

# REGULATORY SERVICES COMMITTEE SUPPLEMENTARY AGENDA

25 April 2013

The following reports are attached for consideration and are submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

**8 P1813.13 - FORMER SOMERFIELD DEPOT, NEW ROAD, RAINHAM** (Pages 1 - 30)

Demolition of existing buildings and comprehensive development of the site comprising 170 sqm commercial floorspace within B1, retail and/or food and drink uses (A1, A2, A3, A4 & A5) and 497 no. 1, 2, 3, 4 and 5 bedroom residential units (C3) plus associated energy centre, car and cycle parking, landscape, public, communal and private amenity space. (Date received 27/01/12, revised plans, documents and description received 5/10/12) – ***Report attached***

**13 P0058.13 - 2 WILLOW PARADE, MOOR LANE, CRANHAM** (Pages 31 - 36)

**Ian Burns**  
**Acting Assistant**  
**Chief Executive**

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# REGULATORY SERVICES COMMITTEE

25 April 2013

# REPORT

**Subject Heading:**

**P1813.11 – Former Somerfield Depot,  
New Road, Rainham**

**Proposal**

**Demolition of existing buildings and comprehensive development of the site comprising 170 sqm commercial floorspace within B1, retail and/or food and drink uses (A1, A2, A3, A4 & A5) and 497 no. 1, 2, 3, 4 and 5 bedroom residential units (C3) plus associated energy centre, car and cycle parking, landscape, public, communal and private amenity space. (Date received 27/01/12, revised plans, documents and description received 5/10/12)**

**Report Author and contact details:**

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**Policy context**

**Local Development Framework  
London Plan  
National Planning Policy**

**Financial summary**

**None**

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

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ ]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

## SUMMARY

The application is for the redevelopment of the former Somerfield Depot site to create a predominantly residential development providing 497 residential units within 18 apartment blocks and terraces of houses between three and six storeys in height. The development is proposed as an entirely private development with no affordable housing. The application is subject to Environmental Impact Assessment and has been submitted with an Environmental Statement.

The application has been considered against the relevant policies of the Local Development Framework and associated Supplementary Planning Guidance together with the London Plan and is judged to be unacceptable in terms of its density, design, housing tenure and highway implications as well as placing an unacceptable burden upon the provision of local services which would not be addressed by the provision of a proportionate S106 contribution. Issues of financial viability and regeneration implications have been taken into consideration, but subject to no contrary direction from the Mayor for London it is recommended that planning permission be refused.

## RECOMMENDATIONS

That subject no contrary direction under Article 7 of The Town and Country Planning (Mayor of London) Order 2008 from the Mayor for London that planning permission be refused for the following reasons:

1. The proposal, by reason of the proposed density and the resulting scale, height and layout, would be incompatible with the existing levels of public transport accessibility for the site contrary to London Plan Policy 3.4 and Policy SSA12 of the Site Specific Allocations LDF Development Plan Document.
2. The proposal fails to make provision for affordable housing and as such fails to make a contribution towards meeting identified housing needs within the Borough, to the detriment of housing opportunity and

social inclusion contrary to the requirements of the NPPF, London Plan Policy 3.12 and Policies CP2, DC6 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.

3. The proposal fails to make adequate provision for meeting the additional infrastructure demands and requirements likely to be generated by the proposed development contrary to Policy SSA12 of the Site Specific Allocations LDF Development Plan Document, Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
4. The proposal, by reason of the proposed access and new road layout would present an unacceptable risk to road users contrary to Policy DC32 of the LDF Core Strategy and Development Control Policies Development Plan Document.

## REPORT DETAIL

### 1.0 **Site Description**

- 1.1 The application site is located on the south side of New Road approximately 120m east of Marsh Way and 1.1km west of Dovers Corner (1.5km from Rainham Station). The site has an area of approximately 3.68 hectares and is currently occupied by a large 2-3 storey warehouse with an access and car parking area to the front set at a slightly lower level than New Road. The site is commonly known as the former Somerfield site and is currently in use as a distribution centre.
- 1.2 To the south the site is bounded by the C2C Shoeburyness to Fenchurch Street railway line and the High Speed 1 railway. To the west lies a vacant brownfield site with a scrap yard located adjacent to the most north western part of the boundary adjacent to New Road. Commercial warehousing is located to the east.
- 1.3 The site generally slopes gently down north to south from New Road apart from the section immediately adjacent to New Road where the level difference is more steeply defined.
- 1.4 The northern side of New Road in this area is predominantly residential in character with some interspersed commercial uses, beyond which lies the residential area of South Hornchurch. To the south of the site beyond the railway line is the Beam Reach 5 Business Park with the closest building being the former Newsfax printing plant.

### 2.0 **Description of Proposal:**

2.1 General Layout - The application is submitted as a full application and is accompanied by an Environmental Impact Assessment. The development sought is a residential development of 497 units within 18 no. separate blocks and terraces, also incorporating a small element of commercial floorspace and an energy centre together with 518 car parking spaces. The development mix would be as follows:

Unit Split	Number of Units	% Units
1 Bed	130	26
2 Bed	141	28
3 Bed	198	40
4 Bed	22	5
5 Bed	6	1
Total	497	100
	<b>Floorspace (m<sup>2</sup> GEA)</b>	
Commercial	170	
Energy Centre	110	

2.2 Access would be taken from New Road via the existing access point to the east of the site which would also continue to serve the adjacent commercial uses to the east. The existing access road running parallel to New Road would be retained/upgraded across the front of the site with the existing egress to New Road at the North West corner of the site also retained. The five frontage blocks would therefore be set back from the New Road carriageway by 24m and would be separated by four roughly north to south access roads which would link to an east to west road running across virtually the entire width of the plot 110m south of New Road. One of the north south access roads between blocks B and C would serve as the main link road with the others being designed along home zone lines with shared surfaces.

2.3 The northern elevation along New Road would be comprise of Blocks A, B, C, D and N, all of which are proposed as flat green roofed four storey blocks. Blocks A, B and C are proposed as 3 identical blocks 12m high, 43m long and 17m deep with their eastern half formed by a 9 no. framed full width balconies on the upper floor and glazed and panelled frontage at ground floor. The western half of each block is proposed in brick with 3 no. recessed balconies on each upper floor, half the width of each unit and the two ground floor units each being provided with a recessed semi-private terrace. To the rear the ground and first floor would comprise duplex units with their own private gardens, with flats above, each provided with its own projecting balcony. All units would be accessed from a single central door on the northern elevation giving access to a spine corridor with a fully glazed stairwell adjacent to the entrance. Internal cycle stores are proposed at ground floor with an externally accessed refuse store located adjacent to each entrance.

- 2.4 Blocks D and N would provide “bookend” blocks at the eastern and western ends of the frontage, attached to a north/south terrace of housing H in respect of Block D and a north/south block of apartments M in respect of Block N. Block D is proposed as a four storey building 13m high, 18.6m wide at ground floor and 16.5m wide at upper levels and 19.8m deep. At ground floor a commercial unit of 170sqm is proposed at ground floor together with a CHP energy centre, cycle and refuse store, with residential flats above each of which would be provided with its own balcony. The design would echo that of Blocks A – C with framed balconies and brick elevations to the New Road frontage. Block N would also be a four storey building 12m high, 20m wide and 22.3m deep with framed balconies to the eastern half of the width of the frontage at upper floors and the full depth on the eastern and western elevations. An internal cycle store is to be provided at ground floor with the refuse area located opposite the entrance closer to New Road.
- 2.5 Blocks E1, E2, F1, F2, G1, G2 and H are all proposed as north/south terraces of 3 storey town houses with blocks E – G comprising 12 no. houses and block N 13 no. houses. The two houses at either end of each terrace would be larger 4 and 5 bedroom units with the central 8 no. units or in the case of Block H, 9 no. units being 3 bedroom houses. All three bedroom houses would have integral garages with secure front garden cycle stores, whilst the four and five bedroom houses would be provided with forecourt parking or a garage to the rear of their garden accessed from the east west route to the south of the site. The houses have been designed to give a regular flat roofed appearance to the front, with a vertical emphasis to the window configuration. To the rear the three bedroom houses would have a shallow rear facing gabled roof, a ground floor projection and a first floor terrace. The four bedroom units have a flat roofed appearance to the rear but a similar ground floor projection and terrace. The five bedroom houses at the foot of terraces E to G are to be staggered forward of the rest of the terrace with their main entrance from the east/west route and a shallow south facing pitched roof. Rear garden depths vary between 6.2m for the three bedroom houses, 5.6m for the four bedroom houses and 5.2m for the five bedroom houses.
- 2.6 The southern apartment buildings I, J, K1 and K2 are based around communal garden areas on their respective northern side and separated from the southern boundary by a landscaped southern pedestrian walkway and swale area with a minimum width of 10m. The blocks would provide 176 dwellings including 10 duplex units with the remainder as apartments. The buildings would be raised up to a podium level as part of the flood risk mitigation measures and are proposed as six storey green roofed blocks, each with a longer (37 – 41m) south facing elevation set at a 15° angle to the southern boundary of the site with the railway corridor, and a shorter eastern limb elevation (9 – 22m) and a height of 18.65m AOD. The upper storey would be set back on the southern side. Each ground floor unit would have access to it's own semi-private terrace with all units above ground floor provided with at least one recessed or projecting balcony set within architectural framing with vertical timber slatted screening. Materials

are proposed are predominantly brick, but with areas of glazing and aluminium cladding. All units would be accessed via central stair cores, Block 1 having one and all other blocks two on their northern side. All blocks would have a core access to the basement/car park level which would form a single car park under all of the blocks along the southern side of the site. The car park level would also contain the majority of the cycle parking facilities, although some ground floor units would have their own storage within their terrace areas. Access to the bin stores would also be at car park level.

2.7 Blocks L and M would be aligned with the western boundary of the site, with Block L following the east/west alignment and design theme of the southern blocks described above as a six storey 18.65m high green roofed building. Block L would be 48m long and 15m wide at its maximum with its eastern façade facing onto a landscaped courtyard to the north and west of block K2. Block M would be located to the north of the east/west access route and set further to the west than blocks L and N that make up the rest of the western edge of the site creating a wide boulevard and parking and amenity space on its eastern side and to the west of the terrace of houses E1. Block M would be a five storey, green roofed block 15.5m high, 60m long and 18m deep and attached to block N at its north eastern corner. The design again follows the theme of the rest of the blocks, but with angled projecting sections to the western facade with architectural framing for stacked windows and balconies. To the eastern façade all balconies would be projecting with two communal entrances to all units. Materials would be as for other blocks made up of areas of brick, glazing and aluminium and coloured panels. All units would have access to either a semi-private terrace at ground floor or a balcony for upper levels. Both Blocks L and M would be constructed above a car parking level. In the case of block L this would be a continuation of the car parking area underneath Blocks I to K2. The parking level underneath Block M and N would be accessed via a ramp from the western end of the east west access road and extend under the whole of Block M and the amenity areas to its east.

2.8 *Access, Parking and Servicing* – Access to the site would be taken from A1306 New Road via the existing access to the east of the site as the application site has access rights across this land. The east/west road across the northern edge of the site would be one way and 7 to 8m wide with parking spaces perpendicular to the road on its northern side. The north south road between blocks B and C would be 5.5m wide and is intended to function as the main route linking to the east west road towards the south of the site. The other three north south routes are proposed as home zone shared surface routes with a carriageway width varying between 3 and 6m. The north south routes to the east and west are intended to function as two way routes whilst the route between block A and B would be one-way northwards. The entrance to the covered car park level of block I to L would be taken from the southern side of the southern east/west road directly opposite the western north south route. The entrance to the covered car park level of blocks M and N would be taken from the northern side of the east west route at its far west extreme.



- 2.9 Pedestrian access would be available from the same point as for vehicles at the access and egress points from New Road, with a further 4 pedestrian links provided from the New Road footway to the northern east west route, with the level difference accommodated by steps and ramps. Pedestrian access to a linear boardwalk and cycle route along the southern edge of the site would be provided at all points between Blocks I to L.
- 2.10 Provision for 537 car parking spaces is proposed in a combination of covered /basement parking areas, on street, garage and forecourt parking, including a requisite proportion of disabled parking bays. 71 motorcycle spaces and 630 cycle parking spaces are proposed.
- 2.11 Refuse collection would be carried out on street with storage facilities varying from individual refuse stores for the houses, bin stores for the blocks at the front and underground storage with ground level chutes for the southern and western blocks. The latter would deposit waste into conventional Euro bins with the bins stored underground on a hydraulically operated platform. Each of the blocks would also be provided with a “lumber store” for discarded bulky items of furniture, white goods etc. All houses and flats with ground floor amenity space would be provided with their own composting facility and provision has been made for a recycling bank in the north west of the site.
- 2.12 *Amenity Space, Landscaping and Play Space* – The plans and supporting documents show that amenity space would be provided by way of private gardens, semi private terraces, roof terraces, communal/public open space, ecological corridor and private balconies. Private garden areas to the houses and duplex units would be relatively small varying from 5 to 7m deep.
- 2.13 Landscaping would be provided throughout with tree planting to the streets and rear garden areas, enhanced boundary tree planting, managed communal areas and a green buffer and ecological planting area to the south of the site incorporating a 3m exclusion zone to protect wildlife.
- 2.14 Opportunities for new play provision are integrated in all communal amenity areas.
- 2.15 *Sustainability* – The overall proposed sustainable energy strategy for the development is aimed at achieving a 29% reduction in carbon dioxide emissions. This would be achieved by incorporating a gas-fired CHP, gas condensing boilers, solar hot water collectors, high thermal performance buildings and ventilation heat recovery. It is also proposed that the scheme would be designed so that it could link into any wider district heating network such as that currently under discussion with Barking Power.
- 2.16 *CIL/S106 Obligations* – The applicants consider that the scheme cannot support any affordable housing but an all-encompassing CIL/S106 contribution of £1.5m can be provided. An assessment of the financial

implications of the proposals has been provided in support of the application.

2.17 The application has been submitted with the following supporting documents;

- Planning Statement
- Design and Access Statement
- Environmental Statement and Addendum (including Flood Risk Assessment)
- Townscape and Visual Assessment
- Landscaping Strategy
- Economic Assessment Statement (Confidential)
- Affordable Housing Viability Assessment
- Marketing Report (Retail)
- Transport Assessment and Addendum
- Sustainable Energy Statement
- Technical Note on Development Scope and technical safety considerations (HSE/PADHI)
- Statement of Community Involvement

### 3. **Relevant History**

3.1 There is no recent planning history relevant to the application.

### 4. **Consultations and Representations:**

4.1 Consultees and 673 neighbouring properties have been notified of the application and re-notified of the revisions. The application has been advertised on site and in the local press as a major planning application and because it is an EIA development.

4.2 Twenty six letters of representation have been received including one from a local Councillor. Objections raised relate to the following:

- Development is too dense and the flats too high;
- Council Policy is that developments in this area should be 3 storey;
- Additional traffic and related pollution;
- Potential for car parking to overflow into adjacent areas;
- Additional demands on social amenities, schools, doctors, dentists;
- Additional pressure on water and drainage facilities;
- Inadequate amenity space;
- Should be developed for quality housing;
- Covered areas of communal parking and high rise flats are a thing of the past and susceptible to anti-social behaviour and theft;
- Other areas to the west towards Dagenham are more suited to this type of development;
- Area is low lying and liable to flood;

- The size of the development would place a further burden on stretched police numbers;
- Proposal would have a negative impact upon the local area;
- There are insufficient jobs in the local area;
- Inadequate public transport in the area which needs to be improved before large new developments are considered;
- Revisions to the scheme are minor and have not addressed the main problems associated with it;
- The proposal would be contrary to numerous policies of the Local Development Framework including those related to leisure facilities, community needs and facilities, education facilities and transport.

## **Consultee Responses**

***Borough Crime Prevention Design Advisor*** – Highlights significant concerns over the vulnerability of Blocks I, J, K1, K2 and L due to the problems of controlling access from the car park level to the stairwells of these flats and stresses the difficulty of managing a 200 space underground car park from a crime reduction point of view. A number of other detailed design points and considerations relating to access and natural surveillance are highlighted. Recommends that a condition be attached relating to secure by design and other matters which would be assessed through any subsequent SBD application.

***English Heritage (GLAAS)*** – Advise that the site is located within an archaeological priority area and request that an archaeological evaluation and mitigation condition be imposed on any permission granted.

***Environment Agency*** - No objections; conditions recommended in relation to flood management evacuation plan, flood risk, landscape management, contamination and verification, foundations and drainage arrangements.

***Environmental Health*** raise no objections subject to suitable conditions relating to contamination, noise, machinery, vibration, sound insulation, road noise assessment, railway noise assessment and hours of construction..

***Essex and Suffolk Water*** – Advise that they have apparatus to the north east of the site but have no objections subject to a new water connection being made to the Company network

***Greater London Authority*** – Advise that the scheme is in compliance with some policies of the London Plan but not others and on balance does not comply with the London Plan. Specifically those areas where the Mayor is not satisfied that either the original or revised plans are in conformity with the London Plan are as follows:

- Affordable Housing – a review of the viability toolkit should be submitted and a review mechanism should be included in any Section 106 agreement in order to secure on-site affordable housing should the market improve prior to implementation of the scheme.

- Density – the proposed density is high and concerns related to the identification of the site as an urban location with an excessive density for the current PTAL level of the site are identified.
- Urban design – the design of the scheme should be revised and concerns in particular related to access and density issues must be addressed.
- Climate change mitigation and adaptation – the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network.
- Hazardous substances – the application should work with the HSE to resolve issues concerning the high pressure gas pipelines and their location.
- Employment and training – a strategy on employment and skills training should be submitted and secured as part of any S106.
- Transport – concerns detailed in the report as identified by TfL should be addressed.

**Greystar (on Behalf of Barking Power Ltd.)** – Satisfied that the proposed development will not affect their apparatus (Horndon to Barking High Pressure gas pipeline)

**Health and Safety Executive** - The proposal has been considered using PADHI+, the HSE's planning advice software tool. The assessment indicates that the risk of harm to people at the proposed development arising from the high pressure gas pipelines is such that HSE's advice is that there are sufficient reasons, on safety grounds, for Advising Against the granting of permission. The HSE would offer support in the event of a decision to refuse planning permission on grounds of safety.

**Highways/Streetcare** – Initial consultation response objected to the proposals on the basis that it would adversely affect the road network. Particular impacts and requests that are highlighted include:

- A developer contribution is requested towards transport or infrastructure particularly improvements to the Marsh Way junction and a new railway station at Beam Reach.
- Safety concerns about the conflict with traffic accessing the adjacent commercial site to the east.
- The dimensions of the proposed roads are such that parking restrictions would be required. The requirement of highways for a minimum highway width of 5.5m has not been followed.
- Narrowness of roads will require new roads in their entirety to have parking restrictions imposed.
- Most traditional sections of road are too narrow to be adopted as public highway.
- Home zone areas are too narrow for vehicles to pass and cannot accommodate parking and installation and maintenance of utility equipment will entail road closures.
- Turning radii are too tight.

Conditions and informatives are suggested in the event of a recommendation for approval.

Comments on the revised scheme are that it has not addressed the above concerns and in addition the proposal for the eastern access to be the sole access for the site increases concerns about conflict with users of the adjacent commercial site. Amendments to the slip road along the northern edge of the site result in many of the parking spaces being unusable if vehicles are parked on the southern side of the road.

**Housing** – Oppose the application on the basis that there is no affordable housing provision. Grant funding is available from the Councils preferred registered providers, including unallocated funding resources. Any S106 could incorporate separate economic appraisals as phases of the development are commenced.

**London Borough of Barking and Dagenham** – No objection to the principle of development but concern is expressed over the lack of proposed contributions towards public transport improvements or education. The requirement of the Havering LDF Site Specific Policy SSA12 for development to be phased so that the completion of new homes coincides with improvements to public transport is highlighted. The lack of school places in Barking and Dagenham and the requirement for developments to contribute towards the cost of providing places is also commented upon.

**LFEPA** – No objections subject to the access complying with the necessary standards.

**London Fire Brigade** – Advise of the need for six new fire hydrants to be sited within the footpaths.

**National Grid** – Advise of the presence of gas apparatus in the vicinity of the development including high pressure gas pipelines and that the proposed works, unless controlled are likely to adversely impact the safety and integrity of National Grid apparatus..

**Natural England** – No objection. However, given the connectivity between the application site and nearby SSSI's via the receptor of the Rainham Railsides Site of Importance for Nature Conservation (the "SINC") and the proximity to the Beam Drain it is considered that the EIA should address any cumulative impact upon the SSSI. A condition relating to bats is requested.

**Thames Water** request the installation of a non-return valve on properties to avoid the risk of backflow at times of surcharge of the sewerage system in storm conditions. Attenuation or regulation of storm flows is required for surface water. Any public sewers on the site would need the agreement of Thames Water for building over or developing within 3 metres. A piling method statement should be conditioned to be agreed by the LPA and Thames Water. Oil interceptors should be installed in car parking areas and fat traps for any catering uses.

**Transport For London (TfL)** – Estimate that the site has an overall poor Public Transport Accessibility Level (PTAL) of 1b (at the south of the site) to 2 (adjacent to New Road) on a scale of 1-6, where 1 is considered the lowest. Summarised comments are as follows;

- Density and Public Transport Accessibility – The site is wrongly identified by the applicant as an urban location. TfL and the Mayor identify the site as a suburban location where the proposed density of 135 units per hectare exceeds the maximum range for a suburban location with a PTAL of 2 to 3. The density could be supported subject to improved public transport. Until such time as Beam Park station is delivered there will need to be measures to improve the PTAL of the site and also to mitigate any impact on the public transport and highway network.
- Parking – Car parking is within the London Plan maximum standards. A car parking management plan should be conditioned. Electric vehicle charging points should be provided.
- Modelling assumptions and trip generation – Some criticisms of the trip assumptions that have been used in the Transport Assessment.
- Highway proposals and impact – Access options without the need for additional signals need to be considered and tested. The applicant should consider measures to improve bus service reliability. *TfL broadly welcome the changes to the access proposed by the revised scheme and the removal of the additional arm to the signalized Spencer Road junction.*
- Walking and cycling – Proposals for cyclists using the A1306 should be clarified. *Cycle parking should be increased to a minimum of 723 spaces.*
- Buses - TfL request a contribution of £390,000 towards bus service capacity enhancement and provision of Countdown at bus stops to directly benefit the site.
- Travel Plan – Will need to be monitored, enforced and secured by condition.
- Construction and Servicing – Construction Logistics Plan and a Delivery and Servicing Plan should be provided and conditioned.

## 5 Relevant Policies

5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations).

5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP8 (Community Facilities), CP10 (Sustainable Transport) CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity) and CP17 (Design), CP18 (Heritage) of the Local Development Framework Core Strategy are considered relevant.

- 5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC27 (Provision of Community Facilities), DC29 Educational Premises), DC30 (Contribution of Community Facilities). DC32 (The Road Network). DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC49 (Flood Risk), DC50 (Sustainable Design and Construction), DC51 (Renewable Energy), DC52 (Water Supply, Drainage and Quality), DC53 (Contaminated Land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC61 (Urban Design). DC62 (Access), DC63 (Delivering Safer Places), DC70 (Archaeology and Ancient Monuments), DC 72 (Planning Obligations) of the Local Development Framework Development Control Policies Development Plan Document (“the LDF”) are material considerations.
- 5.4 In addition, the Site Specific Allocations DPD (“the DPD”) Policy SSA12, Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case. The Beam Park Planning Prospectus is a further consideration.
- 5.5 The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children’s play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking),, 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations). There is also a range of Supplementary Planning Guidance to the London Plan including ‘Housing Supplementary Planning Guidance – November 2012’; ‘Shaping Neighbourhoods Play and Informal Recreation’ - September 2012. The draft Opportunity Area Framework for London Riverside (OAPF) published by the GLA in December 2011 is also a material consideration.
- 5.6 The National Planning Policy Framework (“the NPPF”) is a further material consideration as is the Dovers Corner redevelopment Inspectors decision.
- 6.0 **Staff Comments**

6.1 The main issues arising for the consideration of Members are:

- Principle of development.
- Density and design considerations.
- Layout and Amenity considerations
- Transportation, highways and parking.
- Housing considerations
- Sustainability.
- Flood risk.
- Planning Obligations and community infrastructure requirements.
- Consideration of Environmental Impact Assessment.
- Planning constraints, including health and safety implications.

## 6.2 **Principle of Development**

6.2.1 Beyond National and Regional Guidance documents and policy the overarching policy to be taken into account in consideration of any application for the redevelopment of the former Somerfield site is the LDF Site Specific Allocation Policy 12 Rainham West (SSA12). This identifies that residential, ancillary community, retail, recreation, education and leisure uses will be allowed on the site. Importantly, SSA12 states that 33% of the development site needs to be developed for compatible employment land uses and other non-residential land uses.

6.2.2 This policy follows from the Havering Employment Land Review (2006) which identified that arising from the realignment of the A13 and subsequent environmental improvements to the de-trunked A1306, the area had become suitable for de-designation from employment use. The former Somerfield site is identified as a constituent part of the area where piecemeal development would not be allowed.

6.2.3 The reasoned justification for SSA12 advises that the policy seeks to ensure that a high standard of public transport is introduced to the area as a prerequisite to enabling residential development at the densities and car parking standards identified within the policy. Accordingly in assessing this application, whilst the principle of redevelopment is accepted it is important to consider to what extent the proposal satisfies the policy requirements, including consideration of to what extent changing circumstances since the adoption of the LDF should influence its interpretation and application.



6.2.4 In this respect in terms of the principle of the development proposed it is also relevant to consider whether the scheme can legitimately now be called a mixed use scheme. The revisions to the scheme have deleted all but a single ground floor commercial unit within Block D and the development is therefore to all intents and purposes a single use residential re-development contrary to SSA12 which states that such applications will not be allowed. The policy is open to interpretation as was evidenced by the Inspectors Report into the Dovers Corner scheme which postulated that the 33% compatible employment or non-residential land use requirement of Policy SSA12 could be applied across the whole of the Rainham West policy area south of the A1306. This is also an interpretation of the policy which has informed the OAPF. Nevertheless, however the policy is interpreted, the implications of a scheme which is almost entirely residential need to be considered.

### 6.3 Density and design

#### Density

6.3.1 Policy SSA12 identifies that the density of residential redevelopments to the south of the A1306 should be within the range of 30-150 units per hectare, but that with the exception of the Dovers Corner site that new development must be phased so that the completion of new homes coincides with the implementation of high standard public transport improvements such as East London Transit and a new rail station at Beam Park.

6.3.2 The application proposes a total of 497 units on a site with an area stated in the application as 3.68 hectares which equates to a density of 140 units per hectare. However, this site area figure used by the applicants includes the area up to the central reservation of the A1306 and also includes other parts of the site which do not comply with the widely accepted definition of areas which should be included for the purposes of calculating density. The Mayor of London Housing Supplementary Planning Guidance states that net site area should be used for density purposes. If the site ownership area of 3.34 hectares were used this would give a density of 149 units per hectare. The most generous interpretation of the area to be used to calculate density would exclude certain areas of highway particularly along the front of the site. This results in a site area for density purposes of 3.08 hectares which would equate to a density of 161 units per hectare, some way above the maximum 150 units per hectare set out in SSA12.

6.3.3 The applicant has referred to the policy 2.13 of the London Plan which deals with Opportunity Areas and identifies the London Riverside Area as such. The applicant stresses that within such areas housing density should be maximised. The actual wording of the policy advises that development opportunities should “seek to optimise residential ... densities, provide necessary social and other infrastructure to sustain growth and, where appropriate, contain a mix of uses.” The maximisation of residential density should not therefore be taken as a driver for dense residential development irrespective of other constraints and material considerations. The GLA

have suggested that the site has been incorrectly identified as an urban rather than suburban location and on that basis the proposed density is above the level set out in the London Plan density matrix for an area with a PTAL level of 2 – 3 – where maximum densities up to 95 units per hectare are recommended.

- 6.3.4 Members will be aware that housing density is only one aspect in the judgement of the acceptability of a scheme and that a mechanistic application of density is not encouraged. The quality of the design and the prospect of improved transport capacity are factors, as well as local context, social infrastructure and open space that could lead to a judgement that a higher density could be appropriate.
- 6.3.5 Staff recognise that the apparent lack of progress towards the improvement of transport facilities in the area creates a “chicken and egg” scenario for new development proposals. In this situation new developments and associated contributions are required in order to fund such improvements, whereas developments that come forward in the absence of such improvements in the current depressed housing market struggle to be viable and therefore cannot afford the scale of contribution required to fund the necessary improvements. Equally, new infrastructure in the current economic climate requires a strong business case and third party funding which is unlikely in the absence of a known unsatisfied demand. The applicants have pointed out that the size of the development and the nature of the current housing market is such that the scheme would be built out over several years which it is suggested would give time for transport and infrastructure improvements to the area to take place, which would then justify the density of development proposed.
- 6.3.6 The viability case for the development needing to be at a high density is recognised. However, staff do not accept that a scheme of a density at the upper limit of density for the area or beyond can be justified on such grounds in the absence of any certainty over the delivery of transport and infrastructure improvements. Moreover, as will be covered in later sections, the development would be unable to provide any meaningful contribution towards the realisation of these ambitions or other important planning requirements for the redevelopment of this important site. A decision to approve a scheme of this scale and at this density without any significant contributions would therefore amount to a leap of faith that the necessary infrastructure improvements would come forward with no certainty over how this would be achieved.
- 6.3.7 For this reason staff are satisfied that a reason for refusal based upon the excessive density of the proposed development contrary to Policy SSA12 could be justified.

#### Scale, Design and Appearance

- 6.3.8 Policy SSA12 requires that development of the former Somerfield site should be predominantly three storey in height. However, there is no

guidance offered by the policy or its written justification as to the interpretation of the word "predominant" and this was an issue which raised by the Inspector in his deliberations over the Dovers Corner appeal case.

6.3.9 The main bulk of the central east west core of the site does comprise 3 storey town houses and this would be evident when viewed from New Road along the access roads between the frontage blocks. The area makes up a sizeable portion of the site and on this basis staff are satisfied that it would difficult to maintain a standpoint that the scheme failed to meet the policy requirement.

6.3.10 That being said, it is recognised that there are significant concentrations of buildings which are more than three storeys high. These concentrations, together with the number of storeys proposed, add to the density of the site which has already been commented upon in the preceding section of the report.

6.3.11 In terms of the scale and bulk of the buildings, staff are satisfied that the relationship of the four storey frontage blocks to New Road would not appear unduly out of character or out of scale with development on the northern side of the road. It is considered that the width of New Road together with the distance that the buildings would be set back from the highway, the difference in levels from New Road and the set back of the upper floor would all serve to reduce their apparent height and bulk. It is also considered that the height proposed is helpful in creating a visible edge to the development in townscape and street scene terms. This is supported in order to create a sense of enclosure which would be difficult to achieve with lower buildings given the width of the road and verges and the setback of the buildings from the highway.

6.3.12 To the south of the site the six storey blocks I – L create a physical and visual barrier which would provide a defined edge to the development when viewed from New Road, whilst the distance from New Road and the falling level of the land would reduce their visual impact. However, as the blocks are six storeys in height they need to be assessed against Policy DC66 (Tall Buildings)

6.3.13 Policy DC66 advises that outside of Romford Town Centre buildings of 6 storeys or greater will only be granted planning permission in exceptional circumstances provided that they:

- create an attractive landmark building which would clearly improve the legibility of the area
- preserve or enhance the natural environment, the historic environment, local amenity and the local character of the area
- act as a catalyst for regeneration
- preserve or enhance views from Havering Ridge
- do not mar the skyline

- do not have a significant adverse impact on the amenity of nearby occupiers
- are appropriate to the local transport infrastructure and capacity in the area.

6.3.14 In addition, DC66 requires that all tall buildings should be of exemplary high quality and inclusive design and, in particular, they must:

- Ensure that the proposed density is suited to the site and to the wider context in terms of proportion, composition, relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements
- Be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline
- Create a well defined public realm with a human scale, with continuity of frontage and accessible entrances from street level
- Be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing
- Contain internal spaces, which do not become redundant over time and can easily adapt to changing social, technological and economic conditions
- Be oriented and profiled taking into account the potential negative impact on aircraft, navigation and telecommunication networks

6.3.15 In this respect staff are satisfied that Blocks I to L are well designed and would create an acceptable environment for future occupiers. They display careful attention to detailing and the design of the facades is intended to break down the bulk of the buildings. The potential for the development to act as a catalyst for regeneration is a moot point as for this to happen it is staff's view and that of TfL that the scheme would need to make a significant contribution towards improved transport and infrastructure in the area. Accordingly, in the absence of any certainty over such improvements it is considered that the scheme fails to satisfy the final criteria of DC66 as it would be inappropriate to the local transport infrastructure and capacity as it exists at present and does not offer sufficient resource for this to be achieved in the future. In the event that Members were satisfied that the buildings did satisfy the first set of criteria of DC66 it is nevertheless considered that the resulting density is not suited to the site at the current time, thereby failing to comply with the second set of criteria that tall buildings are required to meet.

6.3.16 The western edge of the development formed by blocks N, M and L would in staff's view provide an acceptable visual appearance when viewed from the west with a staggered increase in height from four storeys at the New Road frontage to the six storey height to the south. Whilst this would mask views of the interior of the site, there is no overriding objection to the perimeter block design. Members may take the view that this aspect of the scheme bears comparison to that which was objected to by the Council at Dovers Corner. However, staff consider that the site does have the

potential for a development towards the higher end of the density scale (subject to the infrastructure improvements being in place). Furthermore, notwithstanding the previous paragraph, the height of the blocks, their visual prominence and the character of the area are considered to have a more positive relationship to the surrounding area than that which caused such objection to the Dovers Corner scheme.

- 6.3.17 The design and appearance of the proposed north/south housing displays careful attention to detailing and landscaping with the intention of creating an intimate mews style of housing where, with the exception of the route which would act as the main north south access, shared surfaces would define the areas as ones where pedestrians are given priority. Staff are satisfied that this aspect of the scheme has been well considered and thoughtfully designed, albeit that there are highways concerns about the width of the roads proposed.

#### **6.4 Layout and Amenity Considerations**

- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area and not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance of the policies of the LDF relating to new residential development and seeks to ensure that new residential development is built to the highest quality with the aim to create vibrant, attractive, safe and accessible places which add economic, social and environmental value to the borough and contribute positively to the existing character.

- 6.4.2 In respect of site layout the application proposes an arrangement based upon a traditional urban street layout with north/south orientated terraces of housing with blocks to the north, south and west which reinforces the street frontage to New Road and maximises the overlooking of the public realm as advocated by Policy SSA12. The majority of the north/south streets are based upon an interpretation of home zone principles where a front to front separation of 15m or greater is proposed which is considered to be acceptable in street scene and residential amenity terms. A first floor separation rear to rear of 18m is achieved which it is considered will not result in any unacceptable overlooking or loss of privacy. Each of the houses has access to private, screened garden which although small are nonetheless considered to meet the requirements of the Residential Design SPD. The properties also incorporate a first floor rear terrace which provides further amenity for the units. The flatted units to the south and west are located within well landscaped settings, provided at ground level and podium courtyards for Blocks I to L which are considered to be acceptable and will provide areas of communal amenity. All new flats above ground floor would be provided with a balcony of useable size and the majority of ground floor units, with the exception of those fronting onto

the north of the site, would be provided with their own semi private areas of defensible space.

- 6.4.3 Areas of play space are proposed within all communal areas which the GLA are satisfied comply with the Mayor's standards. In addition, the ecological swale area to the south of the site will be easily accessible at various locations and provide further amenity primarily for residents of the development. The raised walkways have the potential to be linked both east and west into adjacent sites as and when these come forward, as does the southern east/west access road in accordance with the requirements of Policy SSA12 in terms of connectivity.
- 6.4.4 Some aspects of the development have been revised in response to concerns raised by the Borough Crime Prevention Design Advisor, including the removal of the rear access for the duplex units in the northern blocks and the switching of the entrance to the houses at the southern end of the terraces so as they are accessed from the southern east/west route, thereby increasing surveillance. Nevertheless a number of concerns remain particularly in respect of the need for controlled access to Blocks I to L from the large covered/underground parking area. However, if the proposal were to be acceptable in all other respects it is anticipated that such concerns could be addressed by non-standard conditions.
- 6.4.5 Detailed proposals for the hard and soft landscaping of the site have been submitted with the application. Variations of hard surface materials would assist with defining areas of pedestrian and vehicular priority. Tree planting and landscaping would help soften the appearance of the mews routes, create attractive communal areas and improve the biodiversity of the site.
- 6.4.6 The development is designed to Lifetime Homes standard and 10% of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.
- 6.4.7 The development is separated from all nearby housing by the A1306 and accordingly there are no concerns in relation to the direct impact of the development on the residential amenity of any other residential properties.

## 6.5 **Transportation, Highways and Parking**

- 6.5.1 A Transport Assessment (TA) prepared by traffic consultants accompanied the planning application. Staff are satisfied that this represents an accurate portrayal of the likely trip generation for the site. It is predicted that the vehicular traffic generated by the development would impact on the operational capacity and saturation of the local signalised junctions in the area, particularly the Spencer Road junction with New Road. There are potential solutions to this which could include remand management through a Travel Plan, impact monitoring and the identification of measures

to improve the operation of the junction. Other improvements to the A1306 junction with Marsh Way and/or a new railway station at Beam Reach are also measures for which funding would be required through a S106.

- 6.5.2 Policy DC32 requires that new road scheme will only be allowed where, amongst other things they improve conditions for pedestrians and cyclists and improve public transport accessibility. In this respect there remain concerns about the proposed access from New Road that have been highlighted by the safety audit submitted with the application and the addendum to it. However, were the scheme to be acceptable in other respects it is anticipated that these concerns could be overcome. The internal road layout is considered to be a more intractable problem as the 85m long north/south roads do not lend themselves ideally to shared surface/home zones. The 4.1m nominal carriageway width with 1m footways either side which are intended for two way traffic would require one or both vehicles to use the footway area in order to pass with potential danger to pedestrians, particularly more vulnerable users and inconvenience for larger vehicles. It is staff's view that the highway design has been driven more by the applicant's need to maximize the density of the site rather than a drive to create a scheme where the pedestrian has priority. A reason for refusal which refers to the inadequacy of the proposed road layout contrary to Policy DC32 is therefore considered to be justified.
- 6.5.3 The application proposes a total of 537 parking spaces which equates to 1.08 spaces per unit. This is within the range identified by Policy SSA12. Highways staff have identified access problems for some of the spaces to on the northern side of the slip road although it is considered that these matters could be resolved with some fairly minor amendments or relocation/deletion of spaces. Overall staff consider that the level and configuration of parking to be acceptable, with insufficient problems to justify a reason for refusal.
- 6.5.4 The application makes provision for cycle parking in accordance with the Council's adopted standards and any additional capacity required to comply with the London Plan could be required by condition were the application to be deemed acceptable in other respects.
- 6.5.6 The size of the development is such that TfL advise that a contribution would be required for improved public transport, namely an additional morning peak time bus for a five year period. In addition, in order for the PTAL level to be increased in the area as a precursor for higher densities, there is a need for other public transport improvements with a new station at Beam Reach being the favoured option. However, such an improvement will not be achieved without third party funding and a positive business case. As will be covered later in the report, the proposal can only offer a fraction of the developer contribution that a scheme of this size should make and as a result the realisation of such goals would not be advanced by the scheme, other than by creating an unsatisfied demand.

## 6.6 Housing Considerations

- 6.6.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments with the intention of ensuring the new development widens housing opportunity and creates mixed and balanced communities. Policy SSA12 also advocates development that avoids a preponderance of flatted development. The development proposes a mix of housing type and unit size which includes 85 houses, 30 duplex units and 382 flats with a size range from one to five bedrooms. Whilst the mix of unit size proposed does not provide a perfect match for that set out in Policy DC2 it is acknowledged by staff that the mix set out within the policy is indicative and that the mix proposed is broadly consistent. Accordingly the mix proposed is not considered by staff to be unacceptable, and would furthermore provide a sizeable number of family sized units.
- 6.6.2 Policy CP1 identifies the need for a minimum of 535 new homes to be built in Havering each year which has been increased by the London Plan to 970 new homes per year, and it is acknowledged that the development proposed would make a significant contribution towards enabling this target to be met over the period that it would be built out. However, this fact needs to be balanced against many other material planning considerations relevant to the proposed development.
- 6.6.3 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing, and that a tenure mix of 70:30 between social rented housing and intermediate forms (such as shared ownership) will be sought. As with the target for the provision of new homes, the London Plan has modified this to a requirement that boroughs should seek to maximise affordable housing provision. However, it is also stated that the Council, in seeking to achieve these targets, will give consideration to factors such as the viability of schemes which is also reflected in the London Plan.
- 6.6.4 The development proposed would provide no affordable housing that falls within accepted definition for it within the NPPF. The applicant's economic viability statement provides justification for this on the basis that the scheme would not be viable if were to be required, indeed the viability assessment suggests that it is not even viable on paper without it. However, it does suggest that the anticipated values of the 1 and 2 bedroom units (between £130,000 and £170,000) would be at an affordable level for first time buyers within the income level set for intermediate housing by the GLA in Policy 3.10 which defines the household income in the range of £18,100 to £61,400 with this extended to £74,000 for homes with more than two bedrooms which are particularly suitable for families.
- 6.6.5 Staff acknowledge that there is an argument that stimulating the first time buyer's market could be an important step towards reinvigorating the housing market. Also it could be argued that the provision of affordable housing might be improved if discussion with local Housing Associations



demonstrated that they had un-allocated grant available which they were prepared to inject into the scheme. However, this is not a scenario that staff consider likely. Accordingly, although staff accept the financial viability position of the proposed development they do not agree that a scheme of this magnitude, which offers no affordable housing within the accepted definition, is a defensible proposition. The Council currently has 13,000 people on the housing waiting list. Whilst this figure may be inflated by current eligibility criteria, those that are on the list are not in a position where they can afford to buy on the open market within the price range suggested. In a recent invitation to those on the waiting list for uptake of a shared ownership houses scheme where a 50% shared ownership would require a payment of £120,000 - £125,000 the Council received no applicants that were able to fulfil the criteria of the mortgage companies. This is indicative of the financial position of those that are on the waiting list and does not lend support to the applicants contention that the scheme would provide “affordable” housing or even low cost market housing within it’s accepted meaning, which is defined as having been discounted to a defined level below the normal market value.

- 6.6.6 A review of the economic viability report upholds it’s findings but suggests that a review mechanism could be put in place under a legal agreement whereby the potential for additional contributions and/or affordable housing could be reviewed on the basis of an open book appraisal at given stages during the development. If the housing market improves and the level of developers profit increases then this would equate to increased payments or affordable housing provision. Nevertheless, staff remain of the view that notwithstanding the viability appraisal, a scheme of this size on a major site in the Riverside area which from the outset is incapable of providing any recognisable affordable housing, is fundamentally flawed. Staff are therefore satisfied that a reason for refusal based upon the lack of provision of affordable housing and the resultant conflict with Policies CP2 and DC6 could be substantiated.

## 6.7 Sustainability

- 6.7.1 The application is accompanied a Sustainable Energy Strategy whilst the Technical Appendices to the ES contains a preliminary Code for Sustainable Development and BREEAM Assessment. In line with the requirements of the London Plan and Policies DC49 and DC50 of the LDF, the proposal is required to meet high standards of sustainable design and construction, as well as to demonstrate a reduction in predicted carbon dioxide emissions by at least 20%.
- 6.7.2 The scheme would achieve Code for Sustainable Homes Level 3 and proposes a range of passive design features and demand reduction measures to reduce the carbon dioxide emissions of the proposed development. A combination of measures is predicted to achieve a 9% reduction in carbon dioxide emissions compared to a 2010 Building Regulations compliant scheme. Together with proposals for Combined Heat and Power (CHP), the potential for the development to link to a wider

district heating network and thermal solar collectors it is anticipated that the scheme would exceed the target for carbon dioxide savings set out in the London Plan. The applicant has also demonstrated that the proposed use of green roofs, SuDS and biodiversity enhancements would be of further benefit to the sustainability of the scheme. The scheme would therefore be in accordance with the Councils Policies and guidance in respect of sustainability and energy efficiency.

## **6.8 Flood Risk**

6.8.1 According to Havering's Strategic Flood Risk Assessment (SFRA), the site is located in Flood Zone 3. The guidance contained in the NPPF states that proposals involving development in Flood Zones 2 and 3 should be subject to the Sequential Test, the aim of which is to steer new development onto land at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing.

6.8.2 The proposal is for a "more vulnerable" use in Flood Zone 3, and the NPPF therefore advises that the Exceptions Test is required in addition to the Sequential Test. In order for the proposal to be acceptable, it must be demonstrated that the development would provide wider sustainability benefits, and a site specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.

6.8.3 A Flood Risk Assessment (FRA) has been submitted with the application as part of the Environmental Statement. Measures to be incorporated into the scheme to address surface water runoff would include SuDS in the form of green roofs to all apartment blocks and the use of permeable paving. In order to address the issue of flood plain storage capacity and flood risk the habitable development would be set above the agreed flood level and the area to the south of blocks I-L would incorporate swales which together with the lower level car parking would provide compensatory flood storage capacity. The Environment Agency originally objected to the proposals on the basis that they were not satisfied that the development was safe because of the proposed use of the partially enclosed underground car park beneath Blocks I – L to accommodate fluvial floodplain storage, together with other concerns about the flood storage compensation proposed.

6.8.4 Subsequent amendments to the proposed levels within the car park and further clarification of the proposed design have satisfied the EA that there would be no loss of flood storage capacity and that the area could flood safely and in a controlled manner. Subject to conditions requiring a flood management evacuation plan and that the development be carried out in accordance with the approved FRA the EA have no objections.

## **6.9 Planning Obligations and community infrastructure requirements.**

- 6.9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floor space of the development net of existing floorspace is approximately 36,175sqm, which equates to a Mayoral CIL payment of £723,500. CIL is a statutory requirement and there is no option for a reduced contribution as the Mayor made a decision not to allow exceptions.
- 6.9.2 Many of the objections received state that the proposal would place a strain on local services including the provision of school places and the demand for doctors and dentists. Policy DC72 sets out the items for which contributions or provisions may be sought where they satisfy all the tests set out in Circular 05/05 and these include the contributions towards local service provision together with other matters which have been raised by the GLA, TfL and Streetcare.
- 6.9.3 The application was submitted prior to the implementation of the Council's tariff requirement under the provisions of the Planning Obligations SPD. Had that have been in force the proposal would give rise to a required contribution of £2,236,500 towards infrastructure costs (£4,500 per unit). That amount, discounted further from the £6,000 discounted rate applicable outside of the Havering Riverside area, has been calculated taking into account the levels of infrastructure and services and viability considerations that apply in the Havering Riverside area. Had the application been submitted whilst the LTGDC were still the planning authority determining planning applications in the Havering Riverside area the scheme would have been subject to the Corporation's Planning Obligations Community Benefits Strategy which would have required a payment of £6,000 per unit, resulting in a total of £2,982,000.
- 6.9.4 The applicant is offering a total of £1,500,000 in the form of CIL and S106 contribution, giving a total contribution towards local S106 requirements of £776,500. This represents a shortfall of £1,460,000 when measured against the amount that would now be required under the Planning Obligations SPD or £2,205,500 against the former LTGDC Strategy.
- 6.9.5 Economic viability is a material factor in the consideration of a planning application and is particularly relevant in this case. The applicant's economic assessment statement has been subject to independent scrutiny on behalf of the Council and it is accepted that it demonstrates that the scheme is incapable of providing a contribution greater than that which is on offer. Indeed, as previously commented upon, the scheme cannot afford even this on paper. However, the economics of development are such that having been the owners of the site for a long period of time it is more beneficial to the applicant to develop a site out and maintain a reasonable level of profit from the development, than to crystallise loss in value through sale of the site at a deflated market price. The suggestion has been made by the independent assessor that a S106 could be devised

which made the scheme subject to a review mechanism during the phases of the development. This would enable an assessment of whether as result of any upturn in the economy, higher residential sales value or other factors, that the scheme were proving more profitable than originally forecast and therefore able to make a greater S106 contribution.

- 6.9.6 Staff recognise the efforts that the applicants have made to accommodate the requirement for S106 contributions and also that the scheme does have a number of significant merits. However, the level of S106 contribution on offer would barely cover 35% of the contribution that would be required under the current tariff system. This would not be sufficient to make any realistic contribution towards the many and varied infrastructure requirements and demands that the development would give rise to, not the least of which is the need to increase public accessibility in the area and promote the development of a new station at Beam Reach.
- 6.9.7 On the basis of the above staff are satisfied that a reason for refusal can be justified on the basis that the scheme would place an unacceptable strain upon local infrastructure and services and make insufficient contribution towards the infrastructure requirements of the development contrary to Policy DC72.

#### 6.10 **Consideration of Environmental Impact Assessment**

- 6.10.1 The purpose of Environmental Impact Assessment (EIA) is to enable a full evaluation of the potential impacts of the proposed development upon the environment, looking at the scale and magnitude of those impacts both during and post construction, how likely they are to occur and how wide an area they could be predicted to affect. Potential mitigation for any such impacts are also assessed. It is a requirement that the decision maker properly considers the range of impacts which might occur and that this is acknowledged in its decision.
- 6.10.2 Several of the areas covered by the EIA have already been dealt with in previous sections of the report. Those which have not been addressed include the following.
- 6.10.3 Waste – The development would generate waste during demolition, construction and operation. A waste strategy would be targeted at minimising waste and maximising recycling and re-use. The proposed facilities for refuse storage and collection are well considered and include a novel approach for the communal refuse stores for several of the flats whereby the refuse would be deposited into chutes at ground level with the actual bins out of sight on a underground hydraulic platform which would bring the bins up to ground level when due for collection.
- 6.10.4 Socio–economics – The assessment of the socio-economic impact of the proposed development identifies a positive impact through the creation of employment during construction, additional local spending from the new population and the contribution that the development would make towards

meeting the Council's targets for the provision of new housing. Staff accept these potential positive outcomes, but have concerns that other impacts arising from the development such as the additional pressure on local services would have a harmful negative impact.

- 6.10.5 Air Quality – The EIA has included an assessment of both constructional and operational impacts on air quality. The declaration of the entire Borough as an Air Quality Management Area has been taken into account in the assessment. Staff accept the findings of the EIA which predict a minor adverse impact during the demolition and construction phase which could be mitigated by appropriate controls which could be required by condition. Staff also accept that the completed development would have only a negligible impact on local air quality.
- 6.10.6 Noise and Vibration – An assessment has been undertaken of potential noise and vibration impacts associated with the development during the demolition/construction phase and during operation. The conclusion that the potential impact during demolition and construction would be at a level that could be adequately mitigated by appropriate conditions is supported. Appropriate construction materials, techniques and insulation would be capable of addressing the potential for future residents to be affected by adverse noise and vibration from the adjacent roads and railways.
- 6.10.7 Ground Conditions – The assessment of ground conditions identifies the need for appropriate mitigation owing to the developed nature of the site and the potential for contamination to be present. Any such contamination would need to be remediated as part of the normal preparatory works prior to the commencement of development and conditions could adequately cover these requirements.
- 6.10.8 Wind Microclimate – A desk based study has been carried out under the standard methodology for assessing and classifying the nature of wind impacts. The study concludes that there would be no significant impact on pedestrian comfort within the development and staff are satisfied with these findings.
- 6.10.9 Archaeology – The site is located within an area of archaeological potential. The development could have an impact upon un-recorded archaeology but any such impact could be mitigated by appropriate archaeological watching brief and targeted excavations which would be subject to conditions.
- 6.10.10 Ecology – An ecological assessment was carried out comprising of an evaluation of existing historical data, an ecological site walkover and an assessment of the site's ecological importance. The site is not identified as a statutory designated site although there are several such designated sites within 2km of the site. There are no records of protected species having been recorded within the site although again there are records of several protected species within 2km of the site. A bat survey showed no indication of bats on the site although surveys would be undertaken prior to

any demolition. Ecological enhancements are proposed as part of the landscaping together with the provision of bird nesting boxes and bats boxes which would be built into the proposed structures. Staff are satisfied that the development would have a positive impact upon nature conservation and no objections are raised.

#### 6.11 Other matters, including health and safety implications

- 6.11.1 The site is located in close proximity to three high pressure gas pipelines which are located to the south of the site within the railway corridor. The Health and Safety Executive have advised against the grant of planning permission via the PADHI system as a result of the development falling within a more sensitive category of development and the fact that areas of the site fall within the middle consultation zone for two of the pipelines thereby making occupants more vulnerable to the risk that could arise.
- 6.11.2 Government Circular 04/2000 advises the decision maker (at paragraph A5) that *“in view of their acknowledged expertise in assessing the off-site risk presented by the use of hazardous substances, any advice from the HSE that planning permission should be refused for development at or near a hazardous installation or pipeline....should not be overridden without the most careful consideration”*.
- 6.11.3 The applicants have submitted a Technical Note and Risk Summary as part of the application and consideration of the matters raised therein in the light of the above advice is necessary. The document advises that during the development of the scheme a number of different scenarios for developing the site were investigated including one for a PADHI compliant scheme, which could only allow 10% of the area occupied by residential development to be located within the Middle Zone of the developed site. However, in order to achieve a workable scheme this resulted in a taller denser development but a broader swathe of open space or an area with potential for commercial use to the south.
- 6.11.4 The submitted scheme is acknowledged by the applicant as being non-compliant and that it results in some of the denser areas of development being located closer to the inner zone boundary. However, a similar scenario arose in the case of the Dovers Corner development where the Inspector decided that the Advise Against recommendation generated by the HSE PADHI consultation response should not be a barrier to the grant of permission. Regardless of the consideration of other aspects of the proposed development, the site remains a key development site within the Riverside area and one which is identified by Policy SSA12 as having potential for a major mixed use development. Were the scheme to be acceptable in all other respects staff anticipate that they would consider the wider regeneration benefits to be derived from a redevelopment of the site would outweigh the potential risks posed by proximity to the high pressure gas pipelines. On that basis it is not considered that any reason for refusal should be based upon the potential risk arising from the proximity of the development to hazardous pipelines.

## 6.12 Conclusions

- 6.12.1 The proposed residential development on the site is acceptable in principle although there are issues relating to the scheme as a largely single use scheme and the interpretation of the requirement of Policy SSA12 that single use schemes will not be allowed and that 33% of the development site should be developed for employment and other compatible non-residential land uses.
- 6.12.2 The redevelopment of the site would be in accordance with the NPPF by achieving the sustainable re-use of land. The layout, scale and form of the development is thoughtfully designed and shows great attention to detail. However, it is considered by staff that it would result in a scheme which has a density that is beyond the maximum set for the area and a road network which fails to provide adequate space for vehicles to pass and manoeuvre safely, and furthermore, is not supported by the current PTAL levels of the site. The proposal is therefore contrary to Policy SSA12, DC32 and DC66.
- 6.12.3 The proposal offers an acceptable mix of housing type and unit size but makes no provision for affordable housing, other than by virtue of the predicted low sale price for many of the units. Whilst it is accepted that this situation is supported by the viability appraisal it is not accepted that the redevelopment of a site of this size should make no contribution towards addressing the acute lack of affordable housing for those on the Council's waiting list.
- 6.12.4 The viability appraisal submitted with the application supports the applicant's case that the scheme can offer no more than £1.5m as a CIL/S106 contribution. However, this amount would result in a considerable shortfall against the level of contribution that the scheme should make and as a result the scheme would place an unacceptable strain upon local infrastructure and services contrary to Policy DC72.
- 6.12.5 It is accordingly recommended that planning permission be refused.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

Should members agree the recommendation and the decision be taken to appeal there would be additional staff time and expenses arising, the magnitude of which would depend upon the nature of the appeal.

#### **Legal implications and risks:**

Legal resources would only be required in the event of an appeal.

### **Human Resources implications and risks:**

There are no human resources and risks directly related to this report.

### **Equalities implications and risks:**

There are no specific social inclusion and diversity issues that arise directly from this report. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues. The development incorporates specifically designed accommodation for wheelchair users, would offer good levels of accessibility throughout as well as meeting the requirement for all new dwellings to meet the Lifetime Homes standard.

## **BACKGROUND PAPERS**

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.



<b>APPLICATION NO:</b>	<b>P0058.13</b>	
<b>WARD :</b>	Cranham	<b>Date Received:</b> 28th January 2013 <b>Expiry Date:</b> 25th March 2013
<b>ADDRESS:</b>	2 Willow Parade Moor Lane Cranham	
<b>PROPOSAL:</b>	Change of use from A1 retail shop to D1 Childrens Day Nursery	
<b>DRAWING NO(S):</b>	Current floor layout Proposed floor layout Transport 1 Transport 2 The premises location	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### CALL-IN

The application is called in by Cllr. Steven Kelly if recommended for refusal. The reason for the call in is that the proposal is regarded as an area of special community need and, as such, should be given special consideration.

### BACKGROUND

The application was deferred from the Regulatory Services Committee of 14 March 2013 in order for the application to be advertised as a departure from policy.

Although the press notice for the departure has now expired, the site notice has yet to expire at the time of drafting this report. Members will be verbally updated during the meeting of any further representations received. Irrespective of the resolution reached, provided that no further objections are received which raise any materially different issues to those covered by this report, it is recommended that the Committee's decision is delegated to the Head of Development and Building Control. If a materially different objection is received then the application will be reported back to the the Regulatory Services Committee.

Following the 14 March Committee, the applicant has also provided the following marketing information:

"The shop was for many years let to Cranham Furnishing who occupied the premises as a retail furniture shop. They vacated the property in July 2010 and the premises remained vacant until 26th August 2011 when the previous tenants moved in. During the period of vacancy, there was one other expression of interest in the shop but this did not proceed to completion. The second interested party during that year was the previous tenants.

The previous tenants found trading conditions very difficult and gave notice in August 2012 to bring their lease to an end. The business was closed from 30th November 2012.

The property was marketed from August 2012 and apart from your own interest, there have been no other expressions of interest in the shop."

No changes has been made to the following report as submitted to the Regulatory Services

## **REGULATORY SERVICES COMMITTEE**

**25th April 2013**

Committee of 14 March 2013.

### **SITE DESCRIPTION**

The application site comprises the ground floor of a vacant premises located on the eastern side of Front Lane. The ground floor of the premises is currently vacant and was previously used for retail purposes. The site is located within the Front Lane Major Local Centre and is surrounded by a mix of town centre uses.

The subject premises adjoins a financial adviser to the north and a chiroprapist to the south.

### **DESCRIPTION OF PROPOSAL**

This full planning application proposes the change of use of the premises to a children's nursery (D2). The use will be established on the ground floor only.

The premises has a floor area of approximately 99m<sup>2</sup>. The proposed use intends to operate between the hours of 7:30 and 18:30 from Mondays to Fridays.

The applicant has stated that there is a need for the proposed facility in the Cranham area as contained within the London Borough of Havering Childcare Sufficiency Assessment 2011 and that the proposed premises would enable the applicant to deliver quality childcare at a reasonable price.

No external alterations are proposed to the building. It should be noted that signage does not form part of this application and may need to be the subject of a separate application.

### **RELEVANT HISTORY**

P1340.12 - Change of use from A1 retail to D1 childrens day nursery  
Refuse 15-01-2013

P1534.10 - Change of use from A1 to Sui Generis (Beauty Salon).  
Apprv with cons 06-01-2011

### **CONSULTATIONS/REPRESENTATIONS**

The application was publicised by the direct notification of 59 nearby properties with 1 letter of objection and 1 letter of support received. The letter of objection relates to safety issues around the drop of point to the rear of the site as it is in constant use by delivery vehicles.

Environmental Health has suggested a recommendation for refusal on noise grounds unless a insulation condition can be added.

### **RELEVANT POLICIES**

#### **LDF**

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC61 - Urban Design

#### **OTHER**

LONDON PLAN - 2.15 - Town Centres

## REGULATORY SERVICES COMMITTEE

25th April 2013

### OTHER

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 8.3 - Community infrastructure Levy

NPPF - National Planning Policy Framework

### **STAFF COMMENTS**

The issues arising from this application are the principle of the change of use, impact on amenity, and parking and highway issues.

### **BACKGROUND**

A previous application on the premises was refused permission for the following reason:

1. The proposed development would give rise to a concentration of non-retail uses which is inappropriate within the retail core of the Front Lane Major Local Centre, undermining its vitality and viability.

The current application is the same as the previous submission with the only difference being additional information submitted around parking provision.

Staff also acknowledge that the subject premises has previously been subject to a change of use application. Specifically, P1534.10 for the change of use to a beauty salon. Although this application was approved it became clear in the report that a mistake had been made in terms of the assessment of the application in terms of the guidelines contained within Policy DC16. Staff are of the opinion that the previous application has not set a precedent for the site due to irregularities in the officer's report.

### **PRINCIPLE OF DEVELOPMENT**

The application site falls within the Front Lane Major Local Centre where Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Major Local Centres will be granted at ground floor level, subject to certain criteria being satisfied.

Whilst the proposed use does not provide a retail function, the type of use is not considered to be out of keeping with a major local shopping area. However, DC16 also states that planning permission for service uses will only be granted within District Centres at ground floor level where the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses or more than 33% of the length of the relevant frontage being in non-retail use.

The premises is currently bordered by non-retail uses to both sides. The proposal for a D1 use would therefore result in 3 non-retail uses next to each other contrary to policy DC16.

It is considered that the frontage runs between Nos. 1 and 12 Willow Parade. This frontage has a total length of 79.1m. There are twelve units within this parade. Six of the units are presently in non-retail use and have a total frontage measuring 38.77 metres, representing 49% of the total length of the parade in non-retail use. Therefore, prior to any decision on the subject application, staff note that the relevant frontage already includes more than 49% of the length being non-retail use.

Staff are of the view that the loss of the existing retail unit and the introduction of a further non-retail use within the parade would undermine its retailing function. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also

**REGULATORY SERVICES COMMITTEE**  
**25th April 2013**

to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

Staff have given consideration to the National Planning Policy Framework which places a presumption in favour of sustainable development at the heart of the planning system. Although it is acknowledged that the proposal would contribute to pedestrian flows, be open during shopping hours and create activity within the town centre, staff are of the view that the introduction of a further non-retail use would give rise to a concentration of such uses within the relevant frontage, which would be inappropriate within the retail core of Front Lane, thereby undermining its vitality and viability contrary to Policy DC16.

### **IMPACT ON AMENITY**

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that there are residential properties located on the upper floors of the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. As there is no parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a row of commercial premises which forms part of the retail core of Front Lane Major Local Centre. From the site visit it was observed that Front Lane is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

Accordingly, it is Staff's view that the proposal would not result in significant noise and disturbance over and above existing conditions.

### **HIGHWAY/PARKING**

Policy DC33 of the Submissions DPD is supported by Annex 5. Annex 5 indicates that the proposed use would be expected to provide 1 parking space per staff member and a drop off area. No spaces are proposed on site. Parking is available in a public car park approximately 70m from the application site. The applicant has also indicated that the nursery would operate a walk to school policy in-line with other local schools as there are good public transport links supported by bus services.

Concerns are being raised to the possibility of utilising the access road to the rear of the site for picking up and dropping off of children. The applicant has indicated that the rear access would only be used in the case of emergency pick up and drop off in the case of a child being unwell and will also be used if a disabled child requires drop off to the nursery.

Although there is a lack of on-site parking provision, Staff do not consider the parking requirement to be sufficient reason to refuse the application given the given the town centre location and the availability of public car parking nearby.

**REGULATORY SERVICES COMMITTEE**  
**25th April 2013**

**KEY ISSUES/CONCLUSIONS**

For the reasons outlined within the report the proposed change of use is considered to be harmful to the retailing function of the town centre contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework. Refusal is recommended accordingly.

**RECOMMENDATION**

It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

**1. Reason for refusal**

The proposed development would give rise to a concentration of non-retail uses which is inappropriate within the retail core of the Front Lane Major Local Centre, undermining its vitality and viability. The proposal is therefore contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework.

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