



REGULATORY SERVICES COMMITTEE

24 April 2014

REPORT

Subject Heading:

Proposal

Report Author and contact details:

Policy context

Financial summary

P1813.11 – Former Somerfield Depot, New Road, Rainham (Date received 27/01/12, revised plans, documents and description received 5/10/12, further revised plans received 12/02/14)

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

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Local Development Framework
London Plan
National Planning Policy

None

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

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

SUMMARY

The application is for the redevelopment of the former Somerfield Depot site to create a predominantly residential development providing 497 residential units within 18 apartment blocks and terraces of houses between three and six storeys in height. The development is proposed as an entirely private development with no affordable housing at this stage. The application is subject to Environmental Impact Assessment and has been submitted with an Environmental Statement. The application was previously included on the agenda for 25/04/2013, but was withdrawn at Staff's request.

The application has been considered against the relevant policies of the Local Development Framework and associated Supplementary Planning Guidance together with the London Plan and is judged to be acceptable in terms of its density, design, housing tenure and highway implications. It is considered that the development could be an important catalyst for the future redevelopment of the wider Havering Riverside area. A proportionate S106 contribution based upon the discounted tariff applicable in the Havering Riverside area has been negotiated. Issues of financial viability and regeneration implications have been taken into consideration and subject to no contrary direction from the Mayor for London, no call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive and the completion of a legal agreement it is recommended that planning permission be granted subject to the conditions set out in the report.

The environmental information contained in the Environmental Statement and its Addendum has been taken into consideration in reaching the recommendations.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 36,175m² and amounts to £723,500.

That the Committee resolve that

Having taken account of the environmental information included in the Environmental Statement and its Addendum that the proposal is unacceptable as it stands but would be acceptable subject to:

- a) No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) ;
- b) No call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive;
- c) The prior completion of a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
 - The sum of £2,236,500 towards the costs of infrastructure associated with the development based upon the current discounted tariff per dwelling in the Havering Riverside Area as set out in accordance with the Adopted Planning Obligations SPD.

Phasing to be:

- 25% to be paid prior to the commencement of development;
 - 25% to be paid prior to occupation of no more than 125 dwellings;
 - 25% to be paid prior to occupation of no more than 250 dwellings;
 - 25% to be paid prior to occupation of no more than 375 dwellings.
- The sum of £350,000 towards the cost of bus service enhancements;
 - The inclusion of a cascade and viability review clause in relation to the provision of affordable housing to ensure that the provision of affordable housing is maximised in relation to the financial viability of the scheme.
 - The submission of a phasing plan to demonstrate that Blocks A – H would be delivered at an early stage of the development and that the western most block/s (Blocks M and N) will be the final blocks to be constructed.
 - Prior to the construction of Blocks M and N that a design review be carried out to establish whether further pedestrian and vehicular

linkages with land to the west can be achieved, subject to the design and planning of a new railway station at Beam Reach being at a sufficiently advanced stage. Agreement to implement Blocks M and N as approved not to be unreasonably withheld.

- To provide training and recruitment scheme for the local workforce during construction period.
- A travel plan to encourage the use of sustainable modes of transport, including a scheme for submission, implementation, monitoring and review.
- 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 Council's reasonable legal fees for shall be paid on or prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications as listed above on this decision notice.

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 the LDF Development Control Policies Development Plan Document Policy DC61

3. Submissions and Approvals - Any application or submission for any other approval required by any condition attached to this permission shall be

made in writing to the Local Planning Authority and any approval shall be given in writing. Any approved works shall be carried out and retained thereafter in accordance with that approval.

Reason: To ensure that the Development is satisfactorily implemented in accordance with any approvals.

4. Accordance with Environmental Impact Assessment and Mitigation Measures - The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement relevant to the application, appendices thereto submitted in August 2012, and any additional submission documents.

Reason: To ensure that the development is carried out in accordance with the appropriate standards, measures, requirements and methods as set out in the Environmental Statement and the mitigation measures identified therein.

5. Phasing Strategy - Prior to the commencement of development:

- i) a Phasing Plan shall be submitted and approved in writing by the Local Planning Authority which indicates the extent of each development phase.
- ii) A Condition Discharge Plan shall be submitted and approved in writing by the Local Planning Authority which indicates separate zones of the site to be subject to prior to commencement condition submissions.

Thereafter the development shall not proceed other than in accordance with the agreed phasing strategy.

Reason: To ensure that there is an appropriate phased sequence of development on the site.

6. Details of materials - No development shall commence within the particular zone indicated in accordance with condition 5 until samples and details of all materials to be used in the external construction of the buildings and surfacing of all external areas for that particular zone have been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Boundary treatment - No development shall commence within the particular zone indicated in accordance with condition 5 until details of the treatment proposed for the boundaries for that particular zone, including where appropriate, screen fencing and walling (adjacent to highways) have been

submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling in that particular zone and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Details of ground levels - Prior to the commencement of the development details of the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway, the railway, adjacent drains and adjoining land having regard to drainage, gradient of access, relationship to adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

9. External lighting - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for the lighting of external areas for that particular zone, including the access roads, have been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The scheme shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity. The agreed scheme shall be installed in full, prior to the first dwelling within that zone being occupied or as otherwise provided for in the phasing strategy. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times thereafter.

Reason: In the interests of highway safety, public amenity and nature conservation and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Lifetime homes - All residential units hereby approved are to comply with Lifetime Homes Standards, as defined in the Joseph Rowntree Foundation (JRF) publication "Achieving Part M and Lifetime Home Standards April 1999" and the joint collaboration of JRF, Mayor of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG (Appendix 4 correct at March 2004),.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential

occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3.8 of the London Plan.

11. Wheelchair Accessibility - 10% of new housing shall be designed to be wheelchair accessible or easily adaptable for such residents and shall be constructed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. The units will thereafter be maintained in accordance with the approved scheme.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3.8 of the London Plan.

12. Secure by Design - No development shall commence within the particular zone indicated in accordance with condition 5 until a full and detailed application for the Secured by Design award scheme for that particular zone has been submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

13. CCTV - No development shall commence within the particular zone indicated in accordance with condition 5 until details of CCTV to be installed for the safety of residents and visitors and the prevention of crime for that particular zone have been submitted to and approved in writing by the Local Planning Authority. The system shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units and thereafter, permanently retained and maintained.

Reason: In the interest of creating safer, sustainable communities and residential amenity, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan and including Policy CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

14. Highway Alterations - No development shall commence within the particular zone indicated in accordance with condition 5 until details of the proposed alterations and additions to the Public Highway for that particular zone have been submitted to and approved in writing by the Local Planning Authority..

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

15. Highway Licence - The necessary agreement, notice or licence to enable the proposed alterations and/or additions to the Public Highway shall be entered into prior to the commencement of the development or the commencement of the relevant phase.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. Road Safety Audit - Prior to the construction of or any works to the access or egress to the site from New Road pursuant to this permission, the developer shall submit for the written approval of the Local Planning Authority a Stage 1 and 2 Road Safety Audit as defined in HD 19/03 of the Design Manual for Roads and Bridges with any recommendations arising being reasonably dealt with. The findings of the Audit shall be implemented in accordance with the approved details prior to the construction of the access and associated works, or as otherwise allowed in the audit. Stage 3 and 4 Road Safety Audits shall be undertaken at the appropriate time as prescribed in HD 19/03 of the Design Manual for Roads and Bridges and the findings of these Audits shall be implemented as recommended.

Reason: In the interests of highway safety and to comply with Policies CP10, CP15, CP17 and DC61 of the Core Strategy and Development Control Policies DPDs.

17. Car parking - Before the buildings hereby permitted within any phase of the development are first occupied, the areas set aside for car parking within that phase shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

18. Parking for Users with Disabilities - Provision shall be made within the development for a minimum of 10% of the total number of parking spaces to be allocated for Blue Badge users.

Reason: In order to ensure the development provides accessible parking for people with disabilities and to comply with the aims of Policy 6.13 of the London Plan.

19. Car parking management strategy - No development shall commence within the particular zone indicated in accordance with condition 5 until details to show the car parking management strategy associated within that phase or zone within the development have been submitted to the Local Planning Authority for approval in writing. The details shall include the details of

measures to be used to manage the car parking areas. The car parking management strategy shall be provided in accordance with the approved details for that zone prior to the first occupation of any dwelling in that particular zone. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

20. Cycle Storage - No development shall commence within the particular zone indicated in accordance with condition 5 until details of the secure cycle storage for that zone and on street provision for visitors have been submitted to and approved in writing by the Local Planning Authority. Cycle storage facilities shall be provided in accordance with the approved details for each zone prior to the occupation of the first dwelling in that particular zone. Such facilities shall be permanently retained and made available for residents and visitors use, as appropriate, thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys in accordance with LDF Development Control Policies Development Plan Document Policy DC35.

21. Electric Charge Points - No development shall commence within the particular zone indicated in accordance with condition 5 until details of a scheme for the provision of electric charging points within that particular zone have been submitted for written approval by the Local Planning Authority. Such scheme shall make provision for a total of 40% of the spaces to be provided with the provision of electric vehicle charging points, with a minimum of 20% of parking spaces to be fitted with active provision of electric vehicle charging points.

Reason: In the interests of sustainable transport and to accord with Policy 6.13 of the London Plan.

22. Freight Strategy - Prior to the commencement of development a Delivery and Servicing Plan and a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of booking systems, consolidated or re-timed trips and provision for secure off street loading and drop off facilities. The development shall than be carried out in accordance with the agreed details.

Reason: In order to ensure the construction of the development does not have an adverse impact on the environment or road network and to accord with Policy 6.14 of the London Plan.

23. Hard landscaping - No development shall commence within the particular zone indicated in accordance with condition 5 until details of, a scheme of hard landscaping including details of roads for that zone and a timetable for its implementation for that particular zone have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details for that phase

prior to the occupation of the first dwelling in that phase and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

24. Soft landscaping - No development shall commence within the particular zone indicated in accordance with condition 5 until details of a scheme of soft landscaping and a timetable for its implementation for that particular zone have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained, and any proposed topping or lopping, together with measures for the protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted and the approved scheme shall be undertaken in accordance with the timetable approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same or approximately the same place.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

25. Landscape Management Plan - Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- A scheme to be agreed for the new swale system including, profiling of banks and materials used to form the swales.
- details demonstrating how the buffer zone will be managed/maintained over the longer term
- details of any permanent lighting and associated light levels
- details of maintenance regimes for the Southern Green Buffer Zone
- details of treatment of site boundaries and/or buffers around water bodies

Reason : To ensure protection of water voles and other habitats and to ensure that the nature conservation value of the site is improved accordingly.

26. Demolition and Site Clearance - The demolition and site clearance works shall be carried out in accordance with the Mitigation Proposals set out in the Environmental Statement Volume 1 – Chapter 16 Ecology paragraphs 16.208 to 16.266. No works of demolition or site clearance shall be carried out until details have been submitted to and agreed with the Local Planning Authority demonstrating that the measures to be undertaken comply with the recommendations set out in the above paragraphs of the Environmental Statement Volume 1 – Chapter 16 Ecology paragraphs 16.208 to 16.266. The works shall then be carried out in accordance with the agreed details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

27. Biodiversity – No development shall commence within the particular zone indicated in accordance with condition 5 until details of a scheme for the biodiversity enhancement measures to be incorporated into that particular zone have been submitted to and approved in writing by the Local Planning Authority. The development within that zone shall thereafter be carried out in full accordance with the agreed scheme and retained thereafter.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

28. Sustainability Statement - No development shall commence within the particular zone indicated in accordance with condition 5 until the developer has provided a copy of the Interim Code Certificate confirming that the design of that zone of development achieves a minimum Code for Sustainable Homes 'Level 4' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before that particular zone is first occupied, the Final Code Certificate of Compliance shall be provided to the Local Planning Authority to demonstrate that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Development Control Policies Development Plan Document Policy DC49, the Council's Sustainable Design and Construction SPD Adopted April 2009 and Policies 5.2 and 5.3 of the London Plan.

29. Energy - Prior to the commencement of development, an energy statement shall be submitted to demonstrate the energy efficiency design measures and renewable energy technology to be incorporated into the final design of

the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development, including consideration of the use of photovoltaics, which will displace at least 25% of carbon dioxide emissions, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any relevant phase of the development. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein. Any change to the approved energy strategy shall require the written consent of the Local Planning Authority.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF, the Councils Sustainable Design and Construction SPD Adopted April 2009 and Policy 5.7 of the London Plan.

30. Details of Fire Hydrants - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme detailing the location and detail of fire hydrants for that particular zone have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the buildings within that zone to be served by the identified hydrants, such hydrants as required by the LFEPa for that zone of the development shall be provided in accordance with the LFEPa's requirements prior to the occupation of the relevant unit/s and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for fire protection on the site.

31. Fire Brigade Access - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for the provision of adequate access for fire brigade purposes for that particular zone has been submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. First residential occupation of each zone shall not take place until the approved scheme for that part of the fire brigade access has been implemented.

Reason: To ensure that adequate access for fire brigade purposes is made available in the interests of safety.

32. Plant and Machinery - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for any new plant or machinery, including any energy centre as appropriate, in that zone has been submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB. Such plant and machinery

as approved shall be installed in accordance with the agreed details and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

33. Noise Protection - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for protecting the proposed dwellings from noise and vibration from adjacent commercial and industrial premises for that particular zone have been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings within that zone are first occupied.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

34. Sound Attenuation - The building(s) shall be so constructed as to provide sound attenuation of no less than 45dB(A) against airborne noise and 62dB(A) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

35. Noise Transmission Control - No development shall commence within the particular zone indicated in accordance with condition 5 until an assessment has been undertaken of the impact of road noise emanating from New Road and Marsh Way upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To prevent future residents against the impact of road noise in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the

development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

36. *Railway Noise and Vibration* No development shall commence within the particular zone indicated in accordance with condition 5 until an assessment has been undertaken of the impact of:

- a) Railways noise (in accordance with Technical memorandum “Calculation of Railway Noise”, 1995)
- b) Vibration from the use of the railway lines,

upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupancy of any units affected by railway noise and vibration identified within the scheme.

Reason: To prevent future residents against the impact of road noise in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

37. *Flood Management Evacuation Plan* – No development shall commence within the particular zone indicated in accordance with condition 5 until details of a flood management evacuation plan has been submitted to, and approved in writing for that particular zone by, the local planning authority. This shall include provision of safe access and egress of all users and a procedure to ensure that any flooding of the car park can be managed in an appropriate way.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason : To protect the development and it’s occupants from flooding .To ensure that all users of the site will have safe access and egress during a flood and that no danger will be caused by flood water carrying the cars out of the car park in accordance with Policy DC48 of the LDF.

38. *Flood Risk Mitigation* - The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and letters from Peter Brett Associates reference PJ/CBH/SMK/EA dated 16 April 2012, 26903/CBH/PJ/CBH/SMK/EA dated 14 May 2012 and drawing reference 26903/001/002 and in particular the provision of compensatory flood storage areas.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements

embodied within the approved flood risk assessment, correspondence and drawings referred to above, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that existing floodplain is maintained within the proposed development site and that flood risk is not increased elsewhere in accordance with Policy DC48 of the LDF.

39. Foul and Surface Water Drainage - Development shall not commence until a drainage strategy detailing any on and/ or off site drainage works, storm flow attenuation and protection of any existing public sewers crossing the site and a strategy for each phase of its provision has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker and the Environment Agency. No works which result in the discharge of foul or surface water from the site shall be commenced until the on/and or off site drainage works and connections for that phase of the works have been completed.

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system,, to prevent the increased risk of flooding, and in order that the development accords with Development Control Policies Development Plan Document Policy DC51 and Policy 5.33 of the London Plan.

40. Infiltration - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water could leach contamination from the ground and result in it migrating into groundwater which will be in connectivity with surface waters within close proximity of the site. Infiltration will only be acceptable once it has been demonstrated that it will be through clean, uncontaminated ground.

41. Refuse and recycling: No development shall commence within the particular zone indicated in accordance with condition 5 until details of the storage of refuse and recycling awaiting collection for that particular zone has been submitted to and approved in writing. Prior to the first occupation of that zone, provision shall be made for the storage of refuse awaiting collection. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details and shall be retained thereafter.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and locality in general, in the interests of sustainable waste management and in order that the

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

42. Piling and Foundations - Piling or any other foundation designs using penetrative or impact methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater subsurface water or sewerage infrastructure. The development shall be carried out in accordance with the approved details.

Reason: Piling or penetrative foundation works have the potential to create pathways for contamination to migrate to groundwater or damage underground infrastructure. It must therefore be demonstrated that any piling will not pose a risk to ground or surface waters, water or drainage infrastructure before it is undertaken.

43. Construction Environmental Management Plan - No development shall commence within the particular zone indicated in accordance with condition 5, including demolition, until a scheme for that particular zone has been submitted to and approved in writing by the local planning authority making provision for a Construction Environmental Management Plan to control the adverse impact of the development of that zone on the amenity of the public and nearby occupiers. The Construction Environmental Management Plan/s shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) Areas hardened to enable the loading and unloading of plant and materials;
- c) storage of plant and materials, including stockpiles of crushed concrete;
- d) dust management controls (using best practicable means) and monitoring proposals;
- e) Treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary;
- f) Details of access points to the site and routes within the site for construction vehicles;
- g) measures for minimising the impact of noise and, if appropriate, vibration arising from demolition and construction activities;
- h) predicted noise and, if appropriate, vibration levels for demolition and construction using methodologies and at points agreed with the local planning authority;
- i) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- j) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- k) 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 or the relevant phase thereof shall be carried out in accordance with the approved Plan.

Reason: To protect residential amenity and to ensure the works are carried out in such a way to avoid, remedy or mitigate adverse effects, and in order that the development accords with Development Control Policies Development Plan Document policy DC61.

44. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

45. Wheel washing: - Prior to commencement of development, including site preparation, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during demolition, site preparation and construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained without interruption and used at relevant entrances to the site from the inception of any development activity including site preparation, demolition and throughout the course of construction works.

Reason: In order to 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 and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

46. Archaeological Investigation – A)_No development of any phase of the site or of the overall development as the case may be shall take place until the applicant has secured the implementation of a programme of archaeological work for the development or each phase thereof in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

B) The development shall only take place in accordance with the written scheme of investigation approved under Part (A).

C) The development or relevant phase thereof shall not be occupied until the site investigation and post investigation assessment has been

completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A).

The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority for the development or the relevant phases thereof as the case may be.

Reason: Important archaeological remains may survive on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance set out in PPS5, and in order that the development accords with Development Control Policies Development Plan Document policy DC70.

47. Contamination assessment and remediation: Prior to the commencement of the development a Phase I Report having already been submitted, excluding any works of demolition, the developer shall submit for the written approval of the Local Planning Authority and carry out as required the following:

a) A further site investigation report (Phase II Report) as the submitted Ground conditions report confirms has identified the need for further investigation following demolition and clearance of the site to assess 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a Validation Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works, any contamination should be encountered, which was not previously identified and is derived from a different source and/or of a different type to those included in the

contamination proposals, then revised contamination proposals shall be submitted to the LPA ; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

e) Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination and the results of this testing together with an assessment of suitability for their intended use shall be submitted to and approved in writing by the Local Planning Authority.

For further guidance see the leaflet titled, Land Contamination and the Planning Process.

Reason: To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53. Also The site lies on a Secondary aquifer and groundwater is likely to provide baseflow to proximal surface watercourses. The previous use of the site may have resulted in contamination of the ground and groundwater and therefore the site must be remediated so it no longer poses a risk to ground or surface waters.

48. Pipeline - No development shall take place until a report on the need for a scheme of pipeline risk mitigation measures for the Baker Street – Romford, Mardyke-Fords Dagenham and Horndon to Barking Pipelines has been submitted to and approved in writing by the local planning authority in consultation with National Grid and the Health and Safety Executive. If mitigation is found to be required, the details of the mitigation measures chosen shall be specified within the report and should be justified on the basis of existing risk, the extent to which the risk needs to be reduced, the benefits from each measure (to be derived from IGEM/TD/2), and the practicality of implementation of each measure. Development shall be carried out in accordance with the approved details which shall be completed prior to first residential occupation of the development.

Reason: In the interest of health and safety and in accordance with the principles of risk management found in the HSE's PADHI system of risk advice and in order that the development accords with Policy 54 of the LBH LDF and Policy 5.22 of the London Plan.

49. Easement Protection – No development shall commence within the particular zone indicated in accordance with condition 5 until details of the how the easement to the benefit of National Grid is to be maintained and protected has been submitted to and approved in writing by the Local Planning Authority in consultation with National Grid. Such details as are necessary for the relevant zone of the development should include levels,

excavations, fencing, embankments and walkways. Development shall be carried out in accordance with the approved details.

Reason: In the interest of health and safety and in accordance with the principles of risk management found in the HSE's PADHI system of risk advice and in order that the development accords with Policy 54 of the LBH LDF and Policy 5.22 of the London Plan.

50. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any future order, regulation or statutory provision revoking or re-enacting the said Order, no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

51. Removal of Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A - F or any future order, regulation or statutory provision revoking or re-enacting the said Order, no enlargement, roof alteration, porch, out building or hard surface shall be constructed or take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. The developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications

and approval will be needed for any highway works (including temporary works) required during the construction of the development.

3. In aiming to satisfy condition 12 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. The development of this site may affect archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design for the archaeological evaluation of the site. This design should be in accordance with appropriate English Heritage guidelines.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1.0 **Site Description**

- 1.1 The application site is located on the south side of New Road approximately 120m east of Marsh Way and 1.1km west of Dovers Corner (1.5km from Rainham Station). The site has an area of approximately 3.68 hectares and is currently occupied by a large 2-3 storey warehouse with an access and car parking area to the front set at a slightly lower level than New Road. The site is commonly known as the former Somerfield site and is currently in use as a distribution centre.
- 1.2 To the south the site is bounded by the C2C Shoeburyness to Fenchurch Street railway line and the High Speed 1 railway. To the west lies a vacant brownfield site with a scrap yard located adjacent to the most north western part of the boundary adjacent to New Road. Commercial warehousing is located to the east.

- 1.3 The site generally slopes gently down north to south from New Road apart from the section immediately adjacent to New Road where the level difference is more steeply defined.
- 1.4 The northern side of New Road in this area is predominantly residential in character with some interspersed commercial uses, beyond which lies the residential area of South Hornchurch. To the south of the site beyond the railway line is the Beam Reach 5 Business Park with the closest building being the former Newsfax printing plant.

2.0 **Description of Proposal:**

- 2.1 General Layout - The application is submitted as a full application and is accompanied by an Environmental Impact Assessment. The development sought is a residential development of 497 units within 18 no. separate blocks and terraces, also incorporating a small element of commercial floorspace and an energy centre together with 517 car parking spaces. The development mix would be as follows:

Unit Split	Number of Units	% Units
1 Bed	130	26
2 Bed	141	28
3 Bed	198	40
4 Bed	22	5
5 Bed	6	1
Total	497	100
	Floorspace (m² GEA)	
Commercial	170	
Energy Centre	110	

- 2.2 Access would be taken from New Road via the existing access point to the east of the site which would also continue to serve the adjacent commercial uses to the east. The existing access road running parallel to New Road would be retained/upgraded across the front of the site with the existing egress to New Road at the North West corner of the site retained and modified. The five frontage blocks would therefore be set back from the New Road carriageway by 24m and would be separated by four roughly north to south access roads which would link to an east to west road running across virtually the entire width of the plot 110m south of New Road. One of the north south access roads between blocks B and C would serve as the main link road with the others being designed along home zone lines with shared surfaces.
- 2.3 The northern elevation along New Road would be comprise of Blocks A, B, C, D and N, all of which are proposed as flat green roofed four storey blocks. Blocks A, B and C are proposed as 3 identical blocks 12m high, 43m long and 17m deep with their eastern half formed by a 9 no. framed full width balconies on the upper floor and glazed and panelled frontage at

ground floor. The western half of each block is proposed in brick with 3 no. recessed balconies on each upper floor, half the width of each unit and the two ground floor units each being provided with a recessed semi-private terrace. To the rear the ground and first floor would comprise duplex units with their own private gardens, with flats above, each provided with its own projecting balcony. All units would be accessed from a single central door on the northern elevation giving access to a spine corridor with a fully glazed stairwell adjacent to the entrance. Internal cycle stores are proposed at ground floor with an externally accessed refuse store located adjacent to each entrance.

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

176 dwellings including 10 duplex units with the remainder as apartments. The buildings would be raised up to a podium level as part of the flood risk mitigation measures and are proposed as six storey green roofed blocks, each with a longer (37 – 41m) south facing elevation set at a 15° angle to the southern boundary of the site with the railway corridor, and a shorter eastern limb elevation (9 – 22m) and a height of 18.65m AOD. The upper storey would be set back on the southern side. Each ground floor unit would have access to it's own semi-private terrace with all units above ground floor provided with at least one recessed or projecting balcony set within architectural framing with vertical timber slatted screening. Materials are proposed are predominantly brick, but with areas of glazing and aluminium cladding. All units would be accessed via central stair cores, Block 1 having one and all other blocks two on their northern side. All blocks would have a core access to the basement/car park level which would form a single car park under all of the blocks along the southern side of the site. The car park level would also contain the majority of the cycle parking facilities, although some ground floor units would have their own storage within their terrace areas. Access to the bin stores would also be at car park level.

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

2.8 *Access, Parking and Servicing* – Access to the site would be taken from A1306 New Road via the existing access to the east of the site as the application site has access rights across this land. The east/west road across the northern edge of the site would be one way and 6 to 7m wide with parking spaces perpendicular to the road on it's northern side. The north south road between blocks B and C would be 5.5m wide and is

intended to function as the main route linking to the east west road towards the south of the site. The other three north south routes are proposed as home zone shared surface routes with a carriageway width varying between 4 and 5.5m. The north south routes to the west is intended to function as a two way route whilst the other two route between blocks A and B and C and D would be one-way northwards. The entrance to the covered car park level of block I to L would be taken from the southern side of the southern east/west road directly opposite the western north south route. The entrance to the covered car park level of blocks M and N would be taken from the northern side of the east west route at its far west extreme.

- 2.9 Pedestrian access would be available from the same point as for vehicles at the access and egress points from New Road, with a further 4 pedestrian links provided from the New Road footway to the northern east west route, with the level difference accommodated by steps and ramps. Pedestrian access to a linear boardwalk and cycle route along the southern edge of the site would be provided at all points between Blocks I to L.
- 2.10 Provision for 517 car parking spaces is proposed in a combination of covered /basement parking areas, on street, garage and forecourt parking, including a requisite proportion of disabled parking bays. 71 motorcycle spaces and 630 cycle parking spaces are proposed.
- 2.11 Refuse collection would be carried out on street with storage facilities varying from individual refuse stores for the houses, bin stores for the blocks at the front and underground storage with ground level chutes for the southern and western blocks. The latter would deposit waste into conventional Euro bins with the bins stored underground on a hydraulically operated platform. Each of the blocks would also be provided with a "lumber store" for discarded bulky items of furniture, white goods etc. All houses and flats with ground floor amenity space would be provided with their own composting facility and provision has been made for a recycling bank in the north west of the site.
- 2.12 *Amenity Space, Landscaping and Play Space* – The plans and supporting documents show that amenity space would be provided by way of private gardens, semi private terraces, roof terraces, communal/public open space, ecological corridor and private balconies. Private garden areas to the houses and duplex units would be relatively small varying from 5 to 7m deep.
- 2.13 Landscaping would be provided throughout with tree planting to the streets and rear garden areas, enhanced boundary tree planting, managed communal areas and a green buffer and ecological planting area to the south of the site incorporating a 3m exclusion zone to protect wildlife.
- 2.14 Opportunities for new play provision are integrated in all communal amenity areas.

2.15 *Sustainability* – The overall proposed sustainable energy strategy for the development is aimed at achieving a 29% reduction in carbon dioxide emissions. This would be achieved by incorporating a gas-fired CHP, gas condensing boilers, solar hot water collectors, high thermal performance buildings and ventilation heat recovery. It is also proposed that the scheme would be designed so that it could link into any wider district heating network such as that currently under discussion with Barking Power.

2.16 *CIL/S106 Obligations* – The applicants consider that the scheme cannot support any affordable housing but are currently in discussion with a Registered Provider with a view to them taking over the scheme should planning permission be granted. An assessment of the financial implications of the proposals has been provided in support of the application. Notwithstanding the results of the financial appraisal the applicants are prepared to meet the Council's S106 requirement based upon the current tariff applicable in the Havering Riverside Area together with a sum for Transport for London to meet their request for a bus service contribution and other non-monetary clauses.

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

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

3. **Relevant History**

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

4. **Consultations and Representations:**

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

4.2 Twenty six letters of representation have been received including one from

a local Councillor. Objections raised relate to the following:

- Development is too dense and the flats too high;
- Council Policy is that developments in this area should be 3 storey;
- Additional traffic and related pollution;
- Potential for car parking to overspill into adjacent areas;
- Additional demands on social amenities, schools, doctors, dentists;
- Additional pressure on water and drainage facilities;
- Inadequate amenity space;
- Should be developed for quality housing;
- Covered areas of communal parking and high rise flats are a thing of the past and susceptible to anti-social behaviour and theft;
- Other areas to the west towards Dagenham are more suited to this type of development;
- Area is low lying and liable to flood;
- The size of the development would place a further burden on stretched police numbers;
- Proposal would have a negative impact upon the local area;
- There are insufficient jobs in the local area;
- Inadequate public transport in the area which needs to be improved before large new developments are considered;
- Revisions to the scheme are minor and have not addressed the main problems associated with it;
- The proposal would be contrary to numerous policies of the Local Development Framework including those related to leisure facilities, community needs and facilities, education facilities and transport.

Consultee Responses

Borough Crime Prevention Design Advisor – Highlights some concerns over the vulnerability of Blocks I, J, K1, K2 and L due to the potential difficulty of controlling access from the car park level to the five lift and stair cores . A number of other detailed design points and considerations relating to access and natural surveillance are highlighted most of which have been addressed by revisions to the scheme. Recommends that a condition be attached relating to secure by design and other matters which would be assessed through any subsequent SBD application.

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

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

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

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

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

- Affordable Housing – a review of the viability toolkit should be submitted and a review mechanism should be included in any Section 106 agreement in order to secure on-site affordable housing should the market improve prior to implementation of the scheme.
- Density – the proposed density is high and concerns related to the identification of the site as an urban location with an excessive density for the current PTAL level of the site are identified.
- Urban design – the design of the scheme should be revised and concerns in particular related to access and density issues must be addressed.
- Climate change mitigation and adaptation – the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network.
- Hazardous substances – the application should work with the HSE to resolve issues concerning the high pressure gas pipelines and their location.
- Employment and training – a strategy on employment and skills training should be submitted and secured as part of any S106.
- Transport – concerns detailed in the report as identified by TfL should be addressed.

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

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

Highways/Streetcare – Satisfied that revisions and amendments to the scheme have now overcome the issues highlighted in original and first revision to the scheme. Conditions and informatives are suggested in the event of a recommendation for approval.

Housing – Satisfied that the inclusion of a review mechanism will enable the potential provision of affordable housing in the event that the development is not taken over by a Registered Provider. The implementation of the scheme by a Registered Provider is supported.

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

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

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

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

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

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

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

- Density and Public Transport Accessibility – The site is wrongly identified by the applicant as an urban location. TfL and the Mayor identify the site as a suburban location where the proposed density of 135 units per hectare exceeds the maximum range for a suburban location with a PTAL of 2 to 3. The density could be supported subject to improved public transport. Until such time as Beam Park

station is delivered there will need to be measures to improve the PTAL of the site and also to mitigate any impact on the public transport and highway network.

- Parking – Car parking is within the London Plan maximum standards. A car parking management plan should be conditioned. Electric vehicle charging points should be provided.
- Modelling assumptions and trip generation – Some criticisms of the trip assumptions that have been used in the Transport Assessment.
- Highway proposals and impact – Access options without the need for additional signals need to be considered and tested. The applicant should consider measures to improve bus service reliability. *TfL broadly welcome the changes to the access proposed by the revised scheme and the removal of the additional arm to the signalized Spencer Road junction.*
- Walking and cycling – Proposals for cyclists using the A1306 should be clarified. *Cycle parking should be increased to a minimum of 723 spaces.*
- Buses - TfL request a contribution of £390,000 towards bus service capacity enhancement and provision of Countdown at bus stops to directly benefit the site. Subsequently, TfL have confirmed that the £40,000 element of the contribution towards Countdown at bus stops is no longer necessary.
- Travel Plan – Will need to be monitored, enforced and secured by condition.
- Construction and Servicing – Construction Logistics Plan and a Delivery and Servicing Plan should be provided and conditioned.

5 Relevant Policies

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

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

5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC27 (Provision of Community Facilities), DC29 Educational Premises), DC30 (Contribution of Community Facilities). DC32 (The Road Network). DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC49 (Flood Risk), DC50 (Sustainable Design and Construction), DC51 (Renewable Energy),

DC52 (Water Supply, Drainage and Quality), DC53 (Contaminated Land), DC54 (Hazardous Substances), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC70 (Archaeology and Ancient Monuments), DC 72 (Planning Obligations) of the Local Development Framework Development Control Policies Development Plan Document (“the LDF”) are material considerations.

5.4 In addition, the Site Specific Allocations DPD (“the DPD”) Policy SSA12, Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case. The Beam Park Planning Prospectus is a further consideration.

5.5 The London Plan July 2011, as altered by the Revised Early Minor Alterations published 11.10.13 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children’s play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 5.22 (hazardous substances and installations), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations). There is also a range of Supplementary Planning Guidance to the London Plan including ‘Housing Supplementary Planning Guidance – November 2012’; ‘Shaping Neighbourhoods Play and Informal Recreation’ - September 2012. The draft Opportunity Area Framework for London Riverside (OAPF) published by the GLA in December 2011 is also a material consideration.

5.6 The National Planning Policy Framework (“the NPPF”) specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities), 9 (Protecting Green Belt land) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals..

6.0 **Staff Comments**

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

- Principle of development.

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

6.2 Principle of Development

- 6.2.1 Beyond National and Regional Guidance documents and policy the overarching policy to be taken into account in consideration of any application for the redevelopment of the former Somerfield site is the LDF Site Specific Allocation Policy 12 Rainham West (SSA12). This identifies that residential, ancillary community, retail, recreation, education and leisure uses will be allowed on the site. Importantly, SSA12 states that 33% of the development site needs to be developed for compatible employment land uses and other non-residential land uses.
- 6.2.2 This policy follows from the Havering Employment Land Review (2006) which identified that arising from the realignment of the A13 and subsequent environmental improvements to the de-trunked A1306, the area had become suitable for de-designation from employment use. The former Somerfield site is identified as a constituent part of the area where piecemeal development would not be allowed.
- 6.2.3 The reasoned justification for SSA12 advises that the policy seeks to ensure that a high standard of public transport is introduced to the area as a prerequisite to enabling residential development at the densities and car parking standards identified within the policy. Accordingly in assessing this application, whilst the principle of redevelopment is accepted it is important to consider to what extent the proposal satisfies the policy requirements, including consideration of to what extent changing circumstances since the adoption of the LDF should influence its interpretation and application.
- 6.2.4 In this respect in terms of the principle of the development proposed it is also relevant to consider whether the scheme can legitimately now be called a mixed use scheme. The revisions to the scheme have deleted all but a single ground floor commercial unit within Block D and the development is therefore to all intents and purposes a single use residential re-development

contrary to SSA12 which states that such applications will not be allowed. However, the policy is open to interpretation as was evidenced by the Inspectors Report into the Dovers Corner scheme which postulated that the 33% compatible employment or non-residential land use requirement of Policy SSA12 could be applied across the whole of the Rainham West policy area south of the A1306. This is also an interpretation of the policy which has informed the Draft OAPF. Nevertheless, however the policy is interpreted, the implications of a scheme which is almost entirely residential need to be considered.

6.3 Density and design

Density

- 6.3.1 Policy SSA12 identifies that the density of residential redevelopments to the south of the A1306 should be within the range of 30-150 units per hectare, but that with the exception of the Dovers Corner site that new development must be phased so that the completion of new homes coincides with the implementation of high standard public transport improvements such as East London Transit and a new rail station at Beam Park.
- 6.3.2 The application proposes a total of 497 units on a site with an area stated in the application as 3.68 hectares which equates to a density of 140 units per hectare. However, this site area figure used by the applicants includes the area up to the central reservation of the A1306 and also includes other parts of the site which do not comply with the widely accepted definition of areas which should be included for the purposes of calculating density. The Mayor of London Housing Supplementary Planning Guidance states that net site area should be used for density purposes. If the site ownership area of 3.34 hectares were used this would give a density of 149 units per hectare. The most generous interpretation of the area to be used to calculate density would exclude certain areas of highway particularly along the front of the site. This results in a site area for density purposes of 3.08 hectares which would equate to a density of 161 units per hectare, some way above the maximum 150 units per hectare set out in SSA12.
- 6.3.3 The applicant has referred to the policy 2.13 of the London Plan which deals with Opportunity Areas and identifies the London Riverside Area as such. The applicant stresses that within such areas housing density should be maximised. The actual wording of the policy advises that development opportunities should “seek to optimise residential ... densities, provide necessary social and other infrastructure to sustain growth and, where appropriate, contain a mix of uses.” The maximisation of residential density should not therefore be taken as a driver for dense residential development irrespective of other constraints and material considerations.
- 6.3.4 Members will be aware that housing density is only one aspect in the judgement of the acceptability of a scheme and that a mechanistic application of density is not encouraged. The quality of the design and the prospect of improved transport capacity are factors, as well as local context,

social infrastructure and open space that could lead to a judgement that a higher density could be appropriate.

- 6.3.5 Staff recognise that the apparent lack of progress towards the improvement of transport facilities in the area creates a “chicken and egg” scenario for new development proposals. In this situation new developments and associated contributions are required in order to fund such improvements, whereas developments that come forward in the absence of such improvements in the current housing market in this part of the Borough struggle to be viable and therefore cannot afford the scale of contribution required to fund the necessary improvements. Equally, new infrastructure in the current economic climate requires a strong business case and third party funding which is difficult to achieve in the absence of a known unsatisfied demand. The applicants have pointed out that the size of the development and the nature of the current housing market is such that the scheme would be built out over several years which it is suggested would give time for transport and infrastructure improvements to the area to take place, which would then justify the density of development proposed. In this respect staff can advise that the realistic prospect of a new railway station at Beam Reach has moved closer with Network Rail moving to the options appraisal stage of their project delivery process. The favoured location for the new station is to the immediate west of the site, east of Marsh Way on land owned by the GLA.
- 6.3.6 The viability case for the development needing to be at a high density is recognised. Furthermore, staff accept that a scheme of this magnitude would be developed out over several years and that the highest density part of the redevelopment to the south of the site is likely to be constructed towards the end of the build. That part of the site would also be closest to the most likely prospective location for any new station. The development would, in addition, provide a meaningful S106 contribution which could potentially be used to further the realisation of these ambitions or to fund other infrastructure requirements in the area. A decision to approve a scheme of this scale and at this density would in staff's opinion signal a positive faith in the future redevelopment of the area and the realisation of the long term development goals set out in Policy SSA12.
- 6.3.7 For this reason staff are satisfied that the density of the development proposed can be supported, despite being in excess of that set out in Policy SSA12.

Scale, Design and Appearance

- 6.3.8 Policy SSA12 requires that development of the former Somerfield site should be predominantly three storey in height. However, there is no guidance offered by the policy or its written justification as to the interpretation of the word “predominant” and this was an issue which raised by the Inspector in his deliberations over the Dovers Corner appeal case.

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

6.3.10 That being said, it is recognised that there are significant concentrations of buildings which are more than three storeys high. These concentrations, together with the number of storeys proposed explain how the high density of the development has been achieved.

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

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

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

- create an attractive landmark building which would clearly improve the legibility of the area
- preserve or enhance the natural environment, the historic environment, local amenity and the local character of the area
- act as a catalyst for regeneration
- preserve or enhance views from Havering Ridge
- do not mar the skyline
- do not have a significant adverse impact on the amenity of nearby occupiers
- are appropriate to the local transport infrastructure and capacity in the area.

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

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

6.3.15 In this respect staff are satisfied that Blocks I to L are well designed and would create an acceptable environment for future occupiers. They display careful attention to detailing and the design of the facades is intended to break down the bulk of the buildings. In order for the development to act as a catalyst for regeneration it is staff's view, and that of TfL, that the scheme would need to make a significant contribution towards improved transport and infrastructure in the area. On the basis that the applicants are offering a phased contribution which meets the both the Council and TfL's suggested figures it is considered that the scheme also satisfies the final criteria of DC66 as it offers the potential to fund or contribute an appropriate sum towards enhancing the local transport infrastructure and capacity requirements in the future. On the basis that Members are satisfied that the buildings satisfy the first set of criteria of DC66 it is also considered that arguments set out in the preceding paragraphs could provide adequate justification for the proposed density which would also demonstrate compliance with the second set of criteria that tall buildings are required to meet.

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

positive relationship to the character of the surrounding area than that which caused such objection to the Dovers Corner scheme.

6.3.17 In recognition of the potential need to improve vehicular and pedestrian linkages to the site to the west, which is identified as the most likely location for a new railway station, a clause within any S106 would require a design review of the western section of the development, prior to the commencement of that part of the development. Depending on the degree of certainty of the delivery of a new station at that time, this would give a commitment to possible revisions which could address the need for improved linkages.

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

6.4 Layout and Amenity Considerations

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

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

acceptable and will provide areas of communal amenity. All new flats above ground floor would be provided with a balcony of useable size and the majority of ground floor units, with the exception of those fronting onto the north of the site, would be provided with their own semi private areas of defensible space.

- 6.4.3 Areas of play space are proposed within all communal areas which the GLA are satisfied comply with the Mayor's standards. In addition, the ecological swale area to the south of the site will be easily accessible at various locations and provide further amenity primarily for residents of the development. The raised walkways have the potential to be linked both east and west into adjacent sites as and when these come forward, as does the southern east/west access road in accordance with the requirements of Policy SSA12 in terms of connectivity.
- 6.4.4 Some aspects of the development have been revised in response to concerns raised by the Borough Crime Prevention Design Advisor, including the removal of the rear access for the duplex units in the northern blocks and the switching of the entrance to the houses at the southern end of the terraces so as they are accessed from the southern east/west route, thereby increasing surveillance. Staff consider that concerns raised in respect of the need for controlled access to Blocks I to L from the large covered/underground parking area could be addressed by conditions.
- 6.4.5 Detailed proposals for the hard and soft landscaping of the site have been submitted with the application. Variations of hard surface materials would assist with defining areas of pedestrian and vehicular priority. Tree planting and landscaping would help soften the appearance of the mews routes, create attractive communal areas and improve the biodiversity of the site.
- 6.4.6 The development is designed to Lifetime Homes standard and 10% of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.
- 6.4.7 The development is separated from all nearby housing by the A1306 and accordingly there are no concerns in relation to the direct impact of the development on the residential amenity of any other residential properties.
- 6.4.8 There is an existing scrap yard adjacent to the north west boundary of the site which could create amenity concerns for any prospective occupiers of adjacent flats in Blocks N and M. However, this could in part be addressed by conditions relating to noise insulation. Such an issue is one that future occupiers would at present have to contend with on a buyer beware basis. However, staff consider that there is a reasonable prospect that the use would move should the rest of the site to the west be redeveloped and the new rail station be constructed.

6.5 Transportation, Highways and Parking

- 6.5.1 A Transport Assessment (TA) prepared by traffic consultants accompanied the planning application. Staff are satisfied that this represents an accurate portrayal of the likely trip generation for the site. It is predicted that the vehicular traffic generated by the development would impact on the operational capacity and saturation of the local signalised junctions in the area, particularly the Spencer Road junction with New Road. There are potential solutions to this which could include demand management through a Travel Plan, impact monitoring and the identification of measures to improve the operation of the junction. Other improvements to the A1306 junction with Marsh Way and/or a new railway station at Beam Reach are also measures for which the funding available through a S106 could be used.
- 6.5.2 Policy DC32 requires that new road scheme will only be allowed where, amongst other things they improve conditions for pedestrians and cyclists and improve public transport accessibility. The north / south internal road layout has been revised to address concerns about the width of the roads and pavements. The two roads intended for two way use are both 5.5m wide which is sufficient for larger vehicles to pass. The other two north / south roads would operate in a one way northerly direction and are intended to operate on "home zone" principles. A single footway of adequate width is proposed which is considered acceptable for these roads.
- 6.5.3 The application proposes a total of 517 parking spaces which equates to 1.04 spaces per unit. This is within the range identified by Policy SSA12. and is considered to be acceptable.
- 6.5.4 The application makes provision for cycle parking in accordance with the Council's adopted standards and any additional capacity required to comply with the London Plan could be required by condition were the application to be deemed acceptable in other respects.
- 6.5.6 The size of the development is such that TfL advise that a contribution would be required for improved public transport, namely an additional morning peak time bus for a five year period. In addition, in order for the PTAL level to be increased in the area as a precursor for higher densities, there is a need for other public transport improvements with a new station at Beam Reach being the favoured option. Whilst such an improvement will not be achieved without third party funding and a positive business case, the proposal is offering a developer contribution proportionate to the size of the development. On this basis the realisation of such goals would be advanced by the scheme subject to the contribution being targeted in an appropriate manner.

6.6 Housing Considerations

- 6.6.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments with the intention of ensuring the new development widens housing opportunity and creates mixed and balanced communities. Policy SSA12 also advocates development that avoids a preponderance of flatted development. The development proposes a mix of housing type and unit size which includes 85 houses, 30 duplex units and 382 flats with a size range from one to five bedrooms. Whilst the mix of unit size proposed does not provide a perfect match for that set out in Policy DC2 it is acknowledged by staff that the mix set out within the policy is indicative and that the mix proposed is broadly consistent. Accordingly the mix proposed is not considered by staff to be unacceptable, and would furthermore provide a sizeable number of family sized units.
- 6.6.2 Policy CP1 identifies the need for a minimum of 535 new homes to be built in Havering each year which has been increased by the London Plan to 970 new homes per year, and it is acknowledged that the development proposed would make a significant contribution towards enabling this target to be met over the period that it would be built out. However, this fact needs to be balanced against many other material planning considerations relevant to the proposed development.
- 6.6.3 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing, and that a tenure mix of 70:30 between social rented housing and intermediate forms (such as shared ownership) will be sought. As with the target for the provision of new homes, the London Plan has modified this to a requirement that boroughs should seek to maximise affordable housing provision. However, it is also stated that the Council, in seeking to achieve these targets, will give consideration to factors such as the viability of schemes which is also reflected in the London Plan.
- 6.6.4 The development as submitted would provide no affordable housing that falls within accepted definition for it within the NPPF. The applicant's economic viability statement provides justification for this on the basis that the scheme would not be viable if were to be required, indeed the viability assessment suggests that it is not even viable on paper without it. However, it does suggest that the anticipated values of the 1 and 2 bedroom units (between £130,000 and £170,000) would be at an affordable level for first time buyers within the income level set for intermediate housing by the GLA in Policy 3.10 which defines the household income in the range of £18,100 to £61,400 with this extended to £74,000 for homes with more than two bedrooms which are particularly suitable for families.
- 6.6.5 The Council currently has 2,271 people on the housing waiting list. Those that are on the list are not in a position where they can afford to buy on the open market within the price range suggested. This does not lend support to the applicants contention that the scheme would provide "affordable"

housing or even low cost market housing within its accepted meaning, which is defined as having been discounted to a defined level below the normal market value.

- 6.6.6 However, Staff do acknowledge that there is an argument that stimulating the first time buyer's market could be an important step towards reinvigorating the local housing market. Staff also accept the financial viability position of the proposed development which has been subject to a further review prior to reporting to Committee. Moreover, staff are also aware that the applicant is in advanced negotiation with a Registered Provider with a proven local track record which is intending to purchase the site and build it out as a mixed tenure development. Whilst a scheme of this magnitude, which offers no prospect of affordable housing within the accepted definition would be difficult to accept, the most likely scenario is that the scheme would in reality deliver a significant proportion of affordable housing, albeit outside of any Legal Agreement.
- 6.6.7 In order to safeguard the potential for affordable housing provision within the scheme in the event that the prospective deal with a Registered Provider does not take place it is suggested that a review mechanism could be put in place under a legal agreement whereby the potential for additional affordable housing could be reviewed on the basis of an open book appraisal at given stages during the development. If the housing market improves and the level of developers profit increases then this would equate to increased affordable housing provision.
- 6.6.8 Staff are therefore optimistic that notwithstanding the viability appraisal and the current offer of no provision of defined affordable housing, that there is a realistic prospect of the scheme delivering a good mix of housing tenure. It should be recognised that beyond the inclusion of a review mechanism, the final delivery of affordable housing could be dependent upon factors outside the Council's control. Nevertheless, staff are satisfied that the proposal can be demonstrated to comply with the spirit, if not the word of Policies CP2 and DC6.

6.7 **Sustainability**

- 6.7.1 The application is accompanied a Sustainable Energy Strategy whilst the Technical Appendices to the ES contains a preliminary Code for Sustainable Development and BREEAM Assessment. In line with the requirements of the London Plan and Policies DC49 and DC50 of the LDF, the proposal is required to meet high standards of sustainable design and construction, as well as to demonstrate a reduction in predicted carbon dioxide emissions by at least 20% (at the time the application was submitted). The London Plan requires that from 2013 the level of improvement on 2010 Building Regulations should be 40%.
- 6.7.2 The scheme as originally submitted would achieve Code for Sustainable Homes Level 3 and proposes a range of passive design features and demand reduction measures to reduce the carbon dioxide emissions of the

proposed development. A combination of measures is predicted to achieve a 9% reduction in carbon dioxide emissions compared to a 2010 Building Regulations compliant scheme. Together with proposals for Combined Heat and Power (CHP), the potential for the development to link to a wider district heating network and thermal solar collectors it is anticipated that the scheme would achieve a 29% saving over the 2010 Building Regulations and would therefore exceed the target for carbon dioxide savings set out in the London Plan for a pre 2013 proposal. The applicant has also demonstrated that the proposed use of green roofs, SuDS and biodiversity enhancements would be of further benefit to the sustainability of the scheme. Further enhancements would be necessary to demonstrate that the scheme would be in accordance with the Mayor and Councils Policies and guidance in respect of sustainability and energy efficiency. In view of the fact that the application was submitted over 2 years ago it is suggested that this matter could be adequately addressed through suitably worded condition/s.

6.8 **Flood Risk**

- 6.8.1 According to Havering's Strategic Flood Risk Assessment (SFRA), the site is located in Flood Zone 3. The guidance contained in the NPPF states that proposals involving development in Flood Zones 2 and 3 should be subject to the Sequential Test, the aim of which is to steer new development onto land at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing.
- 6.8.2 The proposal is for a "more vulnerable" use in Flood Zone 3, and the NPPF therefore advises that the Exceptions Test is required in addition to the Sequential Test. In order for the proposal to be acceptable, it must be demonstrated that the development would provide wider sustainability benefits, and a site specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.
- 6.8.3 A Flood Risk Assessment (FRA) has been submitted with the application as part of the Environmental Statement. Measures to be incorporated into the scheme to address surface water runoff would include SuDS in the form of green roofs to all apartment blocks and the use of permeable paving. In order to address the issue of flood plain storage capacity and flood risk the habitable development would be set above the agreed flood level and the area to the south of blocks I-L would incorporate swales which together with the lower level car parking would provide compensatory flood storage capacity. The Environment Agency originally objected to the proposals on the basis that they were not satisfied that the development was safe because of the proposed use of the partially enclosed underground car park beneath Blocks I – L to accommodate fluvial floodplain storage, together with other concerns about the flood storage compensation proposed.

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

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

6.9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floor space of the development net of existing floorspace is approximately 36,175sqm, which equates to a Mayoral CIL payment of £723,500. CIL is a statutory requirement and there is no option for a reduced contribution as the Mayor made a decision not to allow exceptions.

6.9.2 Many of the objections received state that the proposal would place a strain on local services including the provision of school places and the demand for doctors and dentists. Policy DC72 sets out the items for which contributions or provisions may be sought where they satisfy all the tests set out in Circular 05/05 and these include the contributions towards local service provision together with other matters which have been raised by the GLA, TfL and Streetcare.

6.9.3 The application was submitted prior to the implementation of the Council's tariff requirement under the provisions of the Planning Obligations SPD. Had that have been in force the proposal would give rise to a required contribution of £2,236,500 towards infrastructure costs (£4,500 per unit). That amount, discounted further from the £6,000 discounted rate applicable outside of the Havering Riverside area, has been calculated taking into account the levels of infrastructure and services and viability considerations that apply in the Havering Riverside area. The SPD identifies that each new dwelling has a non-discounted infrastructure impact in excess of £20,000. On the basis that the development at the size and density proposed would require infrastructure improvements, particularly to public transport, a reduced contribution lower than the discounted SPD levels would be unacceptable on the grounds of an unsustainable infrastructure impact.

6.9.4 The applicant's economic assessment statement and an Addendum to it have been subject to independent scrutiny on behalf of the Council and it is accepted that it demonstrates that the scheme cannot viably support the level of S106 contribution which is being offered. However, the economics of development are such that having been the owners of the site for a long period of time it is more beneficial to the applicant to develop a site out and maintain a reasonable level of profit from the development, than to crystallise loss in value through sale of the site at a deflated market price.

Accordingly, in recognition of this and in acceptance of the Council's case as set out above, the applicant is offering to meet the required level of contribution as well as that required by TfL, a total of £2,586,500 in the form of a S106 contribution to be phased at given stages throughout the development.

6.9.5 As set out in the Housing section a review mechanism is suggested which would be triggered during the phased development which would enable an assessment of whether as result of any upturn in the economy, higher residential sales value or other factors, that the scheme were proving more profitable than originally forecast and therefore able to incorporate some affordable housing or pro-rata contributions in lieu..

6.9.6 The level of S106 contribution now on offer would cover the contribution that would be required under the current tariff system, albeit on a phased basis. Accordingly, whilst a development of this scale will give rise to a variety of infrastructure requirements and demands staff are satisfied that it would make sufficient contribution towards the infrastructure requirements of the development in accordance with Policy DC72.

6.10 **Consideration of Environmental Impact Assessment**

6.10.1 The purpose of Environmental Impact Assessment (EIA) is to enable a full evaluation of the potential impacts of the proposed development upon the environment, looking at the scale and magnitude of those impacts both during and post construction, how likely they are to occur and how wide an area they could be predicted to affect. Potential mitigation for any such impacts are also assessed. It is a requirement that the decision maker properly considers the range of impacts which might occur and that this is acknowledged in its decision.

6.10.2 Several of the areas covered by the EIA have already been dealt with in previous sections of the report. Those which have not been addressed include the following.

6.10.3 Waste – The development would generate waste during demolition, construction and operation. A waste strategy would be targeted at minimising waste and maximising recycling and re-use. The proposed facilities for refuse storage and collection are well considered and include a novel approach for the communal refuse stores for several of the flats whereby the refuse would be deposited into chutes at ground level with the actual bins out of sight on a underground hydraulic platform which would bring the bins up to ground level when due for collection. Suitable conditions are suggested.

6.10.4 Socio-economics – The assessment of the socio-economic impact of the proposed development identifies a positive impact through the creation of employment during construction, additional local spending from the new population and the contribution that the development would make towards meeting the Council's targets for the provision of new housing. Whilst

there are acknowledged concerns that the development would impose additional pressure on local services. Staff are satisfied that the contributions proposed will provide funding for proportionate improvements.

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

indication of bats on the site although surveys would be undertaken prior to any demolition. Ecological enhancements are proposed as part of the landscaping together with the provision of bird nesting boxes and bats boxes which would be built into the proposed structures and are subject to appropriate conditions. Staff are satisfied that the development would have a positive impact upon nature conservation and no objections are raised.

6.11 Other matters, including health and safety implications

6.11.1 Policy DC54 advises that development adjoining areas in hazardous use will be controlled if this would create unacceptable risk. Policy 5.22 of the London Plan advises that when assessing developments near hazardous installations that site specific circumstances and proposed mitigation measures should be taken into account when applying the HSE's PADHI methodology and that the risks should be balanced with the benefits of development and should take account of existing patterns of development.

6.11.2 The site is located in close proximity to three high pressure gas pipelines which are located to the south of the site, one within the railway corridor, one to the south of the railway close to the Beam Reach Business Park boundary, and one just inside the southern boundary. The Health and Safety Executive have advised against the grant of planning permission via the PADHI system as a result of the development falling within a more sensitive category of development and the fact that areas of the site fall within the middle consultation zone for two of the pipelines thereby making occupants more vulnerable to the risk that could arise.

6.11.3 Current advice on handling development proposals around hazardous installations is contained within recent Planning Practice Guidance. This suggests that when considering such development proposals that the LPA is expected to seek technical advice on the risks presented by major accident hazards which might affect people in the surrounding area. In this respect confirmation has been sought from the HSE in relation to the Consultation Zone distances to be used for the Horndon to Barking Pipeline, which is known to have been relaid to a higher specification in this location when the CTRL was built. The advice also restates that which was previously contained within Circular 04/2000, that although the decision on whether to grant permission rests with the LPA, that *"In view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from Health and Safety Executive that planning permission should be refused for development for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration."*

6.11.4 The applicants have submitted a Technical Note and Risk Summary as part of the application and consideration of the matters raised therein in the light of the above advice is necessary. The document advises that during the development of the scheme a number of different scenarios for developing the site were investigated including one for a PADHI compliant

scheme, which could only allow 10% of the area occupied by residential development to be located within the Middle Zone of the developed site. However, in order to achieve a workable scheme this resulted in a taller denser development but a broader swathe of open space or an area with potential for commercial use to the south.

6.11.5 The submitted scheme is acknowledged by the applicant as being non-compliant and that it results in some of the denser areas of development being located closer to the inner zone boundary. However, a similar scenario arose in the case of the Dovers Corner development where the Inspector decided that the Advise Against recommendation generated by the HSE PADHI consultation response should not be a barrier to the grant of permission. More recently at the former Carpetright site, the HSE decided against requesting call in of an application for the development of 51 units where an Advise Against consultation response had been generated. In that case a condition was imposed requiring the submission and approval of a report on the need for a scheme of pipeline risk mitigation measures and a scheme of protective measures to mitigate such risk (if required). A similar approach was adopted by the Inspector when considering the appeal for the Dovers Corner redevelopment. It is considered that a similar condition could be employed in this case but with the extent of any engineered mitigation measures being restricted to the pipeline within the boundary of the site in order to satisfy the test for reasonableness.

6.11.6 The HSE advice and recommendation to Advise Against is an important material consideration to be taken into account and Members must consider this, together with other material considerations. In this respect the site remains a key development site within the Riverside area and one which is identified by Policy SSA12 as having potential for a major mixed use development with potential regeneration benefits for the wider area. The two pipelines whose Middle Consultation Zones of which have generated the Advise Against recommendation lay outside of the site within the railway corridor and a swale area of a Business Park to the south. In these locations it is considered that the risk from 3rd Party interference would be substantially reduced. The risk comparison factors contained within the applicants report are not necessarily accepted, but in considering the circumstances described above, together with the pressure for new housing, Members may reasonably consider that there are factors which would outweigh the potential risks posed by proximity to the high pressure gas pipelines, subject to the imposition of a suitable condition. Restricting the scope of any engineered mitigation works to the pipeline within the boundary of the site is considered necessary as works outside of the site would be outside of the applicants control and are likely to render the scheme financially unviable. Should Members arrive at such a conclusion the Council are required to allow the HSE 21 days in which to decide whether to request that the Secretary of State call-in the application for his own consideration.

6.12 **Conclusions**

- 6.12.1 The proposed residential development on the site is acceptable in principle. Although there are issues relating to the scheme as a largely single use scheme and the interpretation of the requirement of Policy SSA12 that single use schemes will not be allowed there are alternative interpretations of the Policy which have been upheld in other situations.
- 6.12.2 The redevelopment of the site would be in accordance with the NPPF by achieving the sustainable re-use of land. The layout, scale and form of the development is thoughtfully designed and shows great attention to detail. The proposed density is above the maximum set for the area but staff consider that the realistic prospect of the area becoming part of a new residential hub based around a new railway station, together with the likely build out time for the development, lend weight to a favourable recommendation.
- 6.12.3 The proposal offers an acceptable mix of housing type and unit size and although no provision for defined affordable housing is proposed, there is again a realistic prospect of a good tenure choice being offered by a Registered Provider. In the scenario where this does not occur safeguards are proposed within a S106 Agreement to require provision, or payments in lieu, if the finances of the development improve.
- 6.12.4 The viability appraisal submitted with the application supports the applicant's case that the scheme cannot offer a full CIL/S106 contribution. However, the applicants are nonetheless committed to funding such a contribution in full over a phased timescale.
- 6.12.5 Taking all factors into account it is accordingly recommended that planning permission be granted subject to no contrary direction by the Mayor and no call in of the application by the Secretary of State if requested by the HSE.

IMPLICATIONS AND RISKS

Financial implications and risks:

Should members agree the recommendation there would be additional staff time and expenses arising as result of negotiations with the HSE and in the preparation of the S106 Agreement. In the event that the application is called in by the Secretary of State there would be expenses involved in staging a Public Inquiry.

Legal implications and risks:

Legal resources would be required for the preparation of a Legal Agreement and in the event of a Public Inquiry.

Human Resources implications and risks:

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

Equalities implications and risks:

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

BACKGROUND PAPERS

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