



REGULATORY SERVICES COMMITTEE

REPORT

26 October 2017

Subject Heading:

P0782.17

21 New Road, Rainham, RM13 8DJ;

Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 24 units with ancillary car parking, landscaping and access;

(Application received 02.05.2017);

SLT Lead:

Steve Moore - Director of Neighbourhoods;

Report Author and contact details:

Mehdi Rezaie;
Principal Planner;
Mehdi.Rezaie@havering.gov.uk
01708 432732

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 24 units (a mixture of 1, 2 and 3-bedroom apartments and 3-bedroom dwellinghouse) 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 to secure the requirement of Condition 30 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. 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.

8. 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 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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."

18. 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.

19. 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.

20. 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 24.No. 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.

21. 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.

22. 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.

23. 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.

24. 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.

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

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.

26. 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).

27. 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).

28. 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.

29. 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.

30. 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 £2688 to be paid prior to commencement;
- Financial contribution of £108,000 to be used for educational purposes, to be paid prior to first occupation;
- Financial contribution of £36,552 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 £35,092.64 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 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. Protected species:

The presence of European protected species, such as bats, is a material consideration in the planning process and the potential impacts that a proposed development may have on them should be considered at all stages of the process. Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of the local authority ecologist and/or the relevant statutory nature conservation organisation (e.g. Natural England). Developers should note that it is a criminal offence to deliberately kill, injure or capture bats, or to deliberately disturb them or to damage or destroy their breeding sites and resting places (roosts). Further works may require a licence to proceed and failure to stop may result in prosecution.

10. Protected species continued:

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Their telephone number is 0845 1300 228.

11. Crime and disorder:

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.

REPORT DETAIL

1. Site Description:

1.1 The site is located on the junction of New Road with Lower Mardyke Avenue but extends at the rear, eastwards to a short boundary on South Street. There are three access points to the site, two via Lower Mardyke Avenue (although one is a locked wire fence and gate to the sub-station) and one via South Street. Adjacent to the site (to the east and south) is a petrol station and to the west, across Lower Mardyke Avenue, is a residential close. The locality is characterised by mixture of commercial uses fronting New Road with residential development to the north primarily low density single and two storey bungalows and detached and semi-detached properties. Further north, along Lower Mardyke Avenue, on the junction with Lowen Road, are however a number of 3-5 storey apartment blocks which make up Orchard Village.

1.2 The application site relates to an L-shaped of parcel of land, a site area amounting to approximately 0.216ha (2160m²). The site currently comprises a car repair and MOT garage with three residential units above.

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.

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/five-storey tall building along the frontage with Lower Mardyke Avenue which decreases to three storeys in height towards Lower Mardyke Avenue, two 3 bedroom townhouses are furthermore proposed on the South Street frontage of the site. The indicative mix proposed across the site includes 8.No. of 1 bedroom apartments, 13.No. of 2 bedroom apartments, 1.No. of 3 bedroom apartments and 2.No. 3 bedroom townhouses.

2.3 The development proposal seeks to utilise existing vehicular site access which would be located off Lower Mardyke Avenue and South Street. The scheme is to

provide 24.No. residents car parking spaces which are a ratio of 1 space per each unit.

- 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 in 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 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 233 properties nearby. No letters of public representation have been received.
- 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 21, 22 and 23) and guidance notes on changes to and temporary use of the public highway and highway legislation (informatives 3 and 4). 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 30).
- 4.4 LBH Street Management: Further Information required in regard to drainage layout together with suds information being conditioned (condition 24).
- 4.5 LBH Environment Protection: No objection in relation to land contamination, air quality matters or noise pollution subject to the imposition of conditions (conditions 10-15).
- 4.6 Thames Water: No objection with regard to sewage and infrastructure capacity.
- 4.7 Essex and Suffolk Water: No objection.
- 4.8 London Fire Brigade: No objection and no further action required.

4.9 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 5.11 (Green roofs and development site environs), 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 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), 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), 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 The Planning Framework establishes a strong vision based on five core aims.

These are to create:

- A sustainable neighbourhood;
- A great place to live;
- A place with a strong identity;
- An accessible place; and
- A place with quality open spaces.

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

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

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

5.4.6 Within the Planning Framework, this site forms part of 'Beam Parkway' in which it is suggested townhouses should form 25-30% of dwelling proposed; with potential provision of a small corner shop on the ground floor of the building fronting onto New Road at the junction with Lower Mardyke Avenue. 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 Staff in view of the above raise no in principle objection to a residential-led development coming forward on this site. Whilst staff note that the Planning Framework suggests potentially that a small corner shop could be located on the ground floor of the building fronting onto the junction of New Road with Lower Mardyke Avenue, this is considered to be a potential rather than fundamental element of any re-development proposals. The principle of development is therefore acceptable on its planning merits in accordance with 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.

7.7 A more detailed assessment of the proposals in respect of design, highways, amenity and any specific individual site constraints can nevertheless be found below.

8. Density/Site Layout:

8.1 The development proposal is to provide 24.No residential units on a site area of 0.216ha (2160m²) which equates to a density of 111 units per ha. The site is an area with low-moderate accessibility with a PTAL of 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.

8.2 Given the range of densities that could be applicable to this site, a proposed density of 111 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 Building heights in the area are somewhat varied along New Road, a character appraisal reveals that three storey buildings front onto New Road and two storey houses with pitched roofs to the west and rear of the application site. Guidance as stipulated under the Planning Framework 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.

8.4 Based on the building footprint and the building height indicated on the proposed parameter plans, the proposed residential development would be detached and of a four/five-storey tall building along the frontage with Lower Mardyke Avenue which decreases to three storeys in height further down Lower Mardyke Avenue. Having reviewed the plot width and its depth, the particularly wide nature of New Road, the adjacent petrol station, officers consider the height proposed to be appropriate for the site in the context of a changing character to the area. Proposals opposite this site for the Beam Park site include storey heights of 5-7 storeys with higher buildings than this proposed for the station area. In the light of this, an increase in heights outlined in the Framework is considered acceptable and would not appear out of place.

8.5 The primary elevation of the proposed development would front onto Lower Mardyke Avenue and be west facing which presents coherency with the street interface, the buildings siting and orientation would in turn respond positively on the established perpendicular street pattern and contribute to the stipulated character of the area. The proposal would not necessarily follow suit with the established building line from properties off Lower Mardyke Avenue, however, officers have factored in the adjacent property which share similarities with that proposed here. Notwithstanding this, given the buildings prominent corner location and form, officers are of the opinion that its siting in the location proposed would harmonise

well against the pattern of development from properties on New Road. The general layout plan of the building would fall in accordance with Policy DC61 of the LDF

8.6 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. The proposed communal area sited to the rear/side of the property and will be accessible and legible to its occupants, the layout subsequently lends itself positively to meeting the needs of disabled users and all age groups. 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 two-storey property, 3.No. residential flats occupy the upper floors whilst the ground floor hosts an MOT test centre together with associated workshops and areas of hardstanding set as car parking spaces. While the buildings all appear to be in a structurally sound condition, they do not hold any architectural or historical value, therefore no principle objection raised to their demolition.

9.2 Scale is a reserved matter. As well as comments on height above, Staff would comment that from the submitted Design and Access Statement, the agent has indicated that the proposed apartment block will be no greater than four-five storeys in height, and would in effect harmonise against the scale of buildings in the locality, both old, new and those proposed for the area (as shown from the submitted illustrative masterplan on proposed heights). It is considered that the footprint and siting of the building together with its dedicated parking areas would be acceptable on their planning merits.

9.3 Appearance is also reserved matter. From the submitted Design and Access Statement, the agent has not drawn attention to the proposed building design nor specified its intended material use. A condition would be applied to the grant of any permission requiring details of material use for reason of visual amenity.

9.4 Landscaping is a reserved matter; it is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout. A condition would be applied to the grant of any permission requiring details of landscaping.

10. Impact on Amenity:

- 10.1 The proposed flatted block would be on the western part of the site which has a boundary to the north to the residential property at 2 Lower Mardyke Avenue. As the building would step down to 3 storeys in height and be further away from the boundary than the existing building, it is not considered that it would appear overbearing and subject to details of final design and window placement, result in undue overlooking. To the east of the site, the up to 3 storey town houses would adjoin the petrol station to the north and south of 1 South Street, a residential property. Given the proposed siting, there is not considered to be significant loss of outlook or privacy to this property, 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 a noise and disturbance perspective, officers have had regard to the immediate surroundings which is of mixed use. The siting of the access drives and buildings will enable the provision of a landscaped buffer strip against the adjoining boundary to the east which is of most concern. Any noise buffer against the eastern boundary will help to absorb any noise and light spillage resulting from vehicles using the petrol station. The provision of appropriate fencing together with a landscaping scheme would also afford reasonable protection to those who live adjacent to the site (north) from the more active use of the site.
- 10.3 The Councils Environment Health and Protection team have no objections subject to implementation of conditions (conditions 10-15). The applicant has carried out and submitted as part of this application a Noise Impact Assessment and an Air Quality 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 uses and air quality matters as a result, the proposal subject to condition would adhere to Policy DC49 on 'Sustainable Design and Construction'; Policy DC52 on 'Air Quality'; Policy DC55 on 'Noise' and 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.

11. Highway/Parking:

- 11.1 The proposal for 24.No. units is accompanied by the provision of 24.No. vehicular parking spaces, which equates to a parking ratio of 1:1. At a car parking ratio of one space per unit (24 spaces) the provision proposed represents an overprovision against the maximum standards suggested in the Planning Framework – these standards are based on the London Plan and suggest a maximum provision of 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. With regard to this, totalling this against the proposed mix would render a provision of 22.5 spaces. Officers are however mindful of that this

is an application for outline planning permission and the residential mix is potentially subject to change at reserved matters stage. Also the site would be located very close to the proposed station and accessibility levels would consequently increase. Accordingly officers are content with the provision of parking proposed considering the 24 spaces would suitably allow the applicant at reserved matters to finalise a car parking management plan.

11.2 The applicant has submitted 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. The Highways Authority have reviewed the aforementioned document and consider the development acceptable from a highway perspective and unlikely to give rise to undue highway safety or efficiency implications which may fall contrary to Policy DC32 on 'The Road Network' of LBH's '*Development Plan Document*' 2008.

11.3 With regard to vehicular access, staff note that the proposals would see the existing access from New Road removed, in line with the overall aspirations for the area and the Linear Park. The Councils Highways Engineer has reviewed all highways and parking matters arising from the proposal and raised no objections subject to the imposition of conditions (covering pedestrian visibility, vehicle access and vehicle cleansing during construction), financial contribution to Controlled Parking Zone and limitation on future occupiers from obtaining any permits in any future zone. In this respect, the proposal is considered to be compliant with Policy DC33 on 'Car Parking' of LBH's '*Development Plan Document*' 2008; and Policy 6.13 of the London Plan.

11.4 The London Fire Brigade has raised no objection in principle. In this respect the proposal is compliant with Policy DC36 on 'Servicing' of LBH's '*Development Plan Document*' 2008.

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 30 being imposed would comply with Policies 3.9, 3.11 and 3.12 of the London Plan.

13. Other Material Planning Considerations:

- 13.1 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 features suitable for nesting birds with low likelihood for bats, notwithstanding this officers consider the site to be of low ecological value, however has the potential to harbour protected species and therefore it would be appropriate to impose informative 9 and 10 as a means to safeguarding them 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 118 from the *"NPPF"* 2012.
- 13.2 From an arboricultural perspective, a tree survey has been carried out as part of this application from the Ecology Report which indicates the presence of mature broadleaved trees. Officers can confirm that none of the aforementioned trees nearing the sites eastern boundary as being protected by any Tree Preservation Orders, officers consider the trees to hold little to no amenity value. In this respect, the proposal would not fall contrary to Policy DC60 on 'Trees and Woodlands' of the LDF; or LBH's Supplementary Planning Document for *'Protection of Trees'* 2009 and *'Landscaping'* 2011; and Para 118 from the *"NPPF"* 2012.
- 13.3 From a flooding and drainage perspective, a review of the Environment Agency mapping indicates that the site is located within tidal Flood Zone 3 with 60% of the site falling within a Flood Zone 1. The Flood Zone 3 areas (western boundary of the site) remain protected to a degree by the Thames Tidal flood defences which are of very high standard. The applicant has submitted a Flood Risk Assessment however no SUDS details have been submitted. The Environment Agency has yet to comment on the proposal; however the Council's drainage advisors have sought SUDS conditions to be imposed to the granting of any consent. Subject to adhering to conditions imposed the proposal would adhere with Policies DC48 and DC49 of the LDF and LBH's Supplementary Planning Document for *'Sustainable Design Construction'*; and Policies 5.12 and 5.13 of the London Plan and Paras 104 and 121 from the *"NPPF"*.
- 13.4 From a land contamination perspective, comments received from Environment Health and Protection on requirement for conditions 10-15 is paramount where the development is on or near a site where contamination is known, or expected to exist. Therefore, subject to imposition of the above conditions, the development proposal would adhere with Policy DC53 on 'Land Contamination' of LBH's *'Development Plan Document'* 2008.
- 13.5 The southern part of the application site is situated 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.

- 13.6 From a sustainability perspective, the proposal is accompanied by a Sustainability Statement and Energy Statement. The reports outline an onsite reduction in carbon emissions by 36%, to include a photovoltaic strategy which aims to further reduce CO2 emissions by a further 25.7% across the entire site. In calculating the baseline energy demand and carbon dioxide emissions for the site, a financial contribution of £36,552 has been calculated as carbon emissions offset contribution in lieu of on-site carbon reduction measures. The development proposal, subject to condition 30 being imposed and contributions sought 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. Notwithstanding this, and in the absence of consultation response from the Crime Design Advisor, officers are suggesting a series of conditions to be included within the conditions list so to respond with Secured by Design principles in accordance 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.

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. Therefore, financial contribution totalling £108,000 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 to be used for Controlled Parking Zone allowing provision in the sum of £2688 (£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 £36,552 to be used for off-site carbon emissions offset measures in lieu of on-site carbon reduction measures 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 32.5m and 20% proportion of costs of providing the assets required to implement the scheme, financial contribution of up to £35,092.64 (at a proportion contribution of 1.3%) 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.