



<b>Application Reference:</b>	<b>P1701.17</b>
<b>Location:</b>	<b>Former Rainham Library, offices at 21 Broadway and land to the rear of 29 Broadway, Rainham</b>
<b>Ward:</b>	<b>Rainham &amp; Wennington</b>
<b>Description:</b>	<b>The demolition of existing buildings and the construction of 57 homes comprising a mix of 22 houses and 35 apartments with associated access roads, parking, hard surfacing, landscaping, boundary treatments, refuse stores, an electrical substation and means of access to and from Broadway.</b>
<b>Case Officer:</b>	<b>Suzanne Terry</b>
<b>Reason for Report to Committee:</b>	<b>The Head of Planning considers committee consideration to be necessary.</b>

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## **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 1.1 The proposal is acceptable in principle and accords in all material respects with the requirements set out in Policy SSA13 with regard to development type, density and parking provision. The proposal is also considered to accord in principle with the objectives of the Rainham and Beam Park Framework, including the strengthening and enhancement of the character of Rainham Village and by providing a range of housing types, including the creation of family housing.
- 1.2 The proposal is considered to be appropriately designed and laid out, such that it would be a suitably high quality development. The development is considered to respect local character and to maintain the character of the Rainham Village conservation area and the setting of listed buildings within the vicinity of the site.

- 1.3 There is considered to be no material harm to neighbouring amenity, owing to the design of the development and also taking into consideration changes in ground levels.
- 1.4 Given the location of the site within Rainham Village, its close proximity to Rainham Station and the parking standards set out in the site specific allocation, the level of parking provision is considered acceptable.
- 1.5 The proposal makes adequate provision for affordable housing, based on the submitted viability appraisal, and also to overcome other infrastructure impacts arising from the development.

## **2 RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission subject to:

- The prior completion of a legal agreement to secure the following planning obligations:
- The payment of up to £256,500 towards education infrastructure within the Borough, of which 50% shall be paid prior to first occupation of any unit within the development and the remaining 50% prior to occupation of the 29<sup>th</sup> unit within the development.
- Prior to commencement of development, the payment of £4,000 to LBH Highways for Traffic Management Order and traffic notices.
- Prior to first residential occupation of the development, the payment of a contribution of £44,460 to the LBH Carbon Offset fund.
- Prior to first residential occupation of the development , the payment of £35,500 to provide for off-site provision of play space within the Borough
- A restriction on the ability of future occupiers to obtain parking permits
- The provision, retention and maintenance of a footpath running north south through the site, in accordance with the location shown on the approved plans
- The footpath link to the northern boundary shall be formed in substantially the manner detailed on the approved plan or in an alternative alignment agreed between the parties in the event that (a) funding and a scheme is in place to deliver a link between the site's northern boundary and the public footpath network. The footpath link to the southern boundary shall be formed in substantially the manner detailed on the approved plan or in an alternative alignment agreed between the parties in the event that (a) funding and a scheme is in place to deliver a link between the site's southern boundary and the public footpath network. Timescales for delivery to be incorporated into the legal agreement. Once built, there shall be permissive rights granted on foot across the footpath link and to the northern and southern boundary on the alignment of the path.

- The provision of a minimum of 10% of the units within the development to be provided as units for Affordable Rent (not more than 80% of Market Rent). These shall comprise 2 no. 1 bed units (wheelchair units) within Block 2 and 4 no. 2 bed units within Block 2.
  - 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.
- 2.2 That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 2.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

## Conditions

1. Time limit for commencement
2. Accordance with plans
3. No additional flank windows
4. Details of site levels existing and proposed
5. Details of refuse and recycling storage
6. Laying out of parking areas prior to occupation
7. Submission and implementation of parking management plan prior to occupation
8. Hours of Construction
9. Construction methodology
10. Constructions Logistics Plan
11. Provision of electric vehicle charging points
12. Provision of blue badge parking within the development
13. Details of wheel washing during construction
14. Vehicle access to be completed prior to occupation
15. Removal of permitted development rights for dwellings – Classes A-E inclusive
16. Details of boundary treatment
17. Details of external lighting
18. Details of cycle storage
19. Water efficiency
20. Accessible and adaptable dwellings
21. Details of Secure by Design
22. Archaeology – including submission of written scheme of investigation
23. Contamination – Phase II investigation and remediation where shown to be required
24. Contamination – if contamination subsequently discovered
25. Air Quality – assessment and mitigation measures
26. Air Quality – contractor to sign up to NRMM register
27. Air Quality – use of ultra low NoX boilers
28. Noise mitigation – to accord with mitigation measures set out in report reference M911-03A
29. Materials – notwithstanding the details within the application, submission of samples of all external materials
30. Submission of sample panels for exterior walling, to include brick bond, copings, mortar mix, colour and pointing profile
31. Submission of details of windows, doors, eaves, verges and cills by section and elevation at scales between 1:20 and 1:1, as appropriate
32. Window frames to be set minimum 70mm behind the face of external bricks
33. Submission of details of electricity, gas and water meter boxes
34. Electrical and telephone services to the development to be run underground
35. All rainwater goods to be black and permanently maintained as such
36. Landscaping – notwithstanding the details within the application, details of hard and soft landscaping, to include all ground surface finishes, street furniture, boundary treatments and planting.
37. All buildings containing flats to be provided with communal TV and radio aerial and satellite dish in positions to be previously submitted to and approved by the LPA.
38. Removal of permitted development rights – satellite antenna

39. Details of measures to protect tree-line to north-west of the site during construction
40. No works to trees or vegetation clearance to take place during bird nesting season (February to August) unless surveyed immediately beforehand for active nests
41. Bat roost survey prior to demolition of buildings on site
42. Details of measures to buffer the drainage ditch and northern site boundary and submission of bat sensitive lighting strategy
43. Trenches – any left open overnight furnished with gently sloping planks
44. Reptile and water vole survey to be undertaken prior to works commencing in accordance with best practice survey methodology and mitigation as appropriate
45. Retention of balcony screening to end units of block 5
46. Obscure glazing to flank windows at eastern end of block 5
47. Finished floor levels – to be at 4.17m first floor for all houses and apartments 4 and 5; to be 4.17m ground floor or above to blocks 1, 2 & 3
48. Flood evacuation plan to be submitted
49. No foundations within 8m buffer zone unless details otherwise submitted and agreed in writing and agreed in consultation with the EA.
50. Details of tree protection measures.
51. Retention of existing walls as indicated to be retained on drawing no. PH-118-028.

## **Informatives**

1. INF29 – Approval with amendment
  2. Highways Informatives
  3. Fee informative for planning conditions
  4. Planning obligations informative
  5. Approval and CIL
  6. Street naming and Numbering
  7. Environment Agency informatives relating to tidal flooding and permitting requirements.
- 2.4 That, if by 08 March 2019 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.
  - 2.5 That the Committee confirms that it has had special regard to the desirability of preserving the settings of listed buildings and features of special architectural or historic interest as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2.6 That the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Rainham Village Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3 PROPOSAL AND LOCATION DETAILS**

#### **3.1 Proposal**

- The application is for the demolition of existing buildings and the construction of 57 residential units, comprising a mix of 22 houses and 35 apartments. Within this all of the houses provide three bedroom family accommodation; the flats comprise 8 no. 1 bed units and 27 no. 3 bed units.
- The development proposes the creation of a separate access and egress onto Broadway. Accordingly there will be a one-way system for vehicles within the site.
- The proposals have a single building fronting onto Broadway, which will lie between The Vicarage and the Phoenix pub. This is described as Block 1 within the application. The block is designed primarily as a two storey building, with some second floor accommodation within the central section of the block. External materials are brick, a mix of two tones, with a tiled roof. Behind this, two further blocks lie perpendicular to the frontage building, enclosing a parking courtyard. These are described as blocks 2 and 3 within the application. Both are three storey blocks, although with a slightly recessed top floor. Materials are similar to those used in Block 1.
- In the north-western corner of the site it is proposed to construct a further flatted block, referenced in the application as Blocks 4 and 5. This comprises two buildings situated close together, each of which is three storeys high. Parking is provided at ground floor level (10 spaces), together with refuse and cycle storage facilities. External materials are brick, using two brick tones.
- The remainder of the units within the site are houses, primarily arranged in short terraces. Each of the houses has an outdoor amenity area and two in-curtilage parking spaces, arranged in a tandem format. The houses are all three storeys high, constructed primarily of two brick types, some with a dormer element to the design.
- The development provides a total of 81 parking spaces. These are a mix of in-curtilage spaces, or within parking courtyards or located on-street within the development site as a whole. There is a mix of visitor and allocated parking. The proposal also includes a designated area for a future footpath/cycle link, an electricity sub-station is proposed in the south-western corner of the site.

#### **3.2 Site and Surroundings**

- The application site is a parcel of land situated on the west side of Broadway. Access to the site is currently taken from Broadway. The site is presently occupied by two redundant buildings, one a former library and the other an office building. Neither are of any architectural merit. There is some hard surfacing within the site, comprising a former parking area associated with the buildings on the site, but there are also areas of soft landscaping and vegetation.

- Ground levels generally fall towards the west of the site, where there is a drainage ditch. Beyond the ditch, the embankment rises sharply upon which is the platform for Rainham Station. Further west of this lies the Channel Tunnel railway (HS1). To the south of the site lies a car park owned by Network Rail. To the north there is an embankment, heavily covered with vegetation, which leads up to the historic former wharf area.
- The application site lies within the Rainham Village Conservation Area. The site shares a boundary with a number of listed buildings, including The Vicarage (Grade II listed) and Redberry (Grade II listed). Opposite the site lies St. Helens and St. Giles Church (Grade I listed) and Rainham Hall (Grade II\* listed).

### **Planning History**

- 3.3 P2014.16 - The demolition of existing buildings and the construction of 62 no. homes comprising a mix of 20 houses and 42 apartments with associated access roads, parking, hardsurfacing, landscaping, boundary treatments, refuse stores, an electrical substation and means of access to and from Broadway. Withdrawn.

## **4 CONSULTATION RESPONSE**

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The following were consulted regarding the application:
- 4.3 Thames Water – no objection, subject to piling condition and informatives regarding surface water drainage

Greater London Archaeological Advisory Service – no objection, subject to a condition requiring further investigations.

Metropolitan Police Designing Out Crime – conditions relating to community safety, boundary treatment, lighting and cycle storage recommended.

LBH Education – there is a deficit of school places locally and developer should make financial contribution towards cost of providing additional school places.

LBH Highways – no objections subject to conditions and legal obligation to restrict parking permits and provide financial contribution to traffic management orders and traffic notices.

Lead Local Flood Authority – Flood Risk Assessment and strategy is acceptable.

LBH Waste & Recycling – no objections.

Fire Brigade – no objections.

Fire Brigade (water supply) – no new hydrants are required.

High Speed 1 – request condition requiring developer to enter discussions with HS1 regarding likely impact on their property [Officer comment: Such a condition is not reasonable or enforceable. HS1 line is sufficiently separated from the site that there is no material impact from a planning perspective].

LBH Environmental Health – conditions recommended relating to land contamination and air quality. Noise assessment has been reviewed and no objections raised subject to implementation of measures set out in the noise consultants report.

Historic England – residential scheme of this scale is considered acceptable. Note that a number of design revisions made to overcome previously expressed concerns. Development responds more successfully to the conservation area, though Block 1 should be designed to appear as a terrace. If approved, conditions relating to design details and materials will be crucial. Efforts should be made to secure a footpath link through the site. [Officer comment: further revisions received subsequently which re-design Block 1 to have a terraced appearance to address HE comments. The scheme also makes provision for a footpath link within the site, with a legal obligation proposed to try to link this with land outside of the application site].

LBH Heritage Advice – The applicant has engaged in pre-application discussion regarding the proposal. There is considered to be considerable scope to enhance the conservation area through a sensitive scheme which demolishes the existing structures and erects high quality housing. Heritage discussions have focussed on Block 1 by introducing active frontage and improving quality of detailing and materials employed. Attention has also been given to improving the elevational treatment of blocks within the site and landscaping. The proposals are considered much improved compared to earlier proposals and there is no objection to grant of permission subject to some minor amendments to the proposal and imposition of appropriate conditions [Officer comment: revised plans subsequently received addressing the majority of the revisions requested. Conditions recommended by heritage advisor are also proposed as part of the recommendation for approval].

Environment Agency - Original objections to the application have now been satisfactorily resolved and can now be removed. It is noted that the possibility of de-culverting the area around the Rainham Main Sewer has been explored but is not possible as it is outside the applicant's control. However, by use of cantilevering the design of Block 5 are able to provide an 8m buffer zone from the culvert. No objection is raised on flood risk grounds although an informative is suggested with regard to matters of emergency access/egress or refuge in event of tidal flooding [Note: Additional information subsequently provided by applicant to indicate that finished floor levels would be set above the minimum requirement to avoid flood breach levels; this can be secured by condition].



HSE – do not advise against granting permission on health and safety grounds.

## **5 LOCAL REPRESENTATION**

5.1 A total of 92 neighbouring properties were notified about the application and invited to comment. The application has been publicised by way of site notice displayed in the vicinity of the application site and has also been publicised in the local press.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 4, of which 3 objected, 1 commented.

5.3 The following local groups/societies made representations:

- National Trust (on behalf of Rainham Hall) object as heritage statement considered to be inadequate, failing to address impact of new development on heritage asset of Rainham Hall and insufficiently detailed to enable impact on these Grade II\* buildings to be assessed ; design of frontage building is considered a missed opportunity to enhance the conservation area [Comment: Staff have worked extensively with heritage and urban design advisors in order to secure revisions to the scheme and are satisfied, based on input from heritage advisors, that the heritage implications of the development have been properly considered and assessed].

### **Representations**

5.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

#### **Objections**

- Site is overdeveloped, excessive density
- Proposal is overbearing and is harmful to neighbouring residential amenity
- Development causes overlooking
- Historic England should be consulted on the proposals and specialist conservation advice obtained [Officer comment: the Council has consulted HE and obtained specialist heritage and urban design advice]
- Development will restrict opportunity to develop neighbouring sites
- Failure to assess impact on site in its entirety and omits consideration of historic elements across the site as a whole
- Height of buildings should be controlled
- Loss of light and overshadowing
- Ground levels of development should be controlled
- Footpath link should be completed
- Contamination and height of land requires control
- Development should avoid flood risk

- Impact on adjacent trees and consequently on wildlife
- Location of bin store affects amenity
- Parking
- Design not sufficiently high quality for conservation area and detrimental to setting of listed buildings
- Use of balconies could be unsightly and cause overlooking
- Social housing should be equal in quality to private housing
- Boundary treatment should protect neighbouring gardens from parking areas
- Garden sizes too small for proposed dwellings
- Memorial stone re-sited outside (new) library needs protecting
- Development proposes security risk to neighbouring property
- Impact on historic walls

#### Supporting comments

- Original building was ship-lap and would be nice to have this as part of future development [Officer comment: Consideration was given to this but modern shiplap would not effectively replicate that which previously existed and is on neighbouring development, so was judged to be an unacceptable pastiche, which would not blend well with the existing].

## **6 MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the application that the committee must consider are:

- Whether the development is acceptable in principle
- The impact of the development on local character, with specific reference to the impact on the Rainham Village Conservation Area and nearby listed buildings
- The design and layout of the development and the quality of the residential environment
- Design and visual impact
- Impact on Amenity
- Environmental impacts
- Parking and highway issues
- Affordable housing and other infrastructure impacts

### **6.2 Principle of Development**

6.2.1 The application site is identified in the LBH Site Specific Allocations DPD under Policy SSA13. In terms of land-use, SSA13 permits only residential and community uses within the site, although it encourages retail and leisure uses to the Broadway frontage. The proposed development of the site is for residential purposes. Whilst no element of retail and leisure is proposed to the frontage, Staff are satisfied that development of the site for residential purposes is acceptable in principle and would also be compliant with the Rainham and Beam Park Planning Framework.

6.2.2 Policy CP1 of the LDF expresses the need for a minimum of 535 new homes to be built in Havering each year. 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 homes each year. Ensuring an adequate housing supply to meet local and sub-regional housing needs is important to the growth of Havering and making it an area where local people can stay and prosper. As such, residential development on the site is considered to be acceptable in principle and would contribute towards the Borough's housing targets.

### **6.3 Impact on Local Character and Heritage Impacts**

6.3.1 The application site lies wholly within the Rainham Village Conservation Area. It lies in close proximity to a number of listed buildings, including St. Helen & St. Giles Church, which is Grade I listed, the Grade II\* listed Rainham Hall and the Grade II listed Vicarage and Redberry. It is acknowledged that existing buildings on the site are of a poor quality and neglected. As such redevelopment of the site offers the opportunity for a positive impact on local heritage assets.

6.3.2 Rainham Village Conservation Area is a designated heritage asset. The proposed building is within a sensitive part of the conservation area and is also judged to affect the setting of the listed buildings referred to above, which are also designated heritage assets. Paragraph 190 of the National Planning Policy Framework (NPPF) requires local authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 193 of the NPPF states that great weight should be given to the assets conservation and, the more important the asset, the greater the weight should be. Paragraph 195 advises that where a proposed development will lead to substantial harm or total loss of significance to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm or loss is outweighed by substantial public benefit or specified criteria apply. Paragraph 196 advises that where less than substantial harm will occur, this should be weighed against the public benefits of the proposal.

6.3.3 The Planning (Listed Building and Conservation Area) Act 1990 requires a local planning authority, where considering applications affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In considering development that affects a conservation area the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6.3.4 The proposed development has been subject of significant revision since it was initially submitted and the applicant has worked in conjunction with Historic England, as well as the Council's own heritage and design advisors, to develop proposals in a manner that is now considered to protect the

character of the conservation area and the listed buildings that form part of it. This has particularly resulted in significant amendment to the proposed frontage building onto Broadway and improvement in the quality and type of materials to be used. Attention has also been given to improved detailing and quality of materials throughout the site and enhanced landscaping proposals. Staff consider that the proposal, particularly when viewed from Broadway, will enhance the character and appearance of the conservation area and will protect key views into and out of the site of the listed buildings opposite the site. The proposal is judged not to be detrimental to the character and setting of the listed buildings in the vicinity of the site. The Council's heritage and design advisors are supportive of the proposals and Historic England has confirmed that it is content for the Local Authority to determine the application. Key issues raised by Historic England during the application process, relating to the design of the principal frontage block, have been satisfactorily addressed in terms of revised design, materials and quality of detailing. Rainham Village is identified in the Rainham and Beak Park Framework as a character area, where new development is required to strengthen and enhance the character of the village and integrate well. Staff consider that these objectives are met. Whilst the proposals are judged acceptable, detailed conditions are however recommended to ensure the quality of materials and detailing are retained throughout the development. Subject to such conditions, the proposal is considered to accord with the provisions of the NPPF, as well as policies DC68 and DC69 of the LDF.

6.3.5 The application is accompanied by a Heritage Statement and it is considered that this acceptably considers the historic context of the site. Neither Historic England or the Council's specialised heritage advisors have raised any objection to the proposals. With regard to specific issues raised with regard to historic walls within the site, submitted details indicate the retention of existing walls including part of the boundary with The Phoenix public house, and the wall to the southern boundary of the historic access between Redberry and the Vicarage. A condition is proposed to secure their retention and protection. Reference has been made in representations to the newly re-sited memorial stone. There is a memorial plaque outside the new Rainham Library but it is not considered that this holds any direct implications for the proposed development. In terms of the impact on the existing Rainham War Memorial, Staff consider that the proposal presents the opportunity to enhance its setting compared to existing site conditions.

6.3.6 The Greater London Archaeological Advisory Service (GLAAS) have not raised any objections on archaeological grounds but conditions for further investigation are recommended.

#### **6.4 Design, Layout and Quality of Residential Environment**

6.4.1 Policy SSA13 prescribes a broad density range of 30-150 units per hectare. The development site has an area of 0.86 hectares and proposes a total of 57 units, thereby giving a development density across the site of 66 units per hectare, which is comfortably within and towards the lower end of the range. The development provides a good mix of unit types, including 22 family

houses, as well as a mix of 1 and 2 bedroom flats. Over 38% of the units within the development are family housing. This exceeds the minimum requirement set out within the Rainham and Beam Park Framework and is considered to respond appropriately to design requirements arising from the location of the site within a conservation area.

- 6.4.2 Policy 3.5 of the London Plan requires that housing developments should be of the highest quality both internally and externally and sets minimum space standards for internal space. The proposed development has been assessed against these criteria and Staff are satisfied that the proposals are compliant in terms of internal space.
- 6.4.3 With regard to amenity space provision, the LDF is not prescriptive in terms of garden areas but requires that amenity areas are functional, well laid out and fit for purpose. The layout of the proposed site provides a private rear garden area for each of the houses that is suitable for purpose. Each of the proposed flats have balconies which are of suitable size and functionality. The orientation of the site is favourable, which means the majority of houses have south facing gardens. Most flats have south or west facing balconies and levels of sunlighting to amenity areas is judged acceptable. Blocks 4 and 5 lie close to the embankment to the north of the site, which is steeply sloping and enclosed by dense landscaping that lies outside of the site. However, the balconies and main habitable room windows are situated to the southern side of the block and, as such, the flats are considered to provide an acceptable standard of accommodation for future occupiers.
- 6.4.4 The proposal would also be required to provide for children's play space. The Mayor has provided guidance on this within the Play and Informal Recreation SPG. Owing to site constraints, including the sloping levels, limited communal space within the development and relationship to the nearby watercourse, Staff are satisfied in this case that on site provision of play space would not necessarily achieve a suitable play area. As such, it is considered a contribution to off-site provision could be justified. In accordance with the SPG a calculation of expected child yield currently estimates around 13 children. There is a recreation ground within walking distance of the development in Viking Way and other play space nearby in Wennington, which could benefit from play space improvements. The applicant has agreed to pay a contribution of £35,500 towards play space enhancements, which Staff consider to be acceptable in principle.
- 6.4.5 The layout of the site, in terms of the position of the access road and the focus on 'fingers' of development stretching perpendicular to Broadway, reflecting the historic street pattern of the area, is generally supported. The principle of a separate access and egress focussing on views to and from the historic buildings on the eastern side of Broadway is acceptable. The development now has improved levels of natural surveillance into the public areas of the site compared to previous iterations of the scheme, which improves the quality of the residential environment and improves matters relating to security and public safety. Pre-application discussions have been undertaken with the Metropolitan Police Designing Out Crime officers, who

confirm they have no objections in principle to the proposals with regards to community safety, subject to appropriate planning conditions.

- 6.4.6 The layout of the site generally is considered acceptable and has now been informed by way of a more detailed and coherent landscape strategy for the site. The development includes improved crossing locations at the site access from Broadway and within the site, which improves the character and appearance of the site and gives more focus to pedestrian accessibility. Details of hard and soft landscaping will however be required by condition to ensure a suitably high quality of development.
- 6.4.7 The proposals include provision of a dedicated cycle/footpath route close to the western boundary of the site, which would accord with the objectives of the Rainham and Beam Park Planning Framework (RBPPF). The applicant has indicated that they would be prepared to facilitate a link to land to the north and south through provision of permissive rights. A full footpath route cannot be secured given the adjacent land is not within the applicants control but this would effectively safeguard a route within the site should a scheme and funding for a footpath across land to the north and south of the site come forward in the future.

## **6.5 Design and Visual Impact**

- 6.5.1 The development proposes a mix of apartment blocks and townhouses. The most prominent building on the site is the frontage block to Broadway (referenced as Block 1). Substantial work has been undertaken on the design of this block, in conjunction with both heritage and design advisors, including from Historic England. The resultant building is now predominantly two storeys, with well-proportioned front facing dormers. The rhythm of the frontage has been revised to provide entrances on to the street and to give the building an appearance more closely aligned to terraced housing, which more closely reflects the typical housing typology in this part of Rainham and is judged to be more appropriate in the wider streetscape. The scale of the building is judged to be appropriate with the varied scale and character of the buildings it sits between and the material palette has been simplified to consist primarily of brick. Whilst further detailed drawings and material samples will be required to ensure the quality of the build is retained, the proposed building is considered to have a positive impact on the streetscene. No objection is raised to blocks 2 and 3 within the site, which are of similar scale to the frontage building and designed to ensure that materials and detailing complement that of the frontage building.
- 6.5.2 The town houses within the site are predominantly three storeys. This partly reflects the fact that there is no residential accommodation in the ground floor of these buildings to address flood risk concerns but is also appropriate given the sloping topography of the site. Amendments to the design of these buildings have resulted in an improved visual impact, with significantly better quality detailing and materials, and improved arrangement of fenestration to give better visual interest, especially to the end elevations of the blocks.

6.5.3 The proposed flatted blocks at the northern end of the site are three storeys high. Given that the land falls away from Broadway, the massing of these three storey buildings is judged to be acceptable in their context and setting. Further design work to the elevations has resulted in a much more sympathetic and simplified palette of materials and these buildings are therefore judged to be acceptable in scale, character and appearance. Staff are satisfied that the overall height of development works appropriately with the topography of the site and responds to local character and context, such that there is no material conflict with the objectives of the height guidance set out in the Rainham and Beam Park Framework.

## **6.6 Impact on Amenity**

6.6.1 In terms of impact on amenity, the residential properties most closely affected by the development are Redberry and The Vicarage. It is also understood there is a residential flat above The Angel public house.

6.6.2 The Redberry is a residential property located to the north-eastern side of the site. It has a rear garden backing onto the western boundary of the site. The eastern flank wall of proposed block 5 will lie approximately 1.5m from the shared boundary. The impact of the block on Redberry is mitigated by this inset from the boundary, but also by the back to flank separation between the rear of the dwelling at Redberry and the flank of the block of around 26m and the variation in ground levels. This distance is considered to be within acceptable realms. A sunlight/daylight assessment has been submitted with the application and Staff are satisfied that there would be no materially adverse impact on daylight or sunlight to the neighbouring property. The balconies to block 5 will have screening to prevent overlooking of the garden of Redberry. The building will have flank windows but these would be secondary light sources to a living/kitchen-diner and as such could be obscure glazed to prevent loss of privacy. Details of boundary treatments can be wsecured by condition. However, details submitted with the application indicate that a new wall would enclose the corner of the neighbouring garden with new fencing to the boundary. Refuse stores for the block are just behind the rear garden boundary of Redberry but contained internally within the blocks and are not considered to result in conditions that would materially harm neighbouring amenity.

6.6.3 The flat above the Angel public house would be less affected by the proposed development as it lies at an oblique angle, well separated from the end of block 5. The rear garden area serves the public house. No material harm to amenity is therefore envisaged.

6.6.4 With regard to The Vicarage there will be a terrace of three houses backing on to the rear boundary of this property, together with a terrace of houses positioned perpendicular to the western rear boundary of this site. The garden depth of those units backing on to The Vicarage is close to 11m and, as a matter of judgement, Staff consider that, although the outlook from The Vicarage would be altered, the distance of the houses from the shared boundary would be sufficient to prevent a material loss of privacy and

amenity. Some unit (plots 36 and 37) have an oriel window design at first floor to further mitigate overlooking impacts and the dwellings are also sited on lower ground level than the Vicarage owing to the sloping topography of the site. Sunlight/daylight assessments submitted with the application indicate that no material harm to amenity in this respect would occur.

- 6.6.5 Other relationships within the development are generally acceptable from a residential amenity perspective. It is acknowledged that the development would be subject to noise implications from the adjacent railway. A noise assessment has been submitted with the application indicating that mitigation measures would be required. The mitigation measures proposed are considered to be acceptable and their implementation and retention could be secured by condition.

## **6.7 Environmental Impacts**

- 6.7.1 Matters relating to contaminated land, noise attenuation and air quality could be controlled by condition if permission were granted. It is noted that Environmental Health raised no material objection in either of these respects.
- 6.7.2 The application is accompanied by a Sustainability and Energy Statement. A financial contribution of £44,460 has been calculated as carbon emissions offset contribution in lieu of on-site carbon reduction measures. This has been calculated in accordance with the Council's planning advice note and can be secured through legal agreement. Subject to contributions being sought, this would comply with Policy 5.2 of the London Plan.
- 6.7.3 The submitted ecological assessment does not indicate any particular implications for protected species. No evidence of roosting bats was found in building or trees on the site, although as a precaution a condition for further inspection prior to demolition of buildings is recommended. Further surveys are recommended to be undertaken to check for presence of protected reptiles and water voles and to mitigate any impact as appropriate. The ecological assessment also makes recommendations with regard to use of bat sensitive lighting and retention of a protective buffer around the drainage ditch to the west of the site and main sewer to the north. Conditions can be applied to ensure works are undertaken in an appropriate manner.
- 6.7.4 An arboricultural assessment has been submitted with the application. The report identifies that some trees and scrub will be lost from the site as a result of the development. Primarily these are trees of low quality and value and no objection is raised in principle to their removal. There is a group of trees on the embankment, which lies outside the curtilage of the development. These trees are not to be removed as a result of the development, although it is recommended details of protection measures be secured by condition. Staff do not consider however that there are material grounds to object to the application on the basis of impact on trees and note that replacement landscaping within the site can also be secured by condition.



- 6.7.5 In terms of flood risk, neither the Environment Agency or LBH, in its capacity as Lead Local Flood Authority, have raised any objections to the proposals. The Environment Agency has also advised that it is satisfied there is no option to de-culvert the adjacent Rainham Main Sewer and is content with the applicants proposal to provide an 8m buffer strip through use of a cantilevered design to block 5. The applicant has also agreed additional measures with regard to finished floor levels within the development to provide adequate refuge in case of flooding, which meets requirements of the Environment Agency and can be secured by condition.

## **6.8 Parking and Highway Issues**

- 6.8.1 The application site has a PTAL of 3, which indicates a moderate level of access to public transport. The site is subject of a Site Specific Allocation which seeks a parking provision of 0-1.5 spaces per unit. Parking provision across the site is an average of 1.4 spaces per unit and falls within this range. The Rainham and Beam Park Framework sets out appropriate levels of car parking provision to be a maximum of 0.5 spaces per 1 bedroom unit, 1 space per 2 bedroom unit, 1.5 spaces per 3 bedroom unit. On this basis the development would be required to provide 63.5 parking spaces. The parking provision within the site exceeds this, at 81 spaces, with all family homes having access to two parking spaces.
- 6.8.2 In terms of the road layout, this has been subject of pre-application discussion with LBH Highways and the proposals are considered to be acceptable in principle in highway terms. The Fire Brigade have raised no objections to the proposals. Highways have requested a contribution of £4,000 towards traffic management order and traffic notices arising from the construction of the access junction, to cover the one way working for the roads within the development and the relocation of the zebra crossing on Broadway.
- 6.8.3 No objections are raised in terms of servicing. Details for waste collection, storage and management could be required by condition, as could details of construction logistics, blue badge parking and wheel washing.
- 6.8.4 In terms of parking the development provides 81 parking spaces. These are arranged as two spaces per unit for the houses, with the remainder of the spaces for the flats and visitor parking. Staff consider no objection can be raised to the number of spaces, given the PTAL of 3 and the close proximity to the railway station and as the amount of parking is compliant with the site specific allocation and the provisions of the Rainham and Beam Park Framework. The Framework suggests that parking should be accommodated through a mix of unallocated on street parking, on-plot parking for individual dwellings, secured parking courts and in undercroft parking to apartment buildings. This approach has been followed within the development. It is recommended however that details of a parking allocation and management plan be secured by condition. This would be compliant with Policy 6.13 of the London Plan and Policy DC33 of the LDF. An obligation through the Greater London Council (General Powers) Act 1974 is also sought to prevent future occupants of the development from obtaining parking permits.

## **6.9 Education Infrastructure**

- 6.9.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 6.9.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.9.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 8.9.4 There has been a 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.
- 6.9.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.9.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of

additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

- 6.9.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, £4,500 for sites within the Beam Reach development area, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £4,500 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.
- 6.9.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £256,500 for educational purposes would be appropriate. Such contribution should be secured by legal agreement.

## **6.10 Affordable Housing**

- 6.10.1 Policy DC6 of the LDF and Policies 3.9, 3.11 and 3.12 of the London Plan seeks to maximise the provision of 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. Developments proposing less than 35% affordable housing provision are required to be supported by a viability appraisal demonstrating that the affordable housing offer is the maximum that can viably be secured.
- 6.10.2 A viability appraisal has been submitted with the application. The appraisal concludes that the maximum level of affordable housing that the development could viably support is 10% of the units, amounting to six units, which would comprise 4 no. 2 bed units and 2 no. 1 bed units. The affordable housing is offered on an Affordable Rent basis, which would be set at 80% below Market Rent. The viability appraisal has been independently assessed on behalf of the Council and the affordable housing offer is considered to be justified in this case. In reviewing the viability of the development, it has been identified that this site presents a number of exceptional costs that are site specific potentially materially impact on the overall viability of the development, such as the topography of the site and its relationship with neighbouring watercourses, which involves significant excavation, raising of floor levels, and unanticipated costs from, cantilevering of the building over the EA easement; specific design costs arising from the siting of the development within the conservation area, including costs of higher specification external materials and bespoke design features. Some of these factors may exceptionally affect the overall viability for the development.
- 6.10.3 Staff are satisfied that the affordable housing offer is the maximum that can reasonably be viably secured. There is also support from LBH Housing for the provision of the affordable units as Affordable Rent, for which there is a

particular demand. It is therefore considered that the proposal complies with the objectives of existing policy.

## **6.11 Financial and Other Mitigation**

6.11.1 The proposal would attract the following section 106 contributions to mitigate the impact of the development:

- Up to £256,500 towards education infrastructure within the Borough
- £4,000 to LBH Highways for Traffic Management Order and traffic notices
- £44,460 to the LBH carbon offset fund
- £35,500 to provide for off-site provision of play space within the Borough
- A restriction on the ability of future occupiers to obtain parking permits
- The submission of details for agreement in respect of securing the provision of a pedestrian and cyclist route linking the footpath shown on the approved plans with the existing public footpath to the northern boundary and permissive rights to be granted across the footpath linking through to the southern site boundary

6.11.2 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £78,380 Mayoral CIL towards Crossrail

6.11.3 The amount of Mayoral CIL liability may be affected by the proposed affordable housing provision within the development, which is exempt from CIL and would consequently reduce the liability.

## **7 CONCLUSIONS**

7.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.