not advise, on safety grounds, against the granting of planning permission in this case.

## **5. Planning Policy:**

### **5.1 The 'National Planning Policy framework' ('NPPF') 2012;**

The National Planning Policy is set out in the "NPPF" which was published in March 2012. The "NPPF" and Guidance ("NPPG") states clearly that its content is to be a material consideration in the determination of applications. The "NPPF" states that due weight should be given to the adopted policies of the Local Development Framework (LDF) according to their degree of consistency with the "NPPF" (the closer the policies in the plan to the policies in the "NPPF", the greater the weight that may be given). Accordingly, due weight is also given to the Nationally Described Space Standards (2015).

The relevant paragraphs from the "NPPF" include paras '7-9, 11-17, 21, 23, 28, 34, 35, 38-39, 40, 41, 47, 50, 52, 54-68, 70, 80, 89, 92, 95-96, 112, 150, 158-161, 173-177, 186-188, 196-197, 203-206'.

### **5.2 The London Plan 2016;**

The relevant policies from the 'London Plan' include: Policy 1.1 (Delivering the Strategic Vision and Objectives for London), Policy 3.3 (Increasing Housing Supply), Policy 3.4 (Optimising Housing Potential), Policy 3.5 (Quality and Design of Housing Developments), Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities), Policy 3.7 (Large Residential Developments), Policy 3.8 (Housing Choice), Policy 3.9 (Mixed and Balanced Communities for All), Policy 3.10 (Definition of Affordable Housing), Policy 3.11 (Affordable Housing Targets), Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), Policy 5.1 (Climate change mitigation), Policy 5.2 (Minimising carbon dioxide emissions), Policy 5.3 (Sustainable design and construction), Policy 5.6 (Decentralised energy in development proposals), Policy 5.7 (Renewable energy), Policy 5.9 (Overheating and cooling), Policy 5.10 (Urban greening), Policy 5.12 (Flood risk management), Policy 5.13 (Sustainable drainage), Policy 5.14 (Water quality and wastewater infrastructure), Policy 5.15 (Water use and supplies), Policy 5.16 (Waste self-sufficiency), Policy 5.18 (Construction, excavation and demolition Waste), Policy 5.19 (Hazardous Waste), Policy 5.21 (Contaminated Land), Policy 5.22 (Hazardous Substances and Installations),

Policy 6.1 (Strategic Approach), Policy 6.3 (Assessing effects of development on transport capacity), Policy 6.9 (Cycling), Policy 6.10 (Walking), Policy 6.13 (Parking), Policy 7.1 (Lifetime neighbourhoods), Policy 7.2 (An inclusive environment), Policy 7.3 (Designing out crime), Policy 7.4 (Local character), Policy 7.5 (Public realm), Policy 7.6 (Architecture), Policy 7.14 (Improving air quality), Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes), Policy 7.19 (Biodiversity and access to nature), Policy 8.2 (Planning obligations), Policy 8.3 (Community Infrastructure Levy).

5.3 London Borough of Havering's Development Plan Document ("DPD") 2008:

Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires local planning authorities to have regard to the provisions of the development plan and any other material considerations when dealing with an application for planning permission. Havering's development plan comprises the London Plan (2016), London Borough of Havering's 'DPD' (2008), together with London Borough of Havering's ("LBH") Supplementary Planning Documents 'Designing Safer Places' (2010), 'Landscaping' (2011), 'Planning Obligations' (2013), 'Residential Design' (2010), 'Sustainable Design Construction' (2009), 'Protection of Trees' 2009.

The relevant policies from Havering's "DPD" include; Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), (DC7 - Lifetime Homes and Mobility Housing), DC29 (Educational Premises), 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), (Contaminated Land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC60 (Trees and Woodlands), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), Policy DC70 (Archaeology and Ancient Monuments), DC72 (Planning Obligations).

5.4 Rainham and Beam Park Planning Framework:

5.4.1 This site forms part of a wider regeneration project which will see Rainham and Beam Park poised for significant investment into new infrastructure and housing. In June 2015, following a successful bidding process, Rainham and Beam Park was identified as one of the GLA's new 'Housing Zones'. The Zone encompasses the historic heart of Rainham and extends northwards and westwards to include the land either side of New Road including the industrial areas between the road and the railway lines. The Borough boundary along the River Beam marks the western extent of the Zone and the area around Marsh Way bridge and up to the River Beam are commonly referred to as Beam Park. The western boundary borders onto the London Borough of Barking and Dagenham.

5.4.2 The Council produced a Planning Framework for the area/Housing Zone in January 2016. The purpose of the Planning Framework was to provide a

comprehensive and flexible plan for the Rainham and Beam Park area. It is a strategic document that aims to assist the Council in directing investment, as well as helping to guide and shape the quality of development coming forward. The Planning Framework sets out design principles for new development and seeks to ensure that appropriate infrastructure is put in place.

5.4.3 Within the Planning Framework, this site forms part of 'Beam Parkway' in which it is suggested townhouses should form 25-30% of dwelling proposed. A residential density of 100-120 units per hectare is suggested with building heights of four storeys fronting New Road and 2-3 storey townhouses to the rear. Maximum car parking standards of 0.5 space per 1 bedroom or studio unit; 1 space per 2 bedroom unit; 1.5 spaces per 3 bedroom unit; and 2 spaces per 4+ bedroom unit are recommended.

## **6. Mayoral CIL implications:**

6.1 It is noted that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. As this is an outline application, there are no definitive gross internal floor areas for the dwellings, so the applicable levy is not known.

## **7. Principle of Development:**

7.1 In terms of national planning policies, Para 17 from the 'NPPF' 2012 sets out the overarching roles that the planning system ought to play, a set of core land-use planning principles that should underpin decision-taking, one of those principles are that planning should:

*"encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value"*

7.2 Additionally, other materially relevant policies appear from the 'London Plan' 2016 which include: Policy 1.1 on 'Delivering the Strategic Vision and Objectives for London' and Policy 3.3 on 'Increasing Housing Supply' and Policy 3.4 on 'Optimising Housing Potential' fall integral to the decision making process.

7.3 In terms of local planning policies, Policy CP1 on 'Housing Supply' of LBH's 'Development Plan Document' 2008 expresses the need for a minimum of 535 new homes to be built in Havering each year through;

*"prioritising the development of brownfield land and ensuring it is used efficiently..."*

And;

*"outside town centres and the Green Belt, prioritising all non-designated land for housing, including that land released from Strategic Industrial Locations and Secondary Employment Areas as detailed in CP3...."*

7.4 Table 3.1 of the London Plan supersedes the above target and increases it to a minimum ten year target for Havering (2015-2025) of 11,701 new homes or 1,170 new homes each year. 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.

7.5 The aspiration for a residential-led redevelopment of the Rainham and Beam Park area was established when the area was designated a Housing Zone. Furthermore the production of the Planning Framework sought to re-affirm this and outline potential parameters for development coming forward across the area with the aim of ensuring certain headline objectives are delivered. The '*Rainham and Beam Park Planning Framework*' 2016, supports new residential developments at key sites including along the A1306, and the Housing Zones in Rainham and Beam Park, the document in part states:

*"The Rainham and Beam Park area provides a major opportunity for Havering to establish a high quality residential neighbourhood that provides much needed homes in the Borough. This will further contribute to meeting the housing target set by the Mayor through comprehensive development that seeks to optimise development outcomes."*

7.6 For the reasons mentioned above, including that there is no policy protection for the existing commercial uses, officers raise no objection to the principle of a residential-led development coming forward on this site. The principle of development is therefore considered acceptable on its planning merits and in accordance with guidance from within Policy CP1 on 'Housing Supply' of LBH's '*Development Plan Document*' 2008; and Policies 3.3 on 'Increasing Housing Supply' and 3.4 on 'Optimising Housing Potential' of the '*London Plan*' 2016 and Paras 17 and 47 from the '*NPPF*' 2012 which seeks to increase housing supply.

## **8. Density/Site Layout:**

8.1 The development proposal is to provide 77.No residential units (net gain of 76) on a site area of 0.76ha (7600m<sup>2</sup>) which equates to a density of 101 units per ha.

8.2 Policy SSA12 of the LDF specifies a density range of 30-150 units per hectare; the London Plan suggests a density range of between 35 and 170 dwellings per hectare depending upon the setting in terms of location (suggesting higher densities within 800m of a district centre or a mix of different uses). The Planning Framework suggests a density of between 100-120 dwellings per hectare. Given the range of densities that could be applicable to this site, a proposed density of 101 units per hectare is not considered to be unreasonable and would be capable of being accommodated on this site given the mixed character of the area and proximity to the future Beam Park district centre and station.

8.3 The primary elevation of the proposed apartment block would front onto New Road (south facing) with the townhouses onto Cherry Tree Lane (east facing), the siting

and orientation of the buildings would as a result respond positively on the established perpendicular street pattern and contribute to the stipulated character of the area. The proposed apartment block would respect the established building line from properties off New Road whilst the building line of the townhouses are set slightly forward of others nearby, officers have however factored in the curvature of the road and the sites response to pattern which to a degree maintains consistency. Officers are of the opinion that its siting of the apartment block together with the townhouses in the location proposed would harmonise against the pattern of development from properties on both New Road and Cherry Tree Lane. The general layout plan of the building would fall in accordance with Policy DC61 of the LDF.

- 8.4 In respect of amenity space, the London Borough of Havering's Supplementary Planning Document for '*Residential Design*' 2010 does not prescribe fixed standards for private amenity space or garden depths. Instead the document places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, communal amenity space will be expected on all flatted schemes.
- 8.5 The proposed communal area sited to the rear of the apartment block appears easily accessible and legible to its occupants, whilst the private amenity areas to the townhouses would be of acceptable size and orientation. Officers are yet to view further details of how the proposed communal amenity space would be designed to be private, attractive, functional and safe, details of boundary treatments, seating, trees, planting, lighting, paving and footpaths or details of effective and affordable landscape management and maintenance regime are yet to be provided and would be assessed as part of any reserved matter submission. The remaining area within the development is largely hard surfacing and consists of the access road and parking provision. It is considered that the layout of the site is acceptable on its planning merits.

## **9. Design/Impact on Street/Garden Scene:**

- 9.1 The application would involve the demolition of a large warehouse divided into three distinctive sections to the north-east, a motor shop, garage and car washing service to the south-east and a single large warehouse and hardstanding to the south whilst the south-west part of the site retains 3.No. buildings (two-storey townhouse, a single storey townhouse and shed) with areas of hardstanding and grassland. Officers note that the buildings/structures do not hold any architectural or historical value, therefore no principle objection raised to their demolition.
- 9.2 Scale is a reserved matter. From the submitted Design and Access Statement, the agent has indicated that the proposed apartment block will be no greater than four-storeys in height and the townhouses between two and three-storey tall. The overall height of the apartment block peaking four-storeys follows guidance as stipulated under the Planning Framework which states that new development along New Road could raise to a height of 4 storeys and that this level is an efficient height for smaller apartment buildings. The apartment block reduces in height to a maximum of three storeys along Philip Road which is considered to result in an



acceptable relationship to the lower height buildings to the north. Similarly, the three-storey townhouses fronting Cherry Tree Lane would not be so out of scale or character with the form and height of buildings in close proximity and is considered acceptable on its planning merits.

- 9.3 Design and appearance is a reserved matter, as such a condition would need be applied to the grant of any permission requiring details of material use for reason of visual amenity. In addition to this, landscaping is also a reserved matter, it is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout whereby a further condition would need be applied to the grant requiring details of such.
- 9.4 Based on the built footprint of apartment block and townhouses and their overall heights, after having reviewed the plot width and its depth, officers consider the height to width ratio of the proposed buildings to be appropriate for the site and in keeping with guidance from within LBH's Supplementary Planning Document for '*Residential Design*' 2010.

## **10. Impact on Amenity:**

- 10.1 The proposed apartment block at its western end, fronting Philip Road would be 3 storeys in height and situated 22 metres from the nearest residential property at 1 Philip Road. , Similarly, the western boundary of the site (side elevations of the townhouses) closest to its neighbouring properties; 1-15 Philip Road, maintain a flank to back distance of between 30m metres distance (at its closest) to 38m distance (at its furthest). The Daylight, Sunlight and Overshadowing' report reaffirms that the scheme surpassed all the daylight/sunlight tests with no detrimental impact caused to neighbouring properties from the development. Officers have reviewed the submitted information and consider that the proposal would not result in any overbearing or overshadowing to its nearest neighbouring property by virtue of the developments siting and distance which has appropriately mitigated potential concerns.
- 10.2 From an environmental health perspective, in particular to land and air contamination, it is worthwhile noting that the applicant has carried out and submitted as part of this application a Phase 1 Environmental; Review and Preliminary Risk Assessment which has been overlooked by the Councils Environment Health and Protection team who raised no objections to the proposal. On the basis of identifying and mitigating any potential harm that may arise from the site, safeguarded by condition (conditions 11-17) the proposal would adhere with Policy DC49 on 'Sustainable Design and Construction'; Policy DC52 on 'Air Quality'; Policy CP17 on 'Design' of LBH's '*Development Plan Document*' 2008; and policies, 5.2, 7.14 and 7.15 of the '*London Plan*' 2016; and LBH's Supplementary Planning Document for '*Sustainable Design Construction*' 2009.
- 10.3 From a noise and disturbance perspective officers have had regard to the principle sources of emissions affecting the site have been noted as local road traffic using the A1306 New Road, coupled with more distant noise from the railway and the A13 to the south with some ancillary noise associated to local commercial

premises that lie adjacent to each of the development areas. More notably, the siting of the access drives and buildings will enable the provision of a landscaped buffer strip against the adjoining boundary to the south which is of most concern. Any noise buffer against the western and eastern boundaries will also help to absorb any noise and light spillage resulting from vehicles passing through. The provision of appropriate distance, boundary treatment together with a landscaping scheme would also afford reasonable protection to those who live adjacent to the site (north) from any direct source of conflict.

10.4 The applicant has carried out and submitted as part of this application a Noise Impact Assessment to clarify that there is to be no detrimental impact caused to nearby residents or future occupants of the development from the use of the access road or that of adjacent/nearby uses as a result. As it stands, officers are minded to place a condition limiting construction hours to set days/times (conditions 10). The proposal, subject to compliance with any conditions imposed would adhere to Policy DC55 on 'Noise' of LBH's *'Development Plan Document'* 2008; and policies, 5.2, 7.14 and 7.15 of the *'London Plan'* 2016; and LBH's Supplementary Planning Document for *'Sustainable Design Construction'* 2009.

## **11. Highway/Parking:**

11.1 The level of parking that is set out in the Rainham and Beam Park Framework has been formulated in line with the parking standards set by the London Plan's Policy 6.13. The London Plan standards relate to the whole of Greater London and therefore aim to encompass a range of local characteristics. Maximum parking provision set out in the London Plan for PTAL areas 2 and 3 are up to one space per 1 and 2 bedroom dwelling, up to 1.5 spaces per 3 bedroom dwelling, and up to 2 per 4 bedroom dwelling and larger. Within the Framework, the maximum parking standard is stated as 0.5 spaces per 1 bed unit, 1 space per 2 bed unit, 1.5 spaces per 3 bed unit and 2 spaces per 4+ bed unit.

11.2 The application site achieves a PTAL score of 2 (low-moderate accessibility), the proposal for 77.No. units is accompanied by the provision of 81.No. vehicular parking spaces, which equates to a parking ratio of 1.05:1. At the car parking ratio presented, the provision proposed represents a very slight (1 space) over provision against the maximum standards suggested in the Planning Framework. Officers are however mindful that this is an application for outline planning permission and the residential mix is potentially subject to change at reserved matters stage,

11.3 Accordingly, officers are content with the provision of parking proposed considering the 81 spaces would suitably allow the applicant at reserved matters to finalise a car parking management plan, the layout of the site encompasses 8.No. disabled vehicular parking bays which subsequently lends itself positively to meeting the needs of disabled users.

11.4 In respect of vehicular access, for the apartment blocks this is proposed to the rear/west of the site (off Philip Road) and for the townhouses this is proposed to the rear/east of the site (off Cherry Tree Lane). The access arrangement allows a link through to Philip Road which benefits emergency and service vehicles. The

London Fire Brigade has raised no objection in principle. In this respect the proposal is compliant with Policy DC36 of the LDF.

- 11.5 A Transport Assessment has been submitted as part of this application which predicts that the traffic generated from the proposed residential development would have a negligible increase over existing traffic conditions, in peak periods, but a significant reduction over the whole day.
- 11.6 The Council's Highways Engineer has reviewed all highways and parking related matters and raised no objection subject to the imposition of conditions covering pedestrian visibility, vehicle access and vehicle cleansing during construction (conditions 22-24 and informatives 3-6), alongside a financial contribution to Controlled Parking Zone and limitation on future occupiers from obtaining any permits in any future zone. In this respect (conditions 34), the proposal is considered to be compliant with Policy DC33 of the LDF; and Policy 6.13 of the '*London Plan*' 2016.

## **12. Affordable Housing and Mix:**

- 12.1 Policy DC6 of the LDF and Policies 3.9, 3.11 and 3.12 of the London Plan seek to maximise affordable housing in major development proposals. The Mayor of London Supplementary Planning Guidance "Homes for Londoners" sets out that where developments propose 35% or more of the development to be affordable at an agreed tenure split, then the viability of the development need not be tested – in effect it is accepted that 35% or more is the maximum that can be achieved.
- 12.2 The proposal is one of a series of development sites, the redevelopment of which is aimed at regenerating the Housing Zone. As long as this site provides part of an overall development which at no point, the affordable housing provided falls below 35%, by which 50% to be social rent with up to 50% intermediate, then it is considered that the affordable housing policy requirement could be met. The development proposal, subject to condition 33 being imposed would comply with Policies 3.9, 3.11 and 3.12 of the '*London Plan*' 2016.
- 12.3 The Council's Housing and Needs Assessment (2012) suggested that future market housing delivery should be split between 50% small (1- and 2-bedroom units) and 50% large (3+ bedrooms) units. Overall, around 70% of small units should provide 2-bedrooms, although it has been noted that this may not apply to all sites. Staff consider that the mix at 23.4% one bedroom units; 45.5% two bedroom units; and 31.2% three bedroom units (houses and apartments) is acceptable in principle and sufficient to allow a mixed balanced community to form.

## **13. Other Material Planning Considerations:**

- 13.1 From a land contamination perspective, the site is classified as contaminated land, notwithstanding this, given its built form and comments received by Environment Health and Protection on land contamination and air quality matters any harm that may can be mitigated by certain measures (conditions 11-18). Therefore, and

subject to satisfying the requirements from the above mentioned conditions, the development proposal would adhere with Policy DC53 of the LDF.

- 13.2 From an archaeological perspective, the application site is situated within an area of archaeological potential, it has been noted that no archaeological assessment or statements have been provided as part of this submission. In light of this, and comments raised by officers from Historic England, concern has been raised over the potential impact to archaeological remains and requirement for further assessment/report to be carried out. Officers have therefore deemed it necessary and appropriate to apply a condition (condition 31) with any recommendation granting consent for a programme of archaeological work to be undertaken by the developer so to ensure that any archaeological remains and information contained within the site are preserved and recorded. Subject to providing and satisfying the necessary guidance and provision, the proposal would adhere to Policy CP18 on 'Heritage' and Policy DC70 on 'Archaeology and Ancient Monuments' of the LDF; and Para 206 of the 'NPPF' 2012.
- 13.3 From a biodiversity and geodiversity perspective, officers have assessed the built form of the site and taken into consideration the '*Phase a Habitat Survey*' by the applicant. The findings from the survey recorded that three of the buildings were noted as suitable for bat roosting features, and nesting birds within trees and hedgerows features. The enhancements proposed include tree planting as part of the landscaping scheme (native and pollinator plant species) together with installation of both bird and bat boxes in the new buildings/landscape. Although the site is of low overall ecological value, the site still has the potential to harbour protected species and therefore it would be appropriate to impose a condition (condition 32) in full accordance with the specific recommendations and mitigation measures set out within the submitted ecological report and guidance (informatives 12 and 13) as a means to safeguarding protected species in accordance with Policy CP15 on 'Environmental Management' and Policy CP16 on 'Biodiversity and Geodiversity' of the LDF; and Policy 7.19 on 'Biodiversity and access to nature' from the '*London Plan*' 2016; and Para's 117 and 118 from the '*NPPF*' 2012.
- 13.4 From an arboricultural perspective, a tree survey has been carried out as part of this application which indicates the presence of mature trees. A site inspection reveals that there is a number of mature London Plane trees bounding the site, the status of these trees as part of the western boundary of the site are protected under Tree Preservation Orders. The trees would be retained and subject to adhering with tree protection measures, the proposal would fall in keeping with Policy of the LDF; LBH's Supplementary Planning Document for '*Protection of Trees*' 2009 and '*Landscaping*' 2011; and Para 118 from the '*NPPF*' 2012.
- 13.5 From a flooding and drainage perspective, a review of the Environment Agency mapping indicates that the site is located within tidal Flood Zone 1 (with a 1 in 1,000 (0.1%) annual probability fluvial or tidal event). The site and surroundings remain protected by the Thames Tidal flood defences which are of very high standard. The applicant has submitted a Flood Risk Assessment and highlighted that detailed drainage designs would be prepared post-determination. The Environment Agency has yet to comment on the proposal; however the Council's drainage advisors have sought a condition to be imposed to the granting

of any consent requesting drainage layout and SUDS detail (condition 25). Subject to adhering with the requirements of the condition imposed, the proposal would fall in keeping to guidance from within Policy DC48 on 'Flood Risk' and Policy DC49 on 'Sustainable Design and Construction' of the LDF and LBH's Supplementary Planning Document for '*Sustainable Design Construction*'; and Policies 5.12 on 'Flood risk management' and Policy 5.13 on 'Sustainable drainage' of the 'London Plan' 2016; and with Paras 104 and 121 from the '*NPPF*'

13.6 From a sustainability perspective, the proposal is accompanied by a Sustainability Statement and Energy Statement. The reports highlights that in order to achieve 'zero carbon' for the residential portion of the scheme, 88.9 tonnes per annum of regulated CO<sub>2</sub>, equivalent to 2666 tonnes over 30 years from the new-build domestic portion should be offset onsite. In calculating the baseline energy demand and carbon dioxide emissions for the site, a financial contribution as carbon emissions offset contribution in lieu of on-site carbon reduction measures has been calculated at £60 per tonne (£159,960) and would be required by condition 34. The development proposal, subject to satisfying contributions sought as set out under condition 34 would comply with Policy 5.2 of the London Plan.

13.7 From a crime prevention and community safety perspective, the submitted Planning Statement has made reference to the sites layout and use of natural surveillance. Comments received by the Crime Design Advisor recommends Secured by Design conditions to be imposed in the grant of any planning permission so to accord with Policies CP2, CP17, DC49 and DC63 of LBH's '*Development Plan Document*' 2008; and with LBH's Supplementary Planning Document for '*Designing Safer Places*'; and Policies 3.5, 7.1 and 7.3 of the '*London Plan*' 2016.

13.8 The south-western boundary of the application site is located within an Outer Consultation Zone (as designated by the Health and Safety Executive) in relation to the proposal's proximity to major hazards sites/pipelines, notwithstanding this, there is no objection from the HSE as the development would not place new residential occupiers at an unacceptable risk of harm in the event of a major incident involving this site constraint. As such, the proposal is supported in principle as it would adhere to Policy 5.22 on 'Hazardous Substances and Installations' of the '*London Plan*' 2016.

13.9 In response to the objector comments raised during the public consultation period, the Council considers that the proposal accords with the policies of the development plan as summarised above. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rises to can and has been offset by the conditions imposed.

#### **14. Planning Obligations/Financial contributions:**

14.1 Policy DC72 on 'Planning Obligations' of LBH's '*Development Plan Document*' 2008 which in part emphasises that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured

through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 14.2 In 2013, the Council adopted its Supplementary Planning Document on '*Planning Obligations*' which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 14.3 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.
- 14.4 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 on 'Planning Obligations' of LBH's '*Development Plan Document*' 2008 and Policy 8.2 on 'Planning obligations' of the '*London Plan*' 2016.
- 14.5 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 year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 on 'Educational Premises' of LBH's '*Development Plan Document*' 2008.
- 14.6 Previously, in accordance with the SPD, a contribution of £4500 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £4500 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 14.7 Policy DC29 on 'Educational Premises' of LBH's '*Development Plan Document*' 2008 highlights how the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of residents. This is partly achieved by seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development (net gain of 76.No units taking into

consideration the existing dwellinghouse). Therefore, financial contribution totalling £342,000 to be used for educational purposes in accordance with the Policy DC29 and LBH's Supplementary Planning Document for '*Planning Obligations*' 2013.

- 14.8 Policy DC2 on 'Housing Mix and Density' of LBH's '*Development Plan Document*' 2008 emphasises that residential developments will only be permitted with less than one car parking space per unit where on-street car parking can be controlled through a Controlled Parking Zone. Therefore, a financial contribution shall be sought (condition 34) to be used for Controlled Parking Zone allowing provision in the sum of £8624 (£112 per unit) to be paid prior to the commencement of the development in accordance with the Policy DC2 and LBH's Supplementary Planning Document for '*Planning Obligations*' 2013.
- 14.9 A financial contribution totalling £159,960 to be used for off-site carbon emissions offset measures in lieu of on-site carbon reduction measures is required in accordance with Policy 5.2 on 'minimising Carbon Dioxide Emissions'; and Policy CP15 on 'Environmental Management' and with Policy DC49 on 'Sustainable Design and Construction' of LBH's '*Development Plan Document*' 2008; and LBH's Supplementary Planning Document for '*Sustainable Design Construction*' 2009; and Policy 5.3 on 'Sustainable Design and Construction' and Policy 5.15 on 'Water use and supplies' and Policy 5.16 on 'Waste self-sufficiency' from the '*London Plan*' 2016
- 14.10 Based on the length of frontage being 73.4m and 20% proportion of costs of providing the assets required to implement the scheme, financial contribution in the sum of up to £79,255.38 (at a proportion contribution of 2.95%) will be sought towards the A1306 Linear Park which is considered to be an essential component of the regeneration of the Housing Zone and would be partly funded by developer contributions in accordance with the Planning Framework.
- 14.11 Policy DC6 of the LDF and Policies 3.9, 3.11 and 3.12 of the London Plan seek to maximise affordable housing in major development proposals. Therefore, affordable housing shall be sought in accordance with a scheme of implementation for all New Road sites controlled by the developer that ensures that individual development sites are completed so that the overall level of affordable housing (by habitable rooms) provided across the sites does not at any time fall below 35% overall. The affordable housing to be minimum 50% social rent with up to 50% intermediate.
- 14.12 In this case, the applicant is the Council, but they currently have no interest in the site. The purpose of the application is to establish the principle of residential development on the site to support regeneration initiatives in the area. As such, it is unlikely that the current owners of the site would be willing to enter into a legal agreement (which is the usual method for securing planning obligations) as they have no role in the present application. The NPPG states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise

be at serious risk. It is considered that this application presents such an exceptional circumstance and the obligations are recommended to be secured through a planning condition.

## 15. Conclusion:

15.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or result in any highway issues subject to the monitoring of safeguarding conditions.

### IMPLICATIONS AND RISKS

**Financial implications and risks:** None.

**Legal implications and risks:** This application is made by Council, the planning merits of the application are considered separately to the Council's interests as applicants.

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.

**Human Resources implications and risks:** None

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities.

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, staff considers that the proposal will not undermine crime prevention or the promotion of community safety.