



# Haverling

LONDON BOROUGH

## STRATEGIC PLANNING COMMITTEE AGENDA

7.00 pm

Thursday  
16 July 2020

VIRTUAL MEETING

Members 8: Quorum 3

### COUNCILLORS:

**Conservative Group**  
(4)

Dilip Patel (Chairman)  
Timothy Ryan (Vice-Chair)  
Maggie Themistocli  
Ray Best

**Residents' Group**  
(1)

Reg Whitney

**Upminster & Cranham  
Residents' Group**  
(1)

Linda Hawthorn

**Independent Residents  
Group**  
(1)

Graham Williamson

**Labour Group**  
(1)

Keith Darvill

**For information about the meeting please contact:**

**Taiwo Adeoye - 01708 433079**  
**[taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk)**

**To register to speak at the meeting please call 01708 433100**  
**by Tuesday 14 July 2020**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

#### **Development presentations**

I would like to inform everyone that Councillors will receive presentations on proposed developments, generally when they are at the pre-application stage. This is to enable Members of the committee to view the development before a planning application is submitted and to comment upon it. The development does not constitute an application for planning permission and any comments made upon it are provisional and subject to full consideration of any subsequent application and the comments received as a result of consultation, publicity and notification.

#### **Applications for decision**

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would everyone in the chamber note that they are not allowed to communicate with or pass messages to Councillors sitting on the Committee during the meeting.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

**4 PROTOCOL ON THE OPERATION OF PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS** (Pages 1 - 6)

Protocol attached – to be noted by the Committee.

**5 APPLICATIONS FOR DECISION** (Pages 7 - 10)

**6 P1510.19 - PLOT 22, ALBRIGHT INDUSTRIAL ESTATE, FERRY LANE, RAINHAM**  
(Pages 11 - 28)

Report attached.

**7 P1604.17 - 148 - 192 NEW ROAD, RAINHAM, SOUTH HORNCHURCH** (Pages 29 - 54)

Report attached.

**Andrew Beesley**  
**Head of Democratic Services**

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## LONDON BOROUGH OF HAVERING

### PROTOCOL ON THE OPERATION OF STRATEGIC PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS

#### 1. Introduction

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Strategic Planning Committee hearings held during the Covid-19 restrictions will take place using a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

#### 2. Prior to the Hearing

Once the date for a meeting has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

#### 3. Format

For the duration of the Covid-19 restrictions period, all Strategic Planning Committee meetings will be delivered through conference call, using Zoom software. This can be accessed using a PC, laptop or mobile/landline telephone etc. and the instructions sent with meeting appointments will cover how to do this.

#### 4. Structure of the Meeting

Although held in a virtual format, Strategic Planning Committee Meetings will follow the standard procedure with the following principal stages. Committee Members may ask questions of any party at any time. Questions are however, usually taken after each person has spoken.

- The Planning Officer presents their report (no time limit).
- Objectors to the application make their representations. Parties who are speaking should not repeat the information, which they have already given in writing in their representation. However, they will be able to expand on the written information given, provided the information remains relevant (3 minutes per registered objector).
- The applicant responds to the representations made (3 minutes).
- The Councillor who has called in the application (3 minutes).

- Ward Councillors for the area affected by the application (3 minutes per Councillor).
- The Planning Officer will then present a summary of the material planning considerations (no time limit).
- The Planning Committee members will then debate the item.
- The Clerk will ask members of the Committee to indicate which way they wish to vote and the Clerk will announce the decision of the Committee.

## **5. Technology Issues**

An agenda setting out the items for the meeting will be issued in advance, to all parties in accordance with statutory timetables. This will include details of the applications together with all representations on the matter. The agenda will also be published on the Council's website – [www.havering.gov.uk](http://www.havering.gov.uk) in the normal way.

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, Zoom meetings may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker and etiquette of participants during the call.

Members and the public will be encouraged to use any Zoom video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by other electronic means.

Remote access for members of the public and Members who are not attending to participate in the meeting, together with access for the Press, will be provided via a webcast of the meeting at [www.havering.gov.uk](http://www.havering.gov.uk).

If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall temporarily adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next scheduled ordinary meeting.

## **6. Management of Remote Meetings for Members**

The Chairman will normally confirm at the outset and at any reconvening of a Strategic Planning Committee meeting that they can see and hear all participating Members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

The attendance of Members at the meeting will be recorded by the Democratic Services Officer. The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a remote meeting.



If a connection to a Member is lost during a meeting of the Strategic Planning Committee, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion, as they would not have heard all the facts.

## **7. Remote Attendance of the Public**

Any member of the public participating in a meeting remotely in exercise of their right to speak at a Strategic Planning Committee or other meeting must meet the same criteria as members of the Committee (outlined above) in terms of being able to access and, where permitted, speak at the meeting. The use of video conferencing technology for the meeting will facilitate this and guidance on how to access the meeting remotely will be supplied by the clerk.

## **8. Etiquette at the meeting**

For some participants, this will be their first virtual meeting. In order to make the hearing productive for everyone, the following rules must be adhered to and etiquette observed:

- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak;
- If invited to contribute, participants should make their statement, then wait until invited to speak again if required;
- If it is possible, participants should find a quiet location to participate in the Zoom meeting where they will not be disturbed as background noise can affect participants.
- The person speaking should not be spoken over or interrupted and other participants will normally be muted whilst someone is speaking. If there are intermittent technological faults during the meeting then the speaker will repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.

## **9. Meeting Procedures**

Democratic Services Officers will facilitate the meeting. Their role will be to control conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chairman.

The Council has put in place a technological solution that will enable Members participating in meetings remotely to indicate their wish to speak via this solution.

The Chairman will follow the rules set out in the Council's Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

The Chairman, at the beginning of the meeting, will explain the protocol for Member and public participation and the rules of debate. The Chairman's ruling during the debate will be final.

Members are asked to adhere to the following etiquette during remote attendance of the meeting:

- Committee Members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services Officers the opportunity to test the equipment.
- Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- Rather than raising one's hand or rising to be recognised or to speak, Members should avail themselves of the remote process for requesting to be heard and use the 'raise hand' function in the participants field.
- Only speak when invited to by the Chair.
- Only one person may speak at any one time.
- When referring to a specific report, agenda page, or slide, participants should mention the report, page number, or slide so that all members have a clear understanding of what is being discussed at all times

The Chairman will explain, at the relevant point of the meeting, the procedure for participation by registered public objectors, which will reflect the procedures outlined above. Members of the public must adhere to this procedure otherwise; they may be excluded from the meeting.

*For voting, the Democratic Services Officer will ask Members to indicate their vote – either FOR, AGAINST or ABSTAIN, once debate on an application has concluded.*

*The Democratic Services Officer will clearly announce the result of the vote and the Chairman will then move on to the next agenda item.*

Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. The Democratic Services Officer or meeting facilitator, who will also invite the relevant Member by link, email or telephone to re-join the meeting at the appropriate time, using the original meeting invitation, will confirm the departure.

## **10. After the Hearing - Public Access to Meeting Documentation following the meeting**

Members of the public may access minutes, decision and other relevant documents through the Council's website. [www.havering.gov.uk](http://www.havering.gov.uk)

For any further information on the meeting, please contact [taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk), tel: 01708 433079.

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## **Applications for Decision**

### **Introduction**

1. In this part of the agenda are reports on strategic planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### **Advice to Members**

#### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows:
  - a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (5 minutes)
  - c. Responding Applicant speaking slot (5 minutes)
  - d. Councillor(s) speaking slots (5 minutes)
  - e. Cabinet Member Speaking slot (5 minutes)
  - f. Officer presentation of the material planning considerations
  - g. Committee questions and debate
  - h. Committee decision

### **Late information**

16. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

### **Recommendation**

17. The Committee to take any decisions recommended in the attached report(s).

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 <b>Havering</b> LONDON BOROUGH	<b>Strategic Planning Committee 16 July 2020</b>
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<b>Application Reference:</b>	<b>P1510.19</b>
<b>Location:</b>	<b>Plot 22, Albright Industrial Estate, Ferry Lane Rainham,</b>
<b>Ward:</b>	<b>Rainham &amp; Wennington</b>
<b>Description:</b>	<b>The redevelopment of site for use as a waste management facility with a throughput of over 75,000 tonne per annum.</b>
<b>Case Officer:</b>	<b>Nanayaa Ampoma</b>
<b>Reason for Report to Committee:</b>	<b>The application is of strategic importance, is Greater London Authority triggering and therefore must be reported to the Committee.</b>

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

- 1.1 The application proposes redevelopment of Plot 22 of the Albright Industrial Estate at Ferry Lane. The applicant currently operates a waste operation at Unit 5, Albright Estate, Ferry Lane. However this has been found to be unsuitable for the applicant's (Excel Waste Management Limited) growing business. The development would allow for the continued employment use to be secured and would allow the use to be moved to a more suitable site where it would have less environmental effects compared to the present. It is also considered in keeping with the existing Strategic Industrial Land use given that it is existing use.
- 1.2 The development would result in a high level of waste recycling activity that is supported by the Greater London Authority (GLA), with throughput of around

100 tonnes a year. The proposed building design is also in keeping with the character of the area with suitable materials being used.

- 1.3 Lastly, the recommended conditions and Heads of Terms would secure future policy compliance by the applicant on the site and ensure any unacceptable development impacts are mitigated.

## **2 RECOMMENDATION**

2.1 That:

- i) Subject to no significant objections received from Transport for London.
- ii) Subject to no direction from the Mayor of London to either refuse planning permission or take over the determination of the application

the Committee resolve to GRANT planning permission subject to planning conditions set out in this report (the precise wording of which is delegated to the Assistant Director of Planning) and to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the below:

- Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990 and other enabling provisions, with the following Heads of Terms:
  - Agreed closure of the existing waste site at Unit 5, Albright Estate with the authorised use of the site being revoked by agreement without compensation
  - Up to £10,000 towards highways improvements
  - Reasonable legal fees for the drafting and negotiation of the deed whether or not it goes to completion
  - Monitoring fee towards the Council costs of monitoring compliance with the deed

2.2 That the Assistant Director of Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 16<sup>th</sup> January 2021 the Assistant Director of Planning is delegated authority to refuse planning permission or extend the timeframe to grant approval.

2.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

1. Time Limit – Expiry after 3 years

2. In Accordance with Approved Drawings
3. Materials as submitted
4. Landscaping – Details for hard and soft planting for wider area
5. Restricted Use (Commercial waste facility only)
6. Non-Road Mobile Machinery – Compliance with reduction of emissions
7. Noise
8. Ecology – Management Plan for the preservation of wildlife
9. Site Investigation
10. Contaminated Land – Site remediation to be submitted and agreed
11. BREEAM – Development to meet ‘Very Good’
12. Surface Water Drainage – Sustainable surface runoff methods
13. Construction Environmental Management and Logistics Plan for Highways Safety
14. Delivery and Servicing Plan
15. Vehicle Cleansing/Wheel Washing – Methods to reduce mud on the road.
16. Green Travel Plan
17. Visibility Splay to confirm egress and ingress visibility from site
18. Vehicle Access
19. Car Parking Plan – To ensure compliance with TfL and Highways Officer
20. Electrical Charging Points – Secured at 20% passive and active
21. Disabled Parking Plan – Secured at 10%
22. Cycle Storage – To be secure and enclosed
23. Sustainable Drainage Systems (SUDS)
24. Archaeology details for the protection of any historic material found on site
25. Pilling condition in response to Thames Water
26. No waste processing activity in open areas of site

### **Informatives**

1. NPPF
2. Environment Agency – Giant Hogweeds
3. Change to Public Highway
4. Highways Legislation
5. Temporary Use of Public Highways
6. Surface Water Management
7. Community Infrastructure Levy (CIL).
8. Planning obligations

### **3. SITE AND SURROUNDINGS**

- 3.1 The application site comprises a brownfield site currently used primarily for storage purposes. There is also a small building on the site. The plot lies south of the Borough where there are a number of industrial estates. The site

is not located within any sensitive area within the meaning of the EIA regulations. The site falls within Flood Zone 1 (1 in 100 or greater annual probability of river flooding), it is close to Rainham Creek and Rainham Creek Marshes RSPB Nature Reserve, which are both a Metropolitan Site of Importance for Nature Conservation.

- 3.2 There are no statutory designations within the site itself. The site falls within a Strategic Industrial Location as designation under the Council's Adopted policy framework (DC09) and Emerging Local Plan.

## 4 PROPOSAL

- 4.1 The application seeks planning permission for the redevelopment of the site to provide the erection of a large single storey, commercial waste building measuring 66.7metres in length, 33.9 metres in width and 14.5 metres in overall height. The application has suggested a throughput of 75,000 – 100,000 tonnes of waste. A small site office is also proposed to the southeast of the site, together with car parking areas and an empty skip storage area. The car parking spaces are divided as follows:

- 16 staff spaces
- 4 visitor spaces
- 2 Disabled parking spaces

## 5 PLANNING HISTORY

- 5.1 The following planning decisions in regard to the site are relevant to the determination of the application:

- **Z0005.19:** Request for an EIA Screening Opinion. – **Screening Opinion Issued**

- 5.2 It is relevant to the determination of the application that the site where the current waste operations take place (Waste Management Site, Denver Industrial Estate) is subject to the following planning consent:

- **P0191.16** – Denver Industrial Estate - Outline planning application for the construction of a new industrial estate (B1, B2 and B8 use classes)
- **T/APP/B5480/A/90/148487/PS** - Creation of a waste transfer station - Approved, November 1990.

## 6 STATUTORY CONSULTATION RESPONSE

6.1 A summary of consultation response are detailed below:

- **LBH Environmental Health Noise:** No objection subject to conditions and a S106 Heads of term requiring the closure of the existing site at Unit 5, Albright Estate.
- **LBH Environmental Health Contaminated land:** No objection subject to conditions
- **LBH Highways:** No objection subject to conditions.
- **LBH Waste and Refuse:** No objection as no domestic waste proposed.
- **LBH Drainage and Flood Officer:** No objection
- **LBH Emergency Planning:** No objection subject to recommendations.
- **Transport for London:** No objection. However “In line with policy T1 of the intend to publish London Plan (ItPLP), all developments must support the Mayor’s strategic mode shift target, which for outer London boroughs is for at least 75 per cent of trips to be made by sustainable modes by 2041. The applicant has not demonstrated that staff would be unable to reach the site by sustainable modes or that it would affect their ability to work there. The onus will be on the applicant to demonstrate that any car parking beyond the maximum standard is required in order for staff to carry out their work.” Therefore further details are required.
- **Environment Agency:** Objection withdrawn following further details. The EA originally requested that the applicant submit an amended FRA to demonstrate that would adequate flood storage compensation arrangements. They have since revised their comments and requested a condition be attached instead.
- **Fire Safety Regulations:** No objection. However sprinklers should be considered.
- **Fire hydrants:** No objection
- **Travel Plan Officer:** No objection subject to condition.
- **Thames Water Development Control:** No objection subject to piling condition.
- **Natural England:** No objection, subject to conditions on Construction Environmental Management Plan and SUDS.

- **Historic England:** No objection subject to a condition on the protection of any archaeology materials found.
- **Designing Out Crime:** No objection
- **Greater London Authority:** Stage I comments state that further information is required in regards to the level of sustainability at the site, and the proposed use. In addition, conditions should be secured regarding, Construction Management Plan and Non-Road Mobile Machinery. Further justification is also required regarding cycle parking provision disabled parking and electrical parking.

## 7 COMMUNITY ENGAGEMENT

7.1 In accordance with planning legislation, the local industrial community have been consulted.

## 8 LOCAL REPRESENTATION

8.1 The application was advertised via a Site Notice displayed at the site for 21 days and also advertised via a Press Notice.

8.2 Direct neighbour letters were also sent to 76 neighbouring properties. One neighbour response has been received as follows:

- 3 objectors
- 0 in support.
- No petitions have been received.

8.3 A summary of neighbours comments are given as follows:

- Objection on environmental impact grounds.
- The existing site has causes a lot of damage to the environment and air within the industrial site. The additional, site is likely to exacerbate this. So it is important that officers consider the impact on air pollution.

8.4 *Officer's response: The proposed development would lead to the waste machinery and process being housed internally. The existing site would then be closed with a S106 ensuring that both sites could not in operation at the same time. The applicant has agreed to these provisions.*

8.5 The following local groups/societies made representations:

- None.

8.6 The following Councillors made representations:

- None.

#### **Procedural issues**

8.7 No procedural issues were raised in representations.

### **9 MATERIAL PLANNING CONSIDERATIONS**

9.1 The main planning considerations are considered to be as follows:

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Environmental Issues
- Highways
- Cycle Storage
- Refuse Storage
- Sustainability
- Flooding and Drainage
- Security by Design

#### **Principle of Development**

9.2 Under policy CP3 of the current LDF, the Council will ensure that there are a range of employment sites across the Borough by: securing the most efficient use of land; prioritising particular uses within certain areas; and seeking contribution towards future employment training schemes. This followed the Havering Employment Land Review (2006) which predicted the likely future employment and skills demands and shortages based on realistic future business growth numbers. This also provided an assessment of the likely business infrastructure and land use requirements to inform the provisions of sufficient employment land within the Borough. It concluded that there are significant skills shortages within the current employment force which may increase over time if not addressed.

9.3 The National Planning Policy Framework (NPPF) (2019) places significant weight on the need to support the economic growth for local businesses as well as the wider environment. Through the planning system, emerging policies should operate to encourage a vision for the wider employment and not to impede or stunt sustainable economic growth within these areas. To help achieve economic growth the NPPF expects local planning authorities to plan proactively yet flexibly, and be driven by local opportunities within particular areas.

- 9.4 The application site falls within the Strategic Industrial Location (SIL) allocation. The existing area around the site benefits from a mix of B Class uses together with ancillary offices and other sui generis employment land uses. The proposal would result in a new industrial unit on a site that is not being utilised at present, other than for occasional storage use. Under normal circumstances the Council would seek B2 and B8 uses for the allocation. Under policies CP3 and DC9, industrial sites within the Borough will be protected and allocated for particular employment and land use. Policies CP3 of the Core Strategy specifically states that Ferry Lane is an “*acceptable locations for B1 (b) + (c) research and development and light industrial uses, B2 general industrial, and B8 storage and distribution uses.*” While policy DC9 seeks to safeguard the provision of a range of industrial, storage and distribution uses stipulating that permission “will only be granted” for B1 (b) and (c), B2 and B8 uses within Rainham Employment Area. Policy W2 of the Joint Waste Development Plan identifies a series of existing sites which are safeguarded (Schedule 1 sites) and areas where future waste uses will be encouraged to meet predicted demand (Schedule 2 sites). The policy goes on by stating that where an applicant can demonstrate there are no opportunities within the identified areas (schedule 1 and 2 sites) for a new waste management facility, sites within designated industrial areas will be considered.
- 9.5 The applicant’s existing site is a waste use, falls under Sui Generis use and was granted permission via appeal. The existing site is within Schedule 2 of the current Waste Plan and is therefore safeguarded by policies within the Plan. The proposed waste facility would be in replacement of the existing facility but in contrast the current open air facility would be contained within the proposed building. As a replacement, the waste use would continue and in effect, the safeguarding requirement would be met. The proposal could be considered to be an employment use, which would be in keeping with the SIL site’s designation. This would be in keeping with site allocation of the area by providing employment land that would sit comfortably within the existing wider industrial estate. Therefore, there is no objection in principle as the development would accord with policies CS8 and DC9 detailed above.
- 9.6 The GLA have also been consulted at Stage I and have confirmed that the proposed use is acceptable in principle subject to a number of issues being resolved. The applicant has confirmed that the proposed throughout would be in keeping with the current volumes of between 75,000- 100,000 tonnes. As such, subject to the above and compliance with all other policies the development would be acceptable in principle.

## **Design**



- 9.7 The NPPF 2018 attaches great importance to the design of the built environment. Paragraph 124 states *'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.
- 9.8 Policies 7.4 and 7.6 of the London Plan states that new development should be complementary to the established local character and that architecture should make a positive contribution and have a design which is appropriate to its context. Policy 7.7 states that tall buildings should be limited to sites close to good public transport links and relate well to the scale and character of surrounding buildings, improve the legibility of an areas, have a positive relationship with the street and not adversely affect local character.
- 9.9 Policies CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. It is also required that these developments provide a high level of inclusion and accessibility.
- 9.10 As detailed above, the application site is currently vacant. However falls within a large industrial area. The existing buildings around the site are typical industrial units with no particular architectural merit. As such, the proposed building would have no adverse impact on the character of the area. The largest building proposed would be 66.7metres in length, 33.9 metres in width and 14.5 metres in overall height. The unit would be finished in grey aluminium powder cladding and a curved metal roof. The design of the unit has been informed by others nearby. Therefore is in keeping with the area.
- 9.11 A recent permission has been issued at Unit 5A Albright Estate (P0773.19) for a similar scale building. Taking this into consideration the proposed development would complement the existing pattern of development and wider design character. In light of this, it is considered that the development would comply with the above stated policies governing design subject to final confirmations regarding the appearance of the building materials.
- 9.12 No details have been submitted in relation to the proposed boundary treatment. These would be secured under condition.

#### **Impact on Neighbouring Amenity**

- 9.13 . Policies DC55, DC56 and DC61 state that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking, loss of privacy to existing properties or noise.

- 9.14 As the site is within an industrial estate there are no neighbouring residential properties in close proximity. The nearest residential properties are located over 100 metres away. It is considered to be appropriately sited and of sufficient distance so as not to appear visually overbearing or result in any adverse impact on the amenity of neighbouring properties in terms of light, privacy, outlook and noise and disturbances. As such, the proposal would be in accordance with policies DC55, DC56 and DC61 stated above.
- 9.15 Objections have also been submitted by neighbouring properties around the likely air quality issues at the existing site. The area is identified as being within an Air Quality Zone. Following these comments further evidence was sought from the applicant. In contrast to the existing facility which is an open air facility with problems in the past in regard to dust, as well as being unsightly, the containment of most of the activities within a building is considered to be a considerable improvement. It is especially important that confirmation be given from the applicant that the use of the existing site would cease once the applicant had fully transferred to the new site. Following discussions with the applicant and the Council's Environmental Health Officer it was decided a S106 or condition requiring the closure of the old site once the new one was ready should be required. The applicant has agreed to this.
- 10.16 In summary, it is considered that the impact of the development in its present form, in terms of neighbouring amenity would not be significant in terms of loss of residential amenity including daylight, overshadowing or loss of privacy. It would also help improve the existing air quality experienced by those commercial units within the estate.

### **Environmental Issues**

- 9.17 The Environmental Health Officer has raised no objections to any contaminated land issues. However a condition requesting the submission of a remediation strategy should contamination be found during construction has been recommended. This will be attached to any permission.
- 9.18 The proposed development is located within an area of poor air quality which suffers from high concentrations of nitrogen dioxide. Objections have been received from neighbouring commercial units on the grounds that the existing unit alone creates significant air pollution and as such an Air Quality Management Area (AQMA) Plan should be secured or submitted under the application. The Environmental Health Officer has reviewed these objections and the request for the development in some detail and has commented that as the proposed waste facility would be contained within the building, this would significantly help mitigate the existing issues. Taken into account with the closure of the existing site (Unit 5), would be unreasonable to argue that the

proposed development would in release the air pollution when compared to the existing unit. However given these comments officers do not wish to allow the possible operation of both sites at the same time. Therefore an agreement has been reached with the applicant and officers that a S106 ensuring the formal closure of the applicant's existing site be undertaken. This would significantly improve the environmental issues within the area and go some way to addressing objections raised by existing commercial units. In addition, environmental health condition will also be attached to deal with all other matters such as contamination.

- 9.19 The Environment Agency and the GLA have both been consulted on this matter and while additional details of clarification were raised, they have made no objections.
- 9.20 In light of the above and subject to the legal agreement and conditions, the proposal is not considered to give rise to any significant environmental issues.

### **Highways**

- 9.21 Policies CP9, CP10 and DC32 require that proposals for new development assess their impact on the functioning of the road hierarchy. The overriding objective is to encourage sustainable travel and reduce reliance on cars by improving public transport, prioritising the needs of cyclists and pedestrians and managing car parking. A Transport Assessment has been submitted with the planning application as is required for all major planning applications.
- 9.22 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 0 (Worst). Access to the site is predominantly by motor vehicle. At present there is an informal parking arrangement which makes it difficult to ascertain the number of exact spaces.
- 9.23 The London Plan Policy 6.13 sets out the Mayor's maximum and minimum standards based on the PTAL rating for a site. It states under point D of Policy 6.13 that developments must:
- a. ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles*
  - b. provide parking for disabled people in line with Table 6.2*
  - c. meet the minimum cycle parking standards set out in Table 6.3*
  - d. provide for the needs of businesses for delivery and servicing.*
- 9.27 In light of this, it is required that 20% of all spaces be allocated for electric vehicle use with an additional 20 per cent passive provision for electric

vehicles in the future. Officers have considered this requirement against the current proposal and note that as the application is an outline details for the exact location for electric vehicles are not available. Therefore, a condition will be attached to require these details during reserved matters stage. Disabled parking will also be secured at that stage.

- 9.28 Discussions with the GLA, TfL and the Council's Highways Officer have not been completed as it pertains to cycle parking and other sustainable modes of transport. At present, Transport for London have commented that insufficient details have been submitted to justify the level of parking at the site. No real exploration of sustainable modes of transport have been submitted and therefore the application fails to comply with policy T1 of the emerging London Plan. "The onus will be on the applicant to demonstrate that any car parking beyond the maximum standard is required in order for staff to carry out their work." Therefore further details will be fourth coming at Stage II of the GLA consultation.
- 9.29 In addition, a contribution of £10,000 has been requested for the likely road works along Ferry Land while the development is being implemented. These include possible road closures and redirections as well as making good the public foot way or any other damage to the highways during the works.
- 9.30 Conditions ensuring that the proposed development is deliverable in an environmentally friendly and highways safe way will also be attached. This includes the provision of a Construction Management Plan and a Delivery and Servicing statement. Subject to these, the application is considered acceptable on highways grounds.

### **Cycle Storage**

- 9.31 Policy DC35 of the Council's adopted policy framework looks to encourage sustainable modes of transport through improved cycle routes and cycle parking within the Borough. Largescale major applications are required to create routes to link to any existing cycle ways and where appropriate contributions towards the management of cycle routes will be required. This is in particular regard to the London Cycling Action Plan 'Creating a chain reaction' and the London Cycle Design standards and other relevant documents.
- 9.32 In line with London Plan policy 6.13 and policy CP10 and DC35, the Council will require the provision of secure and adequate cycle parking spaces as identified in Annex 6 of the adopted Local Plan DPD. Details submitted with the application do not demonstrate where the cycle provision would be. This will be secured via condition and are subject to TfL comments.

### **Refuse Storage**

- 9.33 Under policies CP11 and DC40 it is required that new development ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects. Waste and recycling provisions should therefore be clearly stated on a plan.
- 9.34 The proposal is for a waste refuse facility site. Therefore it is considered that the waste could be managed on site. Therefore officers consider no further details are required.

### **Sustainability**

- 9.35 In recognising the importance of climate change and the need to meet energy and sustainability targets, as well as the Council's statutory duty to contribute towards the sustainability objectives set out within the Greater London Authority Act (2007), Policy 5.2 of the London Plan requires all major developments to meet targets for carbon dioxide emissions. This is targeted the eventual aim of zero carbon for all residential buildings from 2016 and zero carbon non-domestic buildings from 2019. The policy requires all major development proposals to include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.
- 9.36 The Mayor of London's SPG on Sustainable Design and Construction (2014) provides guidance on topics such as energy efficient design; meeting carbon dioxide reduction targets; decentralised energy; how to off-set carbon dioxide where the targets set out in the London Plan are not met.
- 9.37 In terms of the LDF policy DC50 (Renewable Energy), there is a need for major developments to include a formal energy assessment showing how the development has sought to ensure that energy consumption and carbon dioxide emissions are minimized applying the principles of the energy hierarchy set out in the London Plan.
- 9.38 Following negotiation with the GLA the applicant has submitted an updated Sustainability and Energy Report that demonstrate that the development shall reduce its carbon emissions by at least 35% over in relationship to Building Regulations Part L1A 2013 as required by the London Plan.
- 9.39 The approach to sustainable development is to improve the energy efficiency of the building beyond the requirements of Building Regulations. This follows the most recognised method of achieving sustainability through the energy hierarchy:
- Energy conservation – changing wasteful behaviour to reduce demand.

- Energy efficiency – using technology to reduce energy losses and eliminate energy waste.
  - Exploitation of renewable, sustainable resources.
  - Exploitation of non-sustainable resources using CO2 emissions reduction technologies.
  - Exploitation of conventional resources as we do now.
- 9.40 Policy 5.3 of the London Plan seeks that developers utilise the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments. Guidance of how to meet the requirements as presented from the above policy is further discussed within SPD Sustainable Design Construction (2009). This encourages developers to consider measures beyond the policy minimum and centred around development ratings, material choice, energy and water consumption.
- 9.41 However, the development would propose a large shell unit with no internal or structural heating arrangements. The applicant has argued that the proposal meets the “low energy” demand threshold in that it would like only generate very little heat if at all. Therefore, it is not required that the 35% CO2 emissions normally required under London Plan Policy 5.2, be applied. Comments received from the GLA have confirmed that they are satisfied that the proposal would fall under the East London Waste Plan and may not need to meet the 35% CO2 requirement. Additional details regarding urban greening has also been submitted and officers consider this acceptable. Officers will be led by the find comment from the GLA.
- 9.42 The development would normally be expected to achieve BREEAM ‘Very Good’ in accordance with the requirement of Policy 5.2 of the London Plan and policy DC49 of the Council’s adopted policies (See also Sustainable Construction SPD). This would be conditioned.

### **Flooding and Drainage**

- 9.43 The site is located close to the River Thames and a Flood Risk Assessment has been carried out and submitted with the application. This has been reviewed by the Council’s Flood Officer, the GLA and the Environment Agency.
- 9.44 The site is within Flood Zone 1 - having a low probability of flooding (1 in 1000 annual probability of flooding). The Environment Agency have confirmed that the development does not affect existing flood defences or increase the risk of flooding.
- 9.45 Submitted details state that currently, there are no sewers on site and surface water simply runs off towards the river. Foul water is currently managed

through collection in tanks which are regularly collected for off-site disposal. Policy 5.13 of the London Plan states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and applicants should aim for greenfield run-off rates.

- 9.46 The applicant has not provided any details on SUDS and has argued that it is not necessary. These details have been assessed by the Council's SUDS officer as well as the GLA and Natural England. Natural England have requested that some level of SUDS be proposed at the site. This will be secured via condition. In addition, a condition is recommended to ensure a surface water strategy is in place prior to the completion of the development which incorporates measures such as rain water harvesting or other such provisions.

### **Secured by Design**

- 9.47 In terms of national planning policy, paragraphs 91-95 of the National Planning Policy Framework (NPPF) (2019) emphasise that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion. In doing so, planning policy should emphasise safe and accessible developments, containing clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas.
- 9.48 The above strategic approach is further supported by Policy 7.3 of the London Plan which encompasses measures to designing out crime to ensure that developments reduce the opportunities for criminal and anti-social behaviour, instead contributing to a sense of security without being overbearing or intimidating. Adopted policies CP17 and DC63 are consistent with these national and regional planning guidance. The SPD on Designing Safer Places (2010), forms part of Havering's Local Development Framework and ensures adequate safety of users and occupiers by setting out clear advice and guidance on how these objectives may be achieved and is therefore material to decisions on planning applications.
- 9.49 In keeping with the above policy context, officers have consulted the Metropolitan Police to review the submitted application. They have commented that the application is acceptable.

## **10 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 Given the scale of development a CIL payment is required at both local and Mayoral level. The application site area is 5300sqm.

*Mayoral CIL*

- 10.2 Policy DC72 of the Havering Adopted policies framework states that where appropriate the Council will use planning obligations to support the delivery of infrastructure; facilities and services to meet the needs generated by development and mitigate the impact of development. Furthermore, pursuant to Table 2: Mayoral CIL Charging Rates of the Mayor's April 2019 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £25 per square metre applies to LB Havering developments. Calculated this results in a CIL liability figure of £132,500.

*LB Havering CIL*

- 10.3 Under the LB Havering charging rates adopted on the 1<sup>st</sup> of September 2019 there is no CIL charge levied for these forms of developments. Therefore there a charge of £0.

## **11. EQUALITIES AND DIVERSITY**

- 11.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 11.2 For the purposes of this obligation the term "protected characteristic" includes:- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

- 11.3 The proposed development comes forward within the setting of an existing industrial site. The site is some distance away from the nearest residential unit and given the existing site context and uses, it is not considered that the development would unduly harm any particular groups protected by the above Act.

- 11.4 Therefore in recommending the application for approval, officers have had regard to the requirements of the aforementioned section and Act and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.



11.5 In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

## **12 CONCLUSIONS**

12.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Mayor's London Plan and the Havering Development Plan, as well as other relevant guidance and material considerations, have been carefully examined and taken into account by the Local Planning Authority in their assessment of this application.

12.2 Officers have fully reviewed the details submitted and concluded that as conditioned, the proposal would not compromise the locality of the industrial site and would accord with all relevant development plan policies and London Plan.

12.3 The design of the development is considered appropriate for its location and would not lead to an unacceptable impact on the character of the local or cause safety concerns to the highway as conditioned.

12.4 In light of the above, the application is **RECOMMENDED FOR APPROVAL** in accordance with the resolutions and subject to the attached conditions and completion of a legal agreement.

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 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Strategic Planning Committee</b> <b>16 July 2020</b></p>
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<b>Application Reference:</b>	<b>P1604.17</b>
<b>Location:</b>	<b>148 - 192 New Road, Rainham</b>
<b>Ward</b>	<b>South Hornchurch</b>
<b>Description:</b>	<b>Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 239 units with ancillary car parking, landscaping and access</b>
<b>Case Officer:</b>	<b>Simon Thelwell</b>
<b>Reason for Report to Committee:</b>	<b>The application is by or on behalf of a Joint Venture that includes the Council and is a significant development. The Local Planning Authority is considering the application in its capacity as local planning authority and without regard to the identity of the Applicant.</b>

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## **1.0 BACKGROUND**

- 1.1 The application was reported to this Committee on 27<sup>th</sup> February where Members resolved to defer consideration of the application in order to undertake a site visit to better understand the nature of the site and its relationship to neighbouring properties and roads in particular in relation to the noise issues arising from the proposal.
- 1.2 The site visit was undertaken on Monday 16<sup>th</sup> March with access to part of the application site immediately adjoining Rainham Steel as well to a site adjoining the application site.

## **2. RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission subject to conditions set out in Appendix 1 of the committee report of 27 February 2020 below, with the addition of additional wording to Condition 13 as set out in paragraph 4.6 of this report and the head of terms planning obligation referred to in paragraph 4.7 of this report inserted in Condition 39 of the committee report of 27 February 2020, to include key matters as set out below:
- 2.2 That the Assistant Head of Planning is delegated authority to negotiate any subsequent legal agreement required to secure compliance with Condition 39 below, including that:
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
  - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
  - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- 2.3 The application is subject to Stage II referral to the Mayor of London pursuant to the Mayor of London Order (2008)
- 2.4 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters

## **3. ADDITIONAL REPRESENTATIONS RECEIVED SINCE 27 FEBRUARY 2020**

- 3.1 The Council has received a Direction from the Ministry of Housing, Communities and Local Government not to grant planning permission before the Secretary of State gives specific authorisation. This "holding direction" is to enable the Secretary of State to consider whether the application should be referred to him for determination, should it be resolved to grant planning permission.
- 3.2 An objection has been received on behalf of one of the present occupiers of the site on the basis that it is their belief that the noise conditions caused by the adjacent steel business is an impediment to the delivery of the residential proposal. On that basis the need for relocation or extinguishment of the business (which is in discussion with the prospective future land owner), with resultant potential job losses, is not necessary. Officer Comment: Officers consider that the noise issues from the operation of the steel business are capable of being addressed, as outlined in this and earlier reports. The site is allocated for residential development and as such the allocation of employment

land has been addressed through the plan making process. The acquisition of the land (whether through agreement or compulsorily) is a separate process and not part of any planning consideration.

- 3.3 A further representation has been received from the operator of the adjacent steel business, raising concerns that the conflict of noise versus ventilation/overheating requirements have not been considered and should not be left to conditions. Officer Comment: the issue of overheating is addressed in the proposed condition and will be fully considered as part of the future appraisal of the mitigation measures at reserved matters stage.

#### 4. **ADDITIONAL CONSIDERATIONS**

- 4.1 The reports to committee of 27 February 2020 and 19 December 2019 are appended to this report with the 27 February report amended in accordance with the update report tabled in the supplementary agenda.

- 4.2 The applicant has recently submitted two further reports in response to some of the concerns raised in relation to noise and overheating issues:

- A feasibility study, providing a re-assessment of the noise environment, production of a 3D noise model and recommending suitable mitigation measures based on the assessment.
- An overheating design guidance document for the site, recommending measures for future reserved matters in relation to required ventilation given the noise constraints and mitigation

- 4.3 The main conclusions of the feasibility study are:

- Acceptable levels of internal noise can be achieved with windows closed and ventilation.
- Communal external amenity spaces in the majority of the site and low level balconies facing internal courtyards would be likely to achieve recommended standards
- Higher balconies and those facing out of the site would be unlikely to achieve recommended standards
- Mitigation options such as re-orientating balconies to quieter facades, introduction of localised screening, absorption, as well as winter gardens, are presented as viable solutions
- With appropriate acoustic and ventilation and cooling design, good conditions can be achieved both internally (throughout) and externally (to most areas) within the proposed development. The specific mitigation measures can be addressed at the reserved matters stage without the need to vary the parameters of an outline planning permission.

- 4.4 The main conclusions of the overheating guidance document are:

- Due to noise constraints, reliance upon natural ventilation via openable windows is not generally applicable across the development. However,

there are a range of measures available to ensure thermal comfort levels are met.

- Passive acoustically attenuated ventilation is likely to be suitable in areas with low overheating risk and low noise exposure.
- An element of mechanical ventilation and comfort cooling will be required within the development due to the noise levels, as well as the exposure to solar gains, there are a range of tested measures available to ensure thermal comfort levels are met. The extent of which will be determined within reserved matters stage design.

4.5 Copies of the reports have been forwarded to officers on Public Protection to comment. Any further comments received will be updated to Members prior to the meeting.

4.6 Officers have taken the opportunity to further consider the wording of condition 13, in regard to consideration of possible overheating issues. It is considered that the condition as drafted would include consideration of the effectiveness of any ventilation required, including addressing overheating. However, in order to make this clearer, the condition wording has been amended and is as recommended below:

13. Details in writing of noise insulation/attenuation scheme detailing the acoustic/noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing, overheating mitigation and ventilation (including an assessment of the need for, and details of, mechanical or other ventilation)) and any other mitigation to demonstrate that internal noise levels will accord with BS 8233: 2014 "Guidance on sound reduction and noise reduction for buildings" shall be submitted with any reserved matters application for the approval of the Local Planning Authority.

The noise insulation and attenuation scheme referred to above should set out how external noise levels in defined amenity areas have been reduced to be as low as practicable (including details of any mitigation) by reference to target level 55db LAeq,T, in accordance with the approach as set out within BS 8233 :2014 and Professional Planning Guidance: Planning and Noise (ProPG).

The noise insulation and attenuation scheme referred to above should set out how information will be provided to prospective purchasers or occupants about mitigation measures that have been put in place.

No development shall take place until the noise insulation and attenuation scheme, including any ventilation/overheating measures, has been approved in writing by the Local Planning Authority. The approved development shall thereafter be carried out in accordance with the approved scheme and all measures/insulation/attenuation/ventilation provided in accordance with the scheme shall be permanently retained thereafter.

4.7 Furthermore, although the condition above refers to providing information to prospective purchasers and occupiers on the noise mitigation measures, it is considered reasonable to require through the legal agreement that noise

information about the living accommodation is included in marketing and sales material to those interested in occupying the development. It is therefore recommended that the following additional head of term be added to the draft legal agreement to be appended to the decision and referred to in Condition 39:

- Sales/marketing information and other information provided to prospective occupiers to include description of existing noise conditions and mitigation measures that have been incorporated into the accommodation.

4.8 Other than the above changes, the officer recommendation remains as set out in Section 2 above and the appended reports.

 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Strategic Planning Committee 27<sup>th</sup> February 2020</b></p>
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<b>Application Reference:</b>	<b>P1604.17</b>
<b>Location:</b>	<b>148 - 192 New Road, Rainham</b>
<b>Ward</b>	<b>South Hornchurch</b>
<b>Description:</b>	<b>Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 239 units with ancillary car parking, landscaping and access</b>
<b>Case Officer:</b>	<b>William Allwood</b>
<b>Reason for Report to Committee:</b>	<b>The application is by or on behalf of a Joint Venture that includes the Council and is a significant development. The Local Planning Authority is considering the application in its capacity as local planning authority and without regard to the identity of the Applicant.</b>

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## **1 INTRODUCTION**

1.1 Members may recall discussing the above-mentioned planning application at the Strategic Planning Committee on the 19<sup>th</sup> December 2019, where the application was deferred to enable:

- An updated report to be brought to back to committee containing a summary and assessment of the late representations received
- Full wording of the suggested conditions



- 1.2 Officers would remind Members that the application is submitted in outline with all matters reserved for future approval. Further, the London Borough of Havering Public Protection Officer (Noise) does not object to the outline planning application, subject to the introduction of appropriate planning conditions to mitigate the impact of the development from the known noise source at Rainham Steel Company Limited to the south.
- 1.3 It may also help Members that the Local Planning Authority has undertaken a quick search of relevant outline planning applications elsewhere in England, where housing is being proposed adjoining an existing commercial/ industrial noise source. Whilst not knowing the full details of other schemes, there are occasions where outline-planning applications have been approved on the basis of parameter plans, and subject to conditions that more detailed noise assessments would be submitted with any subsequent reserved matters application.
- 1.4 As Members may recall, there were two late representations received in advance of the Strategic Planning Committee on behalf of the objector at Rainham Steel; in this respect, the Local Planning Authority received a letter from Penningtons Manches Coopers LLP (the Penningtons letter) on the 17<sup>th</sup> December 2019, and an e-mail from MZA Acoustics on the day of the Strategic Planning Committee on the 19<sup>th</sup> December 2019.
- 1.5 This Report will therefore deal with an assessment of the later representations received in December 2019, and in addition, provide Members with a full list of planning conditions. The report originally presented at 19<sup>th</sup> December committee is appended to this report with amendments as suggested in Section 4 of this additional report.

## **2. RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission subject to conditions, to include key matters as set out below:
- 2.2 That the Assistant Head of Planning is delegated authority to negotiate any subsequent legal agreement required to secure compliance with Condition 39 below, including that:
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
  - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
  - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

- 2.3 The application is subject to Stage II referral to the Mayor of London pursuant to the Mayor of London Order (2008)
- 2.4 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters

### 3. **SUMMARY AND ASSESSMENT OF THE LATE REPRESENTATIONS RECEIVED**

- 3.1 As advised above, a late representation was received from Penningtons on the 17<sup>th</sup> December 2019. The Local Planning Authority set out below a response to the letter as set out in the Penningtons letter.

#### 1) **Committee Report Availability**

- 3.2 The Penningtons letter stated that the Strategic Planning Committee report had not been published at the time of the letter being written i.e. 17<sup>th</sup> December 2019. In fact, the report was published to the London Borough of Havering web-site on the 11<sup>th</sup> December 2019.

#### 2) **Reference Noise Policies contained within the National Planning Policy Framework 2019, National Planning Policy Guidance and the London Borough of Havering Core Strategy and Development Control Policies DPD 2008**

- 3.3 The letter from Penningtons references supporting text with Policy DC55 of London Borough of Havering Core Strategy and Development Control Policies DPD 2008, and **not** the Policy itself; supporting text is not Policy. Policy DC55 states:

*Planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation, schools and hospitals. Where the proposal would lead to a noise sensitive development being located near to a noise generating activity, a formal assessment will be required to ensure compliance with the noise exposure categories in Planning Policy Guidance Note 24, Planning and Noise. Planning conditions may be imposed to this effect.*

- 3.4 The applicant has carried out a formal noise assessment, which has been reviewed and assessed by the Council's Public Protection Officers, who agrees with its findings, subject to subsequent assessment of the final layout/details of the development which would be part of any reserved matters submission and the noise mitigation measures as set out with such reserved matters details and required to be submitted through recommended planning condition.

3.5 The Local Planning Authority are therefore of the view that the provisions of Policy DC55 of London Borough of Havering Core Strategy and Development Control Policies DPD 2008 are fully complied with and that the development therefore complies with Policy. Officers of Council are therefore satisfied that an appropriate and acceptable level of amenity can be achieved for future residents of this proposed development.

### **3) Three fundamental legal errors**

3.6 Pennington letter asserts that there are three legal errors in the Strategic Planning Committee report. In response, the Local Planning Authority would advise the following:

- i) Failure to consider the objectors technical submission - The objections received, including Technical Note from Delta Simons acting on behalf of Rainham Steel, have been reviewed by the Council's Public Protection Officer who has also considered the supporting information put forward by the applicant. The conclusion is that, subject to the introduction of appropriate mitigation measures, there is no objection to the grant of outline planning permission. The December 2019 Report to the Strategic Planning Committee also makes detailed reference to the objections to the scheme by Rainham Steel
- ii) Failure to give reasons - The Report to the Strategic Planning Committee references planning policy, in particular Policy DC55, in a manner, which responds to the objections raised by Rainham Steel.
- iii) Failure to take account of impact on adjoining site - If development would secure an appropriate level of amenity for future occupants as envisaged by the Council's Public Protection Officer, there would be no reason for complaints or negatively affect the future operations of Rainham Steel

### **4) Environmental Noise cannot be mitigated and 7) Concerns re external sound levels**

3.7 The Public Protection Officer of the Council agrees with the applicants assertion that...*"it has been demonstrated that with the implementation of the proposed mitigation measures that the proposed development will not have an adverse impact on existing businesses and the future development should not lead to unreasonable restrictions"*.

3.8 Further, the Public Protection Officer of the Council agrees that the proposed outline residential scheme requires noise mitigation of environmental noise from Rainham Steel and road noise. The objector considers that such mitigation is not possible, but their own technical advisor agrees that with suitable glazing and ventilation to relevant windows (if any are proposed) to rooms can achieve acceptable noise levels. Mitigation in the forms of layout, balcony type and acoustic screening would result in reduced noise levels to outside amenity areas. In addition, as illustrated, internal courtyards would meet external noise levels meaning that all residents would have access to a suitably quiet outdoor area. Details of such mitigation/layout measures can reasonably be required through a condition to require that the measures be submitted as part of the

reserved matters submission (when the proposed layout would be set out and the exact effectiveness of the mitigation measures set out and tailored to the detailed layout).

## **5) Proposed Noise Conditions**

- 3.9 The site is identified in the GLA designated Housing Zone, is a residential allocation in the Rainham and Beam Park Planning Framework 2016, and allocated in Policy SSA 12 the London Borough of Havering Core Strategy and Development Control Policies DPD 2008, where residential and ancillary community, retail recreation, educational and leisure uses, and appropriate employment uses will be allowed.
- 3.10 Whilst a detailed strategy of mitigation does not have to be agreed at the outline planning stage, the Local Planning Authority have revisited the wording of the noise conditions; these are set out in the Appendix to this Report.

## **6) Planning Statement does not reference working hours at night**

- 3.11 Paragraph 6.18 of the Strategic Planning Committee Report references night time working at Rainham Steel; the applicants noise assessments carried out by M-EC also reference Rainham Steel operating at night.
- 3.12 The late objection from MZA, dated 19<sup>th</sup> December raised the following issues:
- 3.13 Internal Noise – the objection appears to accept that internal noise can be dealt with through suitable mitigation although questions the practicality of this. In response, there are many similar situations in urban areas where such mitigation is required and dealt with through suitable conditions.
- 3.14 External Noise – the objection raises the issue of the very high noise conditions at the boundary of the site and likelihood of complaints from future residents of the development. In response, the illustrative plans show the buildings set back from the boundary with Rainham Steel, so noise levels would not be so high at this rear façade, although the noise levels do exceed suggested levels meaning that this aspect does need careful consideration. With regard to noise to external amenity areas, both the applicants and objectors reports indicate that all internal courtyards within the illustrative scheme achieve acceptable noise levels both during the day and night. Paragraph 011 of NPPG on noise states, noise aspects can be partially offset if residents have access to one or more of certain types of amenity space including a relatively quiet communal space or a nearby park which has quiet areas. One possible mitigation measure would be to have no balconies where noise levels could be exceeded, but from a residential amenity point of view, it would be preferable for all dwellings to have access to a private outdoor area and for flats this would normally be a balcony. British Standard BS8233:2014 sets out recommended outdoor levels but clarifies that the levels stated are guidelines only and not intended to prohibit the use of balconies and that the resulting noise levels in amenity spaces should be designed to be as low as practicable. As an outline scheme, the internal layout, position of balconies and type of balcony is not detailed. It is

considered that measures such as boundary acoustic barriers, siting of buildings, layout and screening of balconies would ensure that lowest practicable noise levels on private balconies can be achieved. Therefore, use of a condition is considered to be appropriate in this case.

#### 4.0 Amendments to Officer's Report

#### 4.1 In addition to the information and commentary provided above, the following changes to the officers report:

Paragraph 2.3 – The Environment Agency have now confirmed that they have no objection to the application.

Paragraph 4.3 – The Environment Agency no longer object to the proposal

New Paragraph 5.4 - Additional correspondence has been received from the adjoining business. The only additional matter raised that is not covered in the original report is a request that if granting permission is considered appropriate, a condition should require all windows to be permanently fixed shut and no balconies to be installed.

In response, it is considered that such a condition would be unreasonable to impose on an outline application. As set out in the report, the details of mitigation should be submitted at the same time as the reserved matters showing the layout of the development which will include proposed position of rooms and windows and details of balconies (if any are proposed). That would be the appropriate time to assess whether the mitigation is acceptable rather than imposing constraints, which may not necessarily be required, at the outline stage.

Paragraphs 6.57 to 6.58 – The Environment Agency no longer object subject to a condition regarding floor levels in the part of the site subject to flood risk – recommended condition 38.

Paragraphs 6.17 – 61,8 – As well as the considerations set out above in addressing the late representations received, it is considered useful for Members in considering the issue, to set out in more detail the considerations in regard to noise impacts affecting the proposed development. This is set out in the paragraphs below.

#### 4.2 The adjoining site is a steel fabrication and distribution business. There are no planning controls that restrict the operations of this site, provided it remains as a B2/B8 use. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location. Paragraph 182 states that where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. National Planning Practice Guidance (NPPG) on Noise provides the following advice (paragraph 009):

*Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.*

*In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.*

*The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).*

*It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints.*

- 4.3 The applicant has submitted a noise assessment as part of the application and this acknowledges that there are existing noise sources from the adjoining business as well as traffic noise from New Road. The applicant's noise report sets out how noise can be mitigated in any residential development of the site based on the illustrative layout, both in terms of noise experienced within the proposed dwellings (internal noise) and noise experienced when outside of the dwelling (external noise).
- 4.4 As the application has been submitted in outline, the exact mitigation measures cannot be described and tested at this time. The exact position and layout of the dwellings, position of windows, doors and balconies and nature of balconies are not set out in the outline application and would be provided as part of any reserved matters submission.
- 4.5 The applicant's noise assessment proposes that where necessary, internal noise within dwellings can be mitigated to an acceptable standard (the No Observed Effect Level) by the use of appropriate glazing and ventilation so that residents could close windows and doors should there be industrial or traffic noise either during the day or at night.
- 4.6 External noise standards suggest that an external average noise level of 55 dB(A) should provide a satisfactory environment. However, there is no absolute

standard that a maximum level should be achieved. National Planning Practice Guidance sets out the following advice (Paragraph 011):

*Noise impacts may be partially offset if residents have access to one or more of:*

- *a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling;*
- *a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced if this area is exposed to noise levels that result in significant adverse effects;*
- *a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings; and/or*
- *a relatively quiet, protected, external publically accessible amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minute walking distance).*

- 4.7 The applicant's noise assessment considers that 55dB(A) can be achieved for the majority of the communal areas within the site, mainly due to the barrier affect provided by the buildings themselves. The assessment considers that private outdoor space (terraces at ground floor and balconies at upper floors) would not likely achieve 55dB(A) and could be subject to average noise of around 60 dB(A) without mitigation. Mitigation is suggested in the form of solid balustrading and boundary noise barrier which will bring noise levels closer to the 55dB(A) standard. It should also be possible to provide further mitigation by siting balconies away from the southern boundary and considering winter gardens as an alternative.
- 4.9 The objector has appointed a noise consultant who mainly agrees with the current noise level conditions outlined by the applicant. However, the objector's noise consultant considers that suitable mitigation measures are not possible to be achieved, although the consultant agrees that internal noise can be mitigated albeit that having windows shut is not ideal for residents and that the Council will have to deal with complaints from future residents which could result in action being taken against the existing business.
- 4.10 The Council's Public Protection Officer has considered the applicant's noise evidence as well as that submitted on behalf of the objector. Given the national planning guidance, it is considered that the applicant has set out a suitable range of mitigation measures that would result in a satisfactory noise conditions for future residents.
- 4.11 It is considered that given the distance of the proposed dwellings from the southern boundary, a noise barrier of suitable height can be installed, if necessary, without any significant visual harm or impact on residential amenity.
- 4.12 As this is an outline application, the exact details of the layout of the proposal and the mitigation measures are not provided. Given the current noise

environment, it is important that both the layout of the proposal and noise mitigation be considered at the same time. It is therefore recommended that there be a condition that requires the precise nature of a scheme of noise mitigation be submitted at the same time and reflects the reserved matters. It is also recommended that the mitigation measures includes measures to provide information to future occupiers of the proposed development of the mitigation measures and how to effectively use them, in accordance with NPPG.

## **Appendix 1**

### **Conditions**

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

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

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

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

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

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

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

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



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

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

6. Prior to, or concurrently with, the submission of the first reserved matters application for residential development, a strategy for the provision and distribution of car spaces across the entire site to be used exclusively used for car club(s), shall be submitted to, and agreed in writing with the local planning authority. The spaces shall be provided in accordance with the approved strategy.

Reason: In order to promote wider transport choice and realise opportunities for large scale development, in accordance with the provisions of paragraph 104 of the National Planning Policy Framework 2019.

7. No development shall proceed until details of parking management and allocation within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the car park managed accordingly thereafter.

Reason: To comply with the provisions of Policy DC33 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2011 and paragraphs 105 and 106 of the National Planning Policy Framework 2019.

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

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

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

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

10. Prior to the completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and approved in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

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

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

12. The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise.

Reason:- To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

13. Details in writing of noise insulation/attenuation scheme detailing the acoustic/noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation (including an assessment of the need, for and details of, mechanical or other ventilation)) and any other mitigation to demonstrate that internal noise levels will accord with BS 8233: 2014 "Guidance on sound reduction and noise reduction for buildings" shall be submitted with any reserved matters application for the approval of the Local Planning Authority. The noise insulation and attenuation scheme referred to above should set out how external noise levels in defined amenity areas have been reduced to be as

low as practicable (including details of any mitigation) by reference to target level 55db LAeq,T, in accordance with the approach as set out within BS 8233 :2014 and Professional Planning Guidance: Planning and Noise (ProPG).

The noise insulation and attenuation scheme referred to above should set out how information will be provided to prospective purchasers or occupants about mitigation measures that have been put in place.

No development shall take place until the noise insulation and attenuation scheme has been approved in writing by the Local Planning Authority. The approved development shall thereafter be carried out in accordance with the approved scheme and all measures/insulation/attenuation/ventilation provided in accordance with the scheme shall be permanently retained thereafter.

Reason: To protect future residents against the impact of external noise and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

14. Full details of the acoustic performance of any plant and/ or equipment, including enclosures, including but not limited to air handling units, boilers, lifts, mechanical ventilation and CHP to be used in the development, including provisions for their retention and maintenance, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant part of the development. Such plant and/ or equipment, including any enclosures, shall not cause the existing noise level to increase when measured at one metre from the façade of the nearest noise sensitive premise. In order to achieve this, the details shall demonstrate that the plant has been designed/ selected, or the noise from the plant will be attenuated, so that 10db below the existing background noise level. The development shall be carried out in accordance with the approved details and plant, equipment and enclosures shall be retained and maintained in accordance with the details approved.

Reason:- To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

15. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
  - a) A Phase II (Site Investigation) Report, as the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
  - b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by

removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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

17. Electric charging points shall be installed in 10% of the allocated parking spaces at the development. The charging points shall be supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 110 of the National Planning Policy Framework 2019 states that, inter alia, specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location.....applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

18. Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity

of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage subsurface sewerage infrastructure, and the programme of works) has been submitted to and approved in writing.
- f) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- g) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- h) siting and design of temporary buildings;
- i) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- j) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

19. No development shall take place until a Construction Logistics Plan and a Deliveries and Servicing Plan are submitted and agreed in writing with the Local Planning Authority in consultation with Transport for London. The Construction Logistics Plan (CLP) shall aim to identify the cumulative impacts of construction traffic for the area in terms of likely additional trips and mitigation required. The CLP should show that construction vehicle movements would be optimised to avoid the am and pm traffic peaks and reduce highway impact on the Transport for London Road Network in the vicinity of the site. The plan shall be implemented as approved. The Deliveries and Servicing Plan shall seek to proactively manage deliveries to reduce the number of delivery and servicing trips, particularly in the morning peak.

Reason: - In the interests of highway safety and efficiency and to comply with policies CP10, DC32, DC37 and DC61 of the Adopted Development Plan Document (2008) and policies 2.8, 6.1, 6.3, 6.11 and 6.12 of the London Plan.

20. a) Prior to the commencement of the development hereby approved, the developer or contractor must be signed up to the NRMM register.

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

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

21. a) Prior to the commencement of the development, a Dust Monitoring Scheme for the duration of the demolition and construction phase of the development hereby approved, shall be submitted for the written approval of the Local Planning Authority. The scheme shall detail

- Determination of existing (baseline) pollution levels;
- Type of monitoring to be undertaken;
- Number, classification and location of monitors;
- Duration of monitoring;
- QA/QC Procedures;
- Site action levels; and
- Reporting method.

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

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

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

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

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

23. Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low

NOx boilers with maximum NOX Emissions less than 40 mg/kWh. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained.

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

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

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

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

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

26. Before the residential units hereby permitted are first occupied, the area set aside for car parking spaces shall be laid out and surfaced to the satisfaction of the Local Planning Authority and provide a minimum of 37.No. spaces, those areas shall be retained permanently thereafter for the accommodation of vehicles associated with the site.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC32.

27. The proposals shall provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There shall be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

28. No part of the development hereby approved shall be occupied until access to the highway has been completed in accordance with the details of access approved as part of the reserved matters.

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

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

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

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

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

d) A description of how vehicles will be cleaned.

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

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

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

30. No development shall commence until full details of the drainage strategy, drainage layout, together with SUDS information to serve the development have been submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development.



In terms of foul and surface water drainage, no properties shall be occupied until confirmation has been provided that either:

1. Capacity exists off site to serve the development, or
2. A housing and infrastructure plan has been submitted to and agreed in writing by the Local Planning Authority. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained in accordance with the provisions of Policy DC51 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008, and that network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/ or potential pollution incidents.

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

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

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

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

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

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

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

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

35. No development shall take place within the proposed development site until the applicant has produced a detailed scheme showing the complete scope and arrangement of the foundation design and other below ground works, which have been submitted to and approved by the Local Planning Authority.

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

Following the results of archaeological evaluation, no development shall take place within the proposed development site until the applicant has produced a detailed scheme for heritage outreach and site interpretation, which have been submitted to and approved by the local planning authority.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to ensure that significant remains are not disturbed or damaged by foundation works but are, where appropriate, preserved in situ and the planning authority wishes to secure public benefit from any loss of remains through appropriate on site interpretation and public outreach work. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the National Planning Policy Framework 2019.

36. Prior to first occupation of any dwelling hereby permitted, one fire hydrant shall be installed in the position shown on drawing No. NR09 Illustrative Typical Upper Floor Plan and shall be numbered 127559. The fire hydrant shall be sited one metre clear of all obstructions, with the outlets no more than 300mm below ground level. The hydrant shall conform to BS: 750:1984 and be indicated with a hydrant indicator plate conforming to BS: 3251:1976

Reason: To provide an adequate supply of water for fire fighting.

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

Reason: To ensure that any protected species remain safeguarded.

38. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) referenced 1700003058 and shall include the following mitigation measures it details that no sleeping accommodation shall be provided below the maximum predicted flood level for those buildings located within the tidal breach extents.

Reason: To reduce the risk of flooding to the proposed development and future occupants. The raised floor levels will ensure that any proposed sleeping accommodation will be above the modelled flood level in the event of a breach in the tidal flood defences. The submitted Flood Risk Assessment indicates that finished floor levels will be set at 3.28 mAOD (1 in 1000 breach event) to protect future residents from flooding. Although we support these higher levels we would normally only expect finished floor levels to be set above the 1 in 200 breach event (3.18 mAOD).

39. No works shall be carried out under this planning permission unless and until all of the land within the planning application boundary is bound by a suitable legal agreement (pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and all other enabling powers) substantially in the form of the attached draft S106 agreement.

[Not part of condition, but attached draft S106 agreement to include following heads of terms

Pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 - Restrictions on owner and occupiers applying for Parking Permits including provisions not to sell, lease, let or otherwise dispose of any dwelling unit or permit any occupation of any dwelling unit without first imposing in the relevant transfer lease, letting or occupation document a term preventing any owner or occupier of any dwelling unit from applying to the Council for a residents parking permit for the area within which the proposed development is situated;

Controlled Parking Zone Contribution: Provision of £26,768.00 to be paid prior to commencement;

Financial contribution of £244,240.00 to be used for off-site carbon emissions offset measures in lieu of on-site carbon reduction measures, to be paid prior to first occupation;

Financial contribution of up to £272,308.54 towards the A1306 Linear Park, to be paid prior to commencement;

To provide affordable housing in accordance with a scheme of implementation for all New Road sites controlled by the developer that ensures that individual development sites are completed so that the overall level of affordable housing (by habitable rooms) provided across the sites does not at any time fall below 35% overall. The affordable housing to be minimum 40% affordable rent with up to 60% intermediate;

Affordable Housing Review Mechanisms: early, mid and late stage reviews (any surplus shared 60:40 in favour of London Borough Havering)

Travel Plan monitoring - sum to be agreed]

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

40. The maximum number of dwellings to be constructed on the application site pursuant to the development is restricted to a maximum of 239 dwellings.

Reason: The development is approved pursuant to outline planning application which requires a restriction of the maximum number of dwelling that may be constructed pursuant to an outline planning permission.



<b>Application Reference:</b>	<b>P1604.17</b>
<b>Location:</b>	<b>148 - 192 New Road, Rainham</b>
<b>Ward</b>	<b>South Hornchurch</b>
<b>Description:</b>	<b>Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 239 units with ancillary car parking, landscaping and access</b>
<b>Case Officer:</b>	<b>William Allwood</b>
<b>Reason for Report to Committee:</b>	<b>The application is by or on behalf of a Joint Venture that includes the Council and is a significant development. The Local Planning Authority is considering the application in its capacity as local planning authority and without regard to the identify of the Applicant.</b>

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

- 1.1 The development of the site for residential is acceptable in principle with no policy objection to the loss of the current industrial uses.
- 1.2 The application is submitted in outline with all matters reserved for future approval. The density is within policy range and the layout is considered to be satisfactory and capable of providing a high quality development.
- 1.3 The proposed height at four, five and six storeys is considered appropriate for this part of New Road which is set to be transformed through the arrival of the station and nearby redevelopments of sites.
- 1.4 Members may recall considering the application as part of a consultation exercise held at Strategic Planning Committee on the 28<sup>th</sup> February 2019. At that time, the height of the blocks ranged from four to eight storeys. Further,

Members raised a number of issues for clarification, which are addressed in some detail as part of this Report.

- 1.5 Subject to details submitted at reserved matters stage, the impact on the residential amenity of existing occupiers would not be affected to an unacceptable degree.
- 1.6 Given the location of the site close to the proposed new Beam Park Station and applicable maximum parking standards, the level of parking proposed is considered acceptable.
- 1.7 A significant factor weighing in favour of the proposal is the 35% affordable housing proposed across the sites in control of the applicant, meeting the objectives of the Housing Zone, and current and future planning policy.
- 1.8 The recommended conditions would secure future policy compliance by the applicant at the site, and ensure any unacceptable development impacts are mitigated.

## **2. RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission subject to conditions, to include key matters as set out below:
- 2.2 That the Assistant Head of Planning is delegated authority to negotiate any subsequent legal agreement required to secure compliance with Condition 40 below, including that:
  - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
  - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
  - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- 2.3 The OBJECTION from the Environment Agency is resolved prior to the application being referred to the Mayor. The application is subject to Stage II referral to the Mayor of London pursuant to the Mayor of London Order (2008)
- 2.4 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters

## **Conditions**

1. Outline – Reserved matters to be submitted
2. Outline – Time limit for details
3. Outline - Time limit for commencement
4. Details of materials if not submitted at reserved matters stage
5. Accordance with plans
6. Car club management
7. Parking allocation and management plan
8. Details of site levels if not submitted at reserved matters stage
9. Details of refuse and recycling storage
10. Details of cycle storage
11. Hours of construction
12. Noise Insulation
13. Noise Insulation (specific)
14. Noise – new plant
15. Contamination – site investigation and remediation
16. Contamination – if contamination subsequently discovered
17. Electric charging points
18. Construction methodology
19. Construction Logistics and Deliveries/ Servicing Plan
20. Air Quality – construction machinery
21. Air Quality – demolition/construction dust control
22. Air Quality – internal air quality measures
23. Air Quality – low nitrogen oxide boilers
24. Details of boundaries if not submitted at reserved matters stage
25. Details of surfacing materials if not submitted at reserved matters stage
26. Car parking to be provided and retained
27. Pedestrian visibility splays
28. Vehicle access to be provided
29. Wheel washing facilities during construction
30. Minimum Floor Level
31. Emergency Planning/ Access and Egress
32. Details of drainage strategy, layout and SUDS

33. Details of secure by design
34. Secure by Design accreditation to be obtained
35. Water efficiency
36. Accessible dwellings
37. Archaeological investigation prior to commencement
38. Bat/bird boxes to be provided
39. Fire Hydrant
40. Not to commence development before the following obligations and planning obligations are secured:
  - a. Pursuant to Section 16 of the Greater London Council (General Powers) Act 1974, restriction on parking permits
  - b. Controlled Parking Zone contribution sum of £26,768.00 or such other figure as is approved by the Council: Indexed
  - c. Linear Park contribution sum of £272,308.54 or such other figure as approved by the Council: Indexed
  - d. Carbon offset contribution sum of £244,200.00 or such other figure as approved by the Council: Indexed
  - e. Travel Plan monitoring – sums to be agreed
  - f. Bus mitigation Strategy – sums to be agreed, but between £175,000.00 and £225,000.00
  - g. To provide affordable housing in accordance with a scheme of implementation for all New Road sites controlled by the developer that ensures that individual development sites are completed so that the overall level of affordable housing (by habitable rooms) provided across the sites does not at any time fall below 35% overall. The affordable housing to be minimum 40% affordable rent with up to 60% intermediate
  - h. Affordable Housing Review Mechanisms: early, mid and late stage reviews (any surplus shared 60:40 in favour of London Borough Havering) in accordance with the Mayor of London's Affordable Housing and Viability SPG (2017)

### **Informatives**

1. Statement pursuant to Article 31 of the Development Management Procedure Order
2. Fee for condition submissions
3. Changes to public highway
4. Highway legislation
5. Temporary use of the highway
6. Surface water management
7. Community safety
8. Street naming/numbering
9. Protected species
10. Protected species – bats
11. Crime and disorder
12. Cadent Gas, Essex and Suffolk Water, and Thames Water comments
13. Letter boxes



- 2.4 In terms of the Community Infrastructure Levy (CIL), the development will be liable to pay CIL when the development is built, and as the liability is calculated at the Reserved Matters stage, there is no need to submit any CIL forms with this outline planning application. In any event, the Local Planning Authority will still require contributions for controlled parking, linear park and carbon offset as part of a Legal Agreement. In this regard, the London Mayoral CIL charging rate is £25 per sq. m., and the Havering CIL for this part of Rainham (introduced on the 01<sup>st</sup> September 2019) is £55 per sq. m.

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

#### **Proposal**

- 3.1 The application is for outline permission with all matters reserved seeking approval for the principal of the development quantum with access, layout, appearance, landscaping and scale as reserved matters. The red line site area, as amended, measures 1.932 hectares.
- 3.2 The application as submitted was for the demolition of buildings and redevelopment of the site for residential use providing up to 187.No. units with ancillary car parking, landscaping and access. Subsequently, the outline proposals have been amended, and are now for the demolition of the existing buildings and redevelopment of the site comprising the erection of up to 6 storey blocks. The indicative mix proposed across the site, as amended, includes 58.No. of 1 bedroom, 2-person apartments, 24.No. of 2 bedroom, 3-person apartments, 78.No. of 2 bedroom, 4-person apartments and 79.No. 3 bedroom, 5-person apartments. A total of 239 units would now be provided.
- 3.3 The amended proposals have been subject to third party and statutory consultations, and this process expired on the 09<sup>th</sup> October 2019. Any further responses are therefore included within this Report.
- 3.4 The proposal also outlines 122.No. dedicated vehicular parking spaces for residents at a ratio of 0.51 spaces per unit. Secure cycle storage areas are to be provided within the apartment blocks and suggested that a minimum of 449.No secure resident cycle racks spaces and 6.No external visitor cycle parking spaces, will be provided together with internal refuse areas.
- 3.5 The principle vehicular access to the proposed site is centrally positioned towards the south west of the New Road frontage; emergency vehicular access, protected by demountable bollards, are positioned to the northwest and southeast of the New Road site frontage.
- 3.6 The application site lies within the Rainham and Beam Park Housing Zone, and is owned by private landowners. The applicant is a joint venture including the London Borough of Havering, although they do not own the land. Should the ;and not be secured by negotiation, the Council are seeking to undertake Compulsory Purchase Orders (“CPOs”) to help deliver the comprehensive redevelopment of the area which is key to delivering the forecasted rate of

house building and quality of development identified in the adopted Rainham and Beam Park Planning Framework. The precursor to a CPO is often to have planning permission in place.

### **Site and Surroundings**

- 3.7 The site is currently accessed from New Road to the north. The site contains buildings generally of two storeys in scale, and are characterised by a variety of commercial uses; there are also some residential properties within the site fronting onto New Road. To the northwest of the application site, opposite Betterton Road, contains two storey buildings (formerly dwellings), now used in association with commercial activities. There are also further commercial buildings to the southeast of the frontage; Rainham Steel is also located beyond the site boundary to the south, and to the north of the railway. Moving further along New Road to the southwest, there is a two storey building, perpendicular to New Road, with open tyre storage. Further to the southwest, a site contains “Rainham Sheds”, which includes a two-storey scale building set back from New Road, with open storage of timber gardens sheds with parking areas, together with a car and tyre centre, a hand car wash premises, residential dwellings, a scaffolding company, motor parts premises, a tool hire business, a signage company and car/ van rental business. The iconic Rainham Steel office building is situated to the south east of the application site.
- 3.8 The site is 1.91ha and is located on the north side of the New Road, between Walden Avenue to the west, and Askwith Road to the east. The site is broadly rectangular in shape and appears to be generally level. It is bounded to the east and west by commercial and residential development along New Road. The southern part of the site fronts onto New Road and extends for approximately 253m, containing a variety of boundary treatment.
- 3.9 The site is within the Rainham and Beam Park Housing Zone and within the area covered by the adopted Rainham and Beam Park Planning Framework. The site does not form part of a conservation area, and is not located within the immediate vicinity or setting of any listed buildings. Site constraints that are of material relevance with the works proposed include potentially contaminated land, Health and Safety Zone, Air Quality Management Area, Flood Zone 3 and area of potential archaeological significance.

### **Planning History**

- 3.10 The following planning decisions are relevant to the application:

P1136.17 – Full application for a residential development of 48 units comprising a four storey block of 41 residential units (5no. x studios, 13no. x 1 bed, 20no. x 2 bed, 3no. x 3 bed) and 7no. terraced, 3-bedroom houses to the rear, associated plant rooms, car parking spaces, refuse and cycle storage following the demolition of the existing buildings. Planning permission refused. Appeal Withdrawn – Application Disposed Of.

## **4 CONSULTATION RESPONSE**

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The following were consulted regarding the application:
- 4.3 Environment Agency – OBJECTION, for the following reasons:
- Incorrect method used for assessing the impact of climate change on fluvial flood risk
- 4.4 Essex & Suffolk Water – no objections, subject to Informatives
- 4.5 Thames Water – Advice provided about surface water drainage Thames Waters underground assets and Sewage Pumping Station; in relation to sewerage infrastructure capacity, there would not be an objection, subject to Informatives.
- 4.6 Metropolitan Police (Designing Out Crime) – Requested conditions regarding designing out crime
- 4.7 Environmental Protection (Noise) – No objections, subject to necessary mitigation works
- 4.8 Environmental Protection (Contamination) – No objections, subject to conditions, remediation and necessary mitigation works
- 4.9 Environmental Protection (Air Quality) – No objections, subject to necessary conditions
- 4.10 LBH Waste and Recycling – Advise that the proposals for refuse storage and collection are acceptable
- 4.11 LBH School Organisation – No objections, subject to appropriate CIL education contributions
- 4.12 LBH Flood & Rivers Management Officer – No objections in principal
- 4.13 Greater London Archaeological Advisory Service (GLAAS), Historic England – require pre-commencement planning conditions
- 4.14 London Fire Brigade – Confirm that it will be necessary to install one new fire hydrant
- 4.15 LBH Highways – No objections to the layout of the application site, and the proposed Transport Assessment, subject to conditions being included that deal with; i) pedestrian visibility splay, ii) highway agreement for vehicular access, and iii) vehicle cleansing during construction. In addition a S106

contribution is sought seeking funds for a Controlled Parking Zone (CPZ) in the area should it be required in the future. The amount sought is £26,768.00

4.16 Greater London Authority (GLA) –made the following observations:

- Affordable Housing – a multi-site approach is proposed across nine sites along New Road. The applicant must commit to deliver 35% affordable housing; early implementation and late stage review mechanisms should also be secured
- Urban design – concerns raised over the design/ appearance/ residential quality/ car parking/definition of public and public spaces/routes
- Climate Change – advised that the final agreed energy strategy should be secured by the LPA, along with contributions towards off-site mitigation
- Transport - advise that parking provision should be reduced and cycle parking increased.

Further, the LPA met with the GLA on the 09<sup>th</sup> January 2019 to discuss proposed revisions to the scheme, and Officers of the GLA confirmed that they were generally satisfied with the changes to the scheme. Finally, GLA have been advised of the latest changes to the scheme, subject of the current submission.

4.17 Transport for London (TfL) – No objections, subject to conditions but advise that made the principle of the scheme is supported, provided its impacts are suitably mitigated.

4.18 National Grid (Cadent Gas) – Advise that there are gas pipelines and electricity overhead lines in the vicinity of the application site

4.19 Health and Safety Executive – Do not advise, on safety grounds, against the granting of planning permission

## **5 LOCAL REPRESENTATION**

5.1 A total of 188 neighbouring residential and commercial properties were notified about the application and invited to comment. The application has been publicised by way of site notice displayed in the vicinity of the application site. The application has also been publicised in the local press.

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

No of individual responses: 3 objections

## **Representations**

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

### Objections

- The provision of residential development close to existing noisy industrial activities involved in the distribution and fabrication of steel would lead to complaints from new residential occupiers
- Existing businesses should not have unreasonable restrictions put upon them because of the introduction of new residential use
- Business activities will be hugely effected as will employees families incomes
- Loss of their home; they do not wish to move

### Officer Response

- The issue of existing industrial noise in proximity to the proposed residential development has been considered at length by the Environmental Protection (Noise) team of Havering Council. The Noise team have no objections to this outline planning application, subject to the imposition of planning conditions
- In terms of the impact of the development upon existing residential and industrial occupiers, the redevelopment of this part of New Road is envisaged in terms of the status of the GLA Rainham and Beam Park Housing Zone in terms of unlocking the delivery of housing, including affordable housing.
- It is anticipated that existing residential and industrial occupiers of the application site would be compensated as part of the Compulsory Purchase Order by negotiations; these arrangements would normally take place following the grant of outline planning permission
- The Housing Zone Strategy was subject an Equality Impact Assessment by the GLA under the provisions of section 149 of the Equalities Act 2010

## **6 MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of Development
- SPC Feedback/ Design Response
- Density/Site Layout
- Design/Impact on Street/Garden Scene
- Impact on Amenity
- Highway/Parking
- Affordable Housing/Mix

- Drainage and Flood Risk
- School Places and Other Contributions

### **Principal of Development**

6.2 In terms of national planning policies, the National Planning Policy Framework 2019 (NPPF) sets out the overarching roles that the planning system ought to play, including a set of core land-use planning principles that should underpin decision-taking, one of those principles being:

“Planning decisions should promote an effective use of land in meeting the need for homes.” Para 117

“Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.” Para 118

6.3 Policies within the London Plan seek to increase and optimise housing in London, in particular Policy 3.3 on ‘Increasing Housing Supply’ and Policy 3.4 on ‘Optimising Housing Potential’.

6.4 Policy CP1 of the LDF on ‘Housing Supply’ expresses the need for a minimum of 535 new homes to be built in Havering each year through prioritising the development of brownfield land and ensuring it is used efficiently. Table 3.1 of the London Plan supersedes the above target and increases it to a minimum ten year target for Havering (2015-2025) of 11,701 new homes or 1,170 new homes each year. Policy 3 in the draft Havering Local Plan sets a target of delivering 17,550 homes over the 15 year plan period, with 3,000 homes in the Beam Park area. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper.

6.5 The aspiration for a residential-led redevelopment of the Rainham and Beam Park area was established when the area was designated a Housing Zone by the GLA. Furthermore the production of the Planning Framework sought to re-affirm this and outlines potential parameters for development coming forward across the area with the aim of ensuring certain headline objectives are delivered. The ‘Rainham and Beam Park Planning Framework’ 2016 supports new residential developments at key sites, including along the A1306, and the Housing Zones in Rainham and Beam Park. Therefore the existing business uses are not protected by planning policy in this instance.

6.6 In view of the above, the Local Planning Authority raise no in principle objection to a residential-led development coming forward on this site forming part of a development of sites north and south of New Road, in accordance with the policies cited above.

## **Strategic Planning Committee (SPC) Feedback/ Design Response from Developer**

- 6.7 Members of the SPC may recall providing feedback to the scheme at 49 – 87 New Road, Rainham at their meeting of the 28<sup>th</sup> February 2019. In this regard, the report will set out the individual comments made, followed by the response of the developers:

### SPC Feedback 1

*Detail/justification is sought on why there has been an increase in storey height and units numbers from the original submission. The value of comparison with Beam Park was queried. Consider the justification for heights carefully. Further exploration of the height was invited given the relationship with the properties to the rear*

### Developer Response 1

The existing and proposed building heights directly to the east and north are 4 storeys and this therefore drives the predominant proposed height of 4 storeys, which is as per the guidance of the Rainham and Beam Park Planning Framework.

The design intent of the masterplan is to bookend the site with 6 storey blocks, providing a focal point from Betterton Road, and also at the centre of the site overlooking the communal garden, optimising views out over the green.

The variations in height on each block will create a textured and articulated roofscape. This gives the streetscape a hierarchy and helps wayfinding by clearly defining the different blocks on the street. This will improve the architectural quality along New Road from the previous proposals which comprised 4 uniform, linear blocks each of 4 storeys. Marking the corners with taller elements of 6 creates a legible beginning and end to the site, helping establish a sense of destination and identity for the development.

The points of height are narrow in profile and located on the north edge of the development to ensure that they will not adversely impact the new green spaces receiving an abundance of sunlight. The layout to the south incorporates large gaps between blocks, and the southerly blocks on the site are limited to 4 storeys to allow sunlight into the courtyard gardens.

The distances to neighbouring properties all far exceed recommended minimum separation distances with the closest distance to neighbouring residential windows being 33.5m.

The proposal has been designed to minimise overshadowing to neighbouring gardens in line with BRE best practice guidelines. So that no gardens are materially impacted by overshadowing from the proposal and all will continue to receive direct sunlight during the day. Further to this, the scheme has been designed to ensure that new green spaces receive an abundance of sunshine

through the day, with breaks in the building form allowing sunlight through and between the buildings.

### SPC Feedback 2

*Whether a tunnel effect would be created along both sides of the A1306 given the heights approved/proposed*

### Developer Response 2

The separation distance between the buildings either side of New Road is 33.5M. Whilst London Borough of Havering planning policy does not dictate minimum separation distances, these are typically accepted to be 18-21m. The proposed 33.5m, therefore, greatly exceeds these minimum distances.

Adverse wind conditions are often caused by drastic variations in building height; this is not the case for New Road. The greater the area of the windward face, the greater the potential problem, because of the absence of shelter from similar buildings. In the case of RW4B and the immediate developments to the local area, no 'towers' are proposed immediately adjacent to the road.

### SPC Feedback 3

*Further detail is sought on how the scheme responds to the Rainham and Beam Park Planning Framework and where it is contrary, what the justification is for that? Particular reference was made to height and density*

### Developer Response 3

Site RW4B lies within the Beam Parkway character area of the Rainham and Beam Park Planning Framework. The following table sets out the masterplan principles that are applicable to the site and illustrates how the design proposals respond. Where the proposals are non-compliant, please refer to the response as noted in the justification column.

Development Principle	Masterplan Guidance	Design Compliance	Proposal	Justification
Residential Density	60-80 dwellings / hectare	X		Refer to Response 1
Building Heights	4 storeys fronting onto New Road; 2-3 storey town houses to the rear	X		Refer to Response 1
Frontages	Street based urban development with continuous frontages; buildings to turn			



	corners; a consistent building line along New Road (Beam Parkway) with main entrances facing this street	✓	
Vehicular Access	<p>Continuous internal east-west local street to connect the Beam Park Centre in the west with the Mudlands area in the east; East-west route to be connected with New Road via north-south connecting streets</p> <p>The following streets north of New Road need to be linked:</p> <ul style="list-style-type: none"> <li>• Betterton Road</li> <li>• Phillip Road;</li> </ul> <p>Lanes, residential courts and mews streets to apply single surface street design / Home Zone design principles to slow travel speeds and to support the social role of the street</p>	✓	
Car Parking	<p>Mix of undercroft parking under communal garden deck (apartment buildings) and on street parking;</p> <p>Maximum standards:</p> <ul style="list-style-type: none"> <li>• 0.5 space per 1 bedroom or studio unit;</li> <li>• 1 space per 2 bedroom unit;</li> <li>• 1.5 spaces per 3 bedroom unit; and</li> <li>• 2 spaces per 4+ bedroom unit.</li> </ul>	<p>✗</p> <p>✓</p>	Refer to response 5
Public open space	Provide local green		

	spaces; Green space to extend the landscape treatment on New Road (Beam Parkway); Provide adequate children's play facilities	✓	
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SPC Feedback 4

*The applicant is invited to consider the context of the borough*

Developer Response 4

As noted in Response 1, through design development careful consideration has been given to ensure that the proposals height and massing sits comfortably with the existing and emerging contexts and contributes to the success of place making through articulated and integrated design proposals.

Pockets of green space, defensible planting along New Road and clear pedestrian movement routes have been introduced into the proposals significantly increasing the quality of the environment at ground floor level (internally and externally), improving legibility and wayfinding, allowing for integration with the proposed linear park and contributing to place making. Amenity space across the site has increased from 1176sqm to 1634sqm.

The proposal seeks to optimise the delivery of new homes and harness the opportunity to create a new green neighbourhood. The large communal gardens will add to the garden community vision for the Borough, whilst the varied offering of dwelling sizes and tenures, including 35% affordable dwellings, will add to the mixed and sustainable community.

SPC Feedback 5

*How is the applicant working through the potential tensions between growth in housing numbers and car ownership?*

Developer Response 5

It is understood that the Council would be consulting on a CPZ in the vicinity of the proposed development sites. The applicant has therefore developed an approach to car parking provision and management on the assumption that the proposed developments will therefore need to be "self-sufficient" in respect of its car parking provision and it is envisaged that residents occupying the developments (save for blue badge holders) will not be eligible to apply for car parking permits within the CPZ.

The applicant will implement a car parking management strategy which will in the first instance seek to allocate car parking spaces proportionate to the

tenure split on a percentage basis. How these car parking spaces are allocated to individual units will depend on the tenure. The applicant will hire a parking management company to enforce the parking on the estate.

10% of the car parking spaces will be wheelchair accessible. A common sense approach is used to allocate wheel chair car park spaces to adaptable properties.

Further, and in terms of Car Clubs, these are a mode of transport which compliments the public transport upgrades being proposed for the local area. Car clubs are attractive to buyers and tenants as their property comes with access to a car without the high purchase and running costs. In addition, car clubs contribute towards reducing congestion and encourage a sustainable and economical alternative to car ownership.

Finally, a key element to the success of the car parking management strategy is transparency up front so new residents can make an informed decision about the property they wish to buy/ rent. The applicant will therefore make it clear in any sales literature and through the Council's Choice Based Lettings Nominations:

1. There is a CPZ in operation in the area;
2. Residents occupying the developments (save for blue badge holders) will not be eligible to apply for car parking permits within the CPZ;
3. Those residents who do not acquire/ are allocated a car parking space will not be eligible to park on the estate; and ensure
4. The publication and marketing material on the Car Club network to be provided.
5. Car parking management will be enforced, the principles of which are as above and as set out within the Transport Assessment Revision.

#### SPC Feedback 6

*What is the typical car club cost? Annual membership and per rental cost*

#### Developer Response 6

*The graph below look at the cost comparison between casual use car ownership and car club costs*

	Car Club	Car Ownership
Cost of Car	Joining Fee £60 (Annually)	Purchasing Car £4,000 - £5,000
Insurance	Included in Joining Fee Excess £50	£1028 per year Excess £30
Petrol + Full 12 months service	Petrol Included for up to 60 miles per day	Petrol Approx. £400 (2,000 miles usage per year)

	Full service included	Full service £100 - £150
MOT + Breakdown Cover	MOT and Breakdown Cover included	MOT £54.85 Breakdown Cover £108 (AA)
Residents Parking Permits	N/A	£35 for 12 months
Hourly/ Daily Rate	£6 - £7 per hour £52 - £65 per day	N/A
<b>Total cost for 12 months</b>	<b>£1,428.80</b> (Average cost when using car for maximum of 4 hours per week)	<b>£2,791.00</b> (Average cost per year over 5-years with the car purchase)

### SPC Feedback 7

*What is the consequence of this in terms of traffic flows and wider environmental impact? What are the traffic management proposals? What is the thinking on the transport strategy?*

### Developer Response 7

The Transport Strategy has been guided by following principles:

- To promote awareness of transport issues and the impact of traffic on the local environment;
- To show a commitment to improving traffic conditions within the local area;
- To influence the level of private car journeys to and from the site in order to reduce air pollution and the consumption of fossil fuels;
- To reduce the number of single occupancy trips to and from the site that would be predicted for the site without the implementation of the Travel Plan;
- To increase the proportion of journeys to and from the site by sustainable modes of transport such as walking, cycling and public transport;
- To promote walking and cycling as a health benefit to residents;
- To provide access to a range of facilities for work, education, health, leisure, recreation and shopping by means other than single occupancy vehicle;
- To reduce the perceived safety risk associated with the alternatives of walking and cycling;
- To promote greater participation in transport related projects throughout the area.

The resultant predicted traffic generations for the proposed residential development show a small increase over existing traffic flow conditions in the peak periods, but a significant reduction over the whole day. Consequently, there would be a reduced traffic flow impact overall if the proposed development receives a planning consent. The issue of overspill parking arising from the existing business would also be removed if the proposal were to receive consent adding to the overall beneficial impact.

The proposal now provides the levels of vehicle parking agreed with the GLA at 122 car spaces and 449 cycle spaces (6 visitor cycle spaces). The number of disabled spaces and those with provision for electric charging are to the recommended percentages required by the GLA/TfL.

For service deliveries to the site there is a new concierge with parking/ service bay for loading/ unloading, where deliveries can't be received by an occupant. This can help reduce traffic movement around the site. Furthermore, refuse collection will take place from the side roads and / or service road that runs the length of the site with refuse collection vehicles able to enter and leave in forward gear from the proposed access points. Therefore, site can be serviced without detriment to current or future highway condition

#### SPC Feedback 8

*What is the basis/applicants' justification for rigidly following the GLA comments?*

#### Developer Response 8

Design proposals as presented to the SPC were developed in response to and in consideration of:

- Local housing land supply pressures;
- Viability pressures and the applicants desire to deliver 35% affordable housing across the 9 masterplan programme sites
- Place making and integration with the Linear Park proposals.

Through collaboration and consultation with the Havering Council's Planning Officers and the Principal Urban Design Officer at the GLA, comments were considered in response to these pressures and in the context of the existing and emerging environment. Comments were positively adopted where sensible, rational and appropriate for the local area balanced against the risk associated with an underdeveloped scheme which does not respond positively to the GLA's comments, potentially resulting in a GLA call-in of the application for its own determination.

Notwithstanding this, the design proposals for the site have evolved further since the presentation to SPC, to respond directly to the SPC's concerns on height especially, which have reduced by two storeys, with further design development as set out in Response 1.

#### SPC Feedback 9

*Further detail is sought on the unit mix*

### Developer Response 9

The current proposal increases the total number of dwellings by 52 dwellings, however notably the percentage of 1 bedroom dwellings is reduced from 30% to 24% to support the aspirations of the masterplan to create a mixed and sustainable community.. The planning application is in outline, and as such the mix shown is illustrative and has been developed to assess development impacts on matters such as traffic generation, public transport capacity, play requirements etc.

#### *Current Proposal*

FLATS	1bed/ 2 person	2bed/ 3 person	3bed/ 4 person	3bed/ 5person	TOTAL
NUMBER	58	24	78	79	239
	24%	10%	33%	33%	100%

#### *Previous Proposal (June 2017)*

FLATS	1bed/ 2 person	2bed/ 3 person	3bed/ 4 person	3bed/ 5person	TOTAL
NUMBER	56	0	58	73	187
	30%	0%	31%	39%	100%

### SPC Feedback 10

*Sustainability credentials and environmental standards to be employed*

#### Developer Response 10

The energy strategy for RW4B has been developed in line with the energy policies of the London Plan and Havering Core Strategy.

The Rainham & Beam Park Regeneration Framework area has been identified by the GLA as a target cluster for the deployment of a district heating network in the London Riverside Opportunity Area. Should connection be made to the wider heat network it has been estimated to reduce regulated CO2 emissions under the SAP2012 carbon factor and annual carbon savings are estimated to increase to 43.5%.

The following measures will be introduced to ensure the development achieves these performance levels.

Be Lean

- Specify levels of insulation beyond Building Regulation requirements

- High air tightness levels
- Efficient lighting
- Energy saving controls for space conditioning and lighting

Be Clean

- Air Source Heat Pumps
- Potential future connection to wider District Heating Network

Be Green

- PV panels on rooftops

SPC Feedback 11

*Modern methods of refuse and recycling storage are encouraged*

Developer Response 11

The refuse and recycling strategy has been developed in line with the Havering “Waste Management Practice Planning Guidance For Architects and Developers”

All bin stores are internal to ensure that refuse is not left visible in the public realm.

A vehicle access route is included at the rear of the proposal to ensure collection occurs from off-street locations.

All bins located within 30m of an external door.

Storage areas will be hard-floored and well lit.

2m minimum width of access threshold to the compound to allow for removal and return of containers whilst servicing.

Layout is such that any one container may be removed without the need to move any other with at least 150mm clearance space between the containers.

Adequate ventilation will be provided within the compound.

Underground Refuse Systems (URS) were considered during the design development of the proposal, however, after discussion with the Havering Refuse team, it was noted that turning circle requirements for the URS are greater as the vehicles are wider which would result in a loss of car parking spaces, and thus it was felt not to be an appropriate strategy for this site.

SPC Feedback 12

*Assurances are sought regarding design quality*

Developer Response 12

The applicant is committed to ensuring the proposal delivers a high quality development, both in terms of meeting the requirements of local and regional planning policy, notably Part 2 of the Draft London Housing SPG, and ensuring that new homes are desirable and marketable commercial products.

The application will include a design code to set clear guidance to the developer and designer of the reserved matters application regarding all design parameters which influence design quality.

### SPC Feedback 13

*Specifically in relation to the Framework and the location of the site, why have the houses been removed from the scheme?*

### Developer Response 13

The site layout for the June 2017 planning application included houses to the south of the site. This was problematic as it created a number of private gardens directly adjacent to the Rainham Steel goods yard, which is a source of noise pollution identified as a greater concern/ issue for Rainham Steel and potential occupiers post-submission, and further, it created a private boundary condition with a potential future development site, prejudicing the potential future layout of the neighbouring site.

The revised design includes a landscape buffer and vehicle route on the site's southern boundary to create a significant separation between the residential buildings and the industrial land, which reduces the noise level at the location of the closest building facade.

The majority of the proposed communal gardens are screened from the noise source by flatted blocks to improve the usability of the amenity spaces. The placement of this vehicle route will also not prejudice the future development potential of the land to the south, if this has to come forward as a site for residential use.

### **Density/Site Layout**

- 6.8 The development proposal is to provide 239.No residential units on a site area of 1.932ha (10, 932m<sup>2</sup>), which equates to a density of 124 units per ha (382 hr/ha). The site is an area with low-moderate accessibility with a PTAL of 2. Policy SSA12 of the LDF specifies a density range of 30-150 units per hectare; the London Plan density matrix suggests a density of 45-170 units per hectare in an urban context with a PTAL of 2-3 (suggesting higher densities within 800m of a district centre or a mix of different uses). The Adopted Rainham and Beam Park Planning Framework suggest a density of between 100-120 dwellings per hectare.
- 6.9 Although this is higher than the GLA's guidance range, the increase responds directly to the GLA's comments that there is scope to increase the quantum of development. Further, there is a justification for a high density development due to its location within the Opportunity Area and close proximity to the Beam Park Centre and new station. The Local Planning Authority is in agreement with this approach, both in terms of maintaining a maximum 6 storey building height, which develops a coherent strategy with adjoining sites



along the north side of New Road, and the taller buildings to the west at Beam Park.

- 6.10 Based on the building footprint and the building height indicated on the proposed parameter plans, the proposed apartment blocks would achieve heights of between 4 and 6 storeys. A six storey datum has been established across the site; however, and as advised, lower points of 4 and 5 storeys are introduced in the centre of the site. This is appropriate due to the varying context to the north and south of the site and the taller elements also create a profile for the buildings facing New Road. These points of height further respond to the proposed developments by Clarion and Countryside on the south side of New Road. Having reviewed the plot widths and their depths, the particularly wide nature of New Road and the existing heights of buildings and dwellings on the neighbouring sites, Officers consider the height proposed to be appropriate for the site in the context of a changing character to the area as outlined in the Framework and would not be considered unacceptable.
- 6.11 As shown in the illustrative details, the majority of dwellings are double or triple aspect and all dwellings have private communal amenity space in the form of terraces or balconies, and where possible positioned to be south facing or overlook the communal gardens. It is considered that the indicative siting and orientation responds positively to the character of the area. The general layout plan of the building would fall in accordance with Policy DC61 of the LDF and the LB of Havering Residential Design Supplementary Planning Document 2010.

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

- 6.12 The proposal would involve the demolition of all buildings on the site, some of which are in a derelict condition. None of the buildings are considered to hold any architectural or historical value, therefore no principle objection raised to their demolition.
- 6.13 Scale is a reserved matter. From the submitted Design and Access Statement and indicative plans it is indicated that the proposed apartment blocks fronting New Road would not be greater than six storeys in height to the edges of the development, in order to “book-end” the development. It is considered that would present a development at a height which does not detract from the current character of the street scene, both old, new and those proposed for the area (as shown from the submitted illustrative masterplan on proposed heights). It is considered that the footprint and siting of the building together with its dedicated parking areas would be acceptable on their planning merits.
- 6.14 Appearance is also reserved matter. From the submitted Design and Access Statement, the agent has drawn attention to the proposed building design and has indicated that one of the main materials will be either red stock or buff/white facing brick, with some rendered elements. A condition would be applied to the grant of any permission requiring details of material use for reason of visual amenity.

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

### **Impact on Amenity**

- 6.16 The distances to neighbouring properties all far exceed recommended minimum separation distances with the closest distance to neighbouring residential windows being 35.5m. The nearest windows to the east, south and west are all to non-residential uses. This indicates that there will be no impact on the privacy of existing residences. The layouts of the flats and the distances between the blocks within the development have been designed to maximise on privacy and avoid overlooking issues.
- 6.17 Officers have further reviewed the external space provided with the proposed development, and the revised plans show both private and communal amenity space for its occupants which appear to be sufficient and in accordance with the Residential Design Supplementary Planning Document Policy PG20 on Housing Design, Amenity and Privacy in the Rainham and Beam Park Planning Framework.
- 6.18 From a noise and disturbance perspective, the applicant has submitted a Noise Assessment and Air Quality report which reaffirms that both residents from within and outside the proposal would not be affected by unacceptable levels of noise or air pollution arising from the development. The Councils Environmental Health officers have reviewed the submitted report and concluded that the scheme (subject to conditions imposed) would be compliant with Policy DC52 on Air Quality and Policy DC55 on Noise, subject to the introduction of appropriate planning conditions. As advised within paragraph 5.3 of this Report, an adjoining land owner has objected to the scheme on the basis that their existing steel fabrication and distribution industrial activities, which would include night time working, would material affect the future residential occupiers of the site by way of noise and disturbance, therefore resulting in complaints and enforcement action against the industrial occupiers.
- 6.19 However, the Councils' Senior Public Protection Officer has advised that they are content with the submission on the basis of the submitted Noise reporting, subject to the introduction of appropriate and necessary mitigation works in respect of this *outline* planning application. Further, the Senior Public Protection Officer has advised that they are willing to meet with the developer to discuss the mitigation options both before the full application is submitted and/or after it has been submitted to address any concerns I may have. Further, consideration should be given to including the noise consultants employed by the objectors in these discussions, to get their input at an early stage and therefore speed up the process.
- 6.20 The proposed communal amenity space would be designed to be private, attractive, functional and safe. The indicative details of boundary treatments,

seating, trees, planting, lighting, paving and footpaths are acceptable; the proposed landscape design creates 1634sqm of playable space in the communal amenity spaces, exceeding the minimum requirement set out in the GLA play space calculator. Details of effective and affordable landscape management and maintenance regime are yet to be provided and would be assessed as part of any reserved matter submission. Notwithstanding this, and from a crime design perspective, the proposal would present a layout that offers good natural surveillance to all public and private open space areas. The proposal would accord Policy 3.5 of the London Plan on Quality and Design of Housing Developments and Policy 7.1 on Lifetime Neighbourhoods and Policy 7.3 on Designing Out Crime, as well as Policy DC63 of the LDF on Delivering Safer Places.

- 6.21 The LPA have reviewed the proposed waste storage areas catering the apartments, which have been set to be serviced via New Road and the internal service road. As it stands, there are no overriding concerns with this arrangement as scheme demonstrates a convenient, safe and accessible solution to waste collection in keeping to guidance within Policy DC40 of the LDF on Waste Recycling.

### **Highway/Parking**

- 6.22 The application site within an area with PTAL of 2 (low-moderate accessibility). The total quantum of car parking has reduced to a ratio of 1:0.51, resulting in 122 car parking spaces, with consideration given to the site proximity to the new Beam Park railway station; 10% of the car parking spaces will be wheelchair accessible, which is in accordance with the provisions of London Plan. The Planning Framework also expects the delivery of car sharing or car club provision. The maximum standards suggested in the Rainham and Beam Park Planning Framework (which is based on the London Plan) for a development of this indicative mix would be 349 spaces. Notwithstanding this, the LPA has to be mindful that the site would be located close to the proposed Beam Park station and accessibility levels would consequently increase. The LPA are also mindful that this submission is an application for outline planning permission and the residential mix is potentially subject to change at reserved matters stage.
- 6.23 It is understood that the Council is seeking to implement a CPZ in the vicinity of the proposed development sites. The applicant has therefore developed an approach to car parking provision and management on the assumption that the proposed developments will need to be “self-sufficient” in respect of its car parking provision and it is envisaged that residents occupying the developments (save for blue badge holders) will not be eligible to apply for car parking permits within the CPZ.
- 6.24 In terms of the allocation of car parking spaces, the applicant will implement a car parking management strategy which will in the first instance seek to allocate car parking spaces proportionate to the tenure split on a percentage basis.

- 6.25 In terms of affordable rent units, car parking spaces allocated to affordable units will be located in the proximity of these units and be specifically allocated for use by this tenure. These car parking spaces will however not be attached to a specific property to allow flexibility over the life of the development. The Registered Providers Housing officer will allocate car parking spaces to individual families housed within the affordable units according to need. These spaces can also be swapped if needed by prior agreement with the Housing Officer.
- 6.26 As a general rule, the car parking spaces provided for shared ownership and private sale tenures will be allocated to 3 bed units first and cascaded down. In some circumstances, car parking may be allocated to specific 1 or 2 bedroom units based on sales consultant advice. Units will be sold together with a specific car parking space (exclusive right to use) and the allocated space confirmed in the corresponding unit lease.
- 6.27 This approach facilitates management as well as provides transparency for the buyers at the outset. If someone sells their flat and they had a car parking space it will be included in the sale of the unit.
- 6.28 Further, and as advised, the applicant is seeking to encourage the provision of a car club. Car clubs are a mode of transport which compliments the public transport upgrades being proposed for the local area. Car clubs are attractive to buyers and tenants as their property comes with access to a car without the high purchase and running costs. In addition, car clubs contribute towards reducing congestion and encourage a sustainable and economical alternative to car ownership. The applicant proposes to provide each new household forming part of the development with 1 year free membership plus £50 driving credit.
- 6.29 Accordingly, and on the basis of a robust car parking management strategy, the LPA are content with the provision of parking proposed considering the 122 spaces would allow the applicant at reserved matters to finalise a car parking management plan. This element from the proposal adheres to London Plan Policy 6.13 Parking, and Policy DC33 Car Parking of the LDF.
- 6.30 The applicant has submitted a Transport Assessment as part of this application which predicts that the traffic generated from the proposed residential development would have a negligible increase over existing traffic conditions, in peak periods, but a significant reduction over the whole day.

London Borough of Havering Councils Highways Engineer

- 6.31 Has further reviewed all other highways related matters such as access and parking and raises no objections subject to the imposition of conditions (covering pedestrian visibility, vehicle access and vehicle cleansing during construction), financial contribution to Controlled Parking Zone and limitation on future occupiers from obtaining any permits in any future zone.

## Transport for London

- 6.32 Healthy Streets - In its previous comments, TfL requested the design of the proposed servicing road through the site and public realm improvements be justified against the Healthy Streets approach – policy T2. This has not been done. New residents will benefit from the planned but not yet finalised conversion of New Road from dual to single carriageway with green spaces and enhanced cycle lanes (“Beam Parkway”). In line with draft London Plan (dLP) policy the Council should secure a proportionate contribution towards the scheme’s delivery or improved non-vehicular links to the new station.
- 6.33 Access and Car Parking - The reduction from nine existing access points to 1 main and 2 emergency access points is welcomed. The uncertainty of planning whilst the ‘Beam Parkway’ proposals for major improvements to New Road’s cycling and walking infrastructure are not yet agreed is acknowledged, however.
- 6.34 The quantity of car spaces proposed has been nearly halved to 122 spaces from 239 units of the previous scheme. The ratio of 0.51 would be the maximum acceptable in this location; all spaces should be leased rather than sold. The proposed blue badge parking proportion at the outset (10%) exceeds dLP policy (3% plus space for future expansion to 10% if necessary). The applicant may therefore effect reductions to BB spaces but not increase general parking as a result. The provision of EVCPs meets dLP policy and a detailed car parking management plan should be secured by condition.
- 6.35 The applicant notes a CPZ is ‘likely’ to be implemented in the locality: this is necessary to the operation of a car-and-permit free legal agreement which will form part of the s106. The Council may seek funding for the TMO to effect the latter and also for converting local on-street space(s) for car-club use.
- 6.36 Cycle Parking - In line with its uplifted unit numbers the scheme meets dLP quantum minimum standards by providing 449 long stay and 6 short stay spaces, with “a degree” of larger spaces which needs to be at least 5% to meet TfL’s design standards. However more detailed plans are required in order to verify that the quality and space allowed for the storage meets these standards – this cannot be achieved by condition alone.
- 6.37 Impacts - TfL accepts the conclusions of the transport assessment that there should be no significant strategic impacts on the highway or fixed rail network. However, it must be confirmed that the impacts of the development and its accesses on the Beam Parkway scheme - particularly its bus operations and infrastructure - are acceptable and deliver Healthy Streets and vision zero objectives.
- 6.38 The revised TA lacks full mode share analysis or clear comparisons of added total trips by mode and this should be rectified. TfL expects around 24 peak hour trips from such a development however this is part of a wider re-development of the area that is completely transforming the entire area from Rainham to Chequers Lane and the development each major development in

the area needs to contribute to bus infrastructure improvements as detailed in a recent detailed 'Riverside East' TfL study linked with area wide bus mitigation strategy. £2.7m was secured from the Beam Park scheme and similar calculations have been used to identify contributions from 90 New Road. Thus pro-rata at £950 per unit, TfL would expect this development to contribute of £175k - £225k here (dLP policies T3 and T4).

- 6.39 Travel Planning, Construction and Servicing - TfL welcomes the submission of comprehensive framework Travel Plan, this should be secured, enforced, monitored and reviewed as part of the s106 agreement. A framework construction logistics plan (CLP) appears not to have been drawn up; a detailed plan should be secured that includes routes used to and from the site, hours of operation, expected number of vehicles and general good practice. A similar comment is raised in respect of a delivery and servicing plan (DSP); the detailed plan should identify efficiency and sustainability measures to be undertaken once the development is operational. The retention of a servicing road to enable off-street servicing is welcomed.
- 6.40 Summary - Cycle parking is not yet demonstrably the required quality or detail of design and further information is sought on Healthy Streets/Vision Zero compliance. The principle of the scheme is however supported and provided its impacts are suitably mitigated. The applicant should ensure they are fully aware of the MCIL2 regulations which apply a Mayoral charge (MCIL2) of £25psqm GIA within LB Havering.
- 6.41 The London Fire Brigade has raised no objection in principle.

#### **Affordable Housing/Mix**

- 6.42 Policy DC6 of the LDF and Policies 3.9, 3.11 and 3.12 of the London Plan seek to maximise affordable housing in major development proposals. The Mayor of London Supplementary Planning Guidance "Homes for Londoners" sets out that where developments propose 35% or more of the development to be affordable at an agreed tenure split, then the viability of the development need not be tested – in effect it is accepted that 35% or more is the maximum that can be achieved.
- 6.43 In this respect, the proposal is intended to provide 35% affordable housing across all sites that the applicant is looking to develop along New Road. This could mean less provided on this site if other sites, as part of the joint venture Council strategy, are developed prior to this provided more. Due to this and other development proposals coming forward from other applicants with low or zero, affordable housing, officers have sought a viability appraisal from the applicant which has been reviewed. The review concludes that the scheme, based on present day inputs, could not viably support 35% affordable housing, but that it could support circa 20% affordable units. In this case however, the developer is willing to deliver a greater level of affordable housing that can viably be justified based upon its unique nature as an applicant (a joint venture) and its appetite for and ability to spread risk across a portfolio of sites. In this respect, affordable housing provision is being

maximised, meeting the objectives of existing policy and future policy in the submitted local plan and draft London Plan as well as the stated ambitions of the Housing Zones and therefore weighs in favour of the proposal.

- 6.44 Policy DC2 of the LDF on Housing Mix and Density specifies an indicative mix for market housing, this being 24% 1 bed units, 41% 2 bedroom units, and 34% 3 bed units. The proposal incorporates an indicative *overall* tenure mix of 24% 1 bed units, 43% 2 bed units, and 33% 3 bed units. The proposed mix is and closely aligned with the above policy guidance, Officers are content that the mix on offer falls in accordance with policy as suggested in the Beam park Framework and the draft London Plan.

### **School Places and Other Contributions**

- 6.45 Policy DC72 of the LDF emphasises that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.46 Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 2 of the submitted Local Plan seeks to ensure the delivery of expansion of existing primary schools.
- 6.47 Evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to S106 SPD). On that basis, it is necessary to require contributions to mitigate the impact of additional dwellings in the Borough. It is considered that, in this case, £4500 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development. A contribution of £1,264,500.00 would therefore normally be appropriate for school place provision.
- 6.48 As previously advised, the Education contribution would be not sought should the planning permission be granted, as Havering CIL would cover school places funding.
- 6.49 The Rainham and Beam Park Planning Framework seeks to deliver a new Beam Parkway linear park along the A1306 including in front of this site and seeks developer contributions for those areas in front of development sites. The plans are well advanced and costings worked out – based on the frontage of the development site to New Road, the contribution required for this particular site would be £ 272,308.54. This is necessary to provide a

satisfactory setting for the development rather than the stark, hostile and wide existing New Road.

- 6.50 Policy DC32 of the LDF seeks to ensure that development does not have an adverse impact on the functioning of the road network. Policy DC33 seeks satisfactory provision of off street parking for developments. Policy DC2 requires that parking permits be restricted in certain circumstances for occupiers of new residential developments. In this case, the arrival of a station and new residential development would likely impact on on-street parking pressure in existing residential streets off New Road. It would therefore be appropriate to introduce a CPZ in the streets off New Road. A contribution of £112 per unit (total £26,768.00) is sought, plus an obligation through the Greater London Council (General Powers) Act 1974 to prevent future occupants of the development from obtaining parking permits.
- 6.51 From a sustainability perspective, the proposal is accompanied by an Energy Statement. The reports outline an onsite reduction in carbon emissions by 37.1%, to include a photovoltaic strategy, which aims to further reduce CO2 emissions across the entire site. In assessing the baseline energy demand and carbon dioxide emissions for the site, a financial contribution of £244,200.00 has been calculated as carbon emissions offset contribution in lieu of on-site carbon reduction measures. The development proposal, subject to contributions being sought would comply with Policy 5.2 of the London Plan.
- 6.52 In respect of all the above contributions, there may be scope to negotiate the overall total figure required if this application were to be one of several sites coming forward from the same developer at the same time – therefore the recommended sums would be subject to subsequent review and approval.
- 6.53 In this case, the applicant currently has no interest in the site. As such, it is unlikely that the current owners of the site would be willing to enter into a legal agreement (which is the usual method for securing planning obligations) as they have no role in the present application.
- 6.54 The NPPG states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. It is considered that this application and its context as part of a large multi-site strategic development presents justifiable basis to impose a negatively worded condition which would require an s.106 obligation to be provided before the commencement of development.

### **Drainage and Flood Risk**

- 6.55 The application site is situated within the fluvial floodplain (Flood Zone 3). Buildings used as dwelling houses are defined as *More Vulnerable* uses as set



out in the Technical Guidance to the National Planning Policy Framework 2019, in comparison with the existing industrial uses at the site.

- 6.56 The applicant has been engaged in discussions with the Environment Agency but whilst some matters have now been agreed, such as the possibility of conditioning the finished floor levels aspects of this planning application; however there remains a difference of opinion between the parties in terms of build footprint overall and the potential need for flood compensation.
- 6.57 The Environment Agency are therefore currently maintaining an objection to the application
- 6.58 The parties are continuing to liaise on outstanding matters and any further information will be reported verbally to the Strategic Planning Committee. In any event, the proposal will not be referred to the GLA for the Stage II review until this matter has been satisfactorily resolved.

### **Financial and Other Mitigation**

- 6.59 The proposal would attract the following section 106 contributions, to be secured through a negatively worded planning condition to mitigate the impact of the development:
- Sum of £178,853.58 , or such other figure as is approved by the Council, towards provision of Linear Park in the vicinity of the site
  - Sum of £26,768.00, or such other figure as is approved by the Council, towards CPZ in streets north of New Road
  - Sum of £244,200.00, or such other figure as is approved by the Council, towards the Council's Carbon Offset Fund
- 6.60 The proposal would attract Mayoral Community Infrastructure Levy (CIL) and from the 01<sup>st</sup> September 2019, the London Borough of Havering CIL contributions to mitigate the impact of the development. As this is an Outline application, CIL would be assessed and applied when a reserved matters application is submitted.

### **Other Planning Issues**

- 6.61 There is potential that the existing buildings may provide habitat for protected species. Otherwise there is no biodiversity interest in the site. Suitable conditions are recommended.
- 6.62 As advised within the Consultee Responses section of the Report, there are Cadent Gas and Thames Water assets within proximity of the site; relevant Informatives would address this issue.
- 6.63 Due to the previous industrial uses on part of the site, the land is likely to be contaminated. Suitable planning conditions are recommended to ensure remediation of the site. There also hazardous pipelines in the vicinity of the application site.

## **Conclusions**

- 6.64 All other relevant policies and considerations have been taken into account. Planning permission should be granted subject to the conditions outlined above for the reasons set out above. The details of the decision are set out in the **RECOMMENDATION**.