



Havering
LONDON BOROUGH

**Strategic Planning
Committee
25 June 2020**

Application Reference:	P1039.19
Location:	90 New Road, Rainham
Ward	South Hornchurch
Description:	Site wide groundworks and construction of 717 residential units (Use Class C3), 1,000sqm (flexible retail/commercial floor space (within Use Classes A1/A2/A3/A4), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping
Case Officer:	Ben Dixon
Reason for Report to Committee:	There was a factual error in the report to Members on 30th January 2020, which lead to an error in the approved Heads of Terms. Members' agreement is required in order to correct the Heads of Terms through a new resolution to grant an amended permission. The application is a Major proposal supported by an Environmental Statement, and is considered a significant development.

1 BACKGROUND

- 1.1 This scheme was presented to this Committee on 30 January 2020 and the Committee resolved to grant permission, subject to S106 Agreement and Stage 2 Mayoral Referral. However, since the Committee's decision, it has come to light that there was a factual inaccuracy in the report to Committee with respect

to the percentage figure of affordable housing (by habitable room), which the development would deliver. This factual error resulted in an error in the Heads of Terms which were agreed by Committee, and consequently the approved Heads of Terms do not accurately align with the details of the approved development, as set out in the application drawings and documents.

- 1.2 The application is now being brought back to Committee to seek Members' agreement to correct the approved Heads of Terms, through a new resolution to grant an amended permission, with Heads of Terms that accurately reflect the details of the approved development, as set out in the application drawings and documents.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The Committee previously resolved to grant permission for this development subject to Heads of Terms to be secured by S106 Agreement. A factual error in the Head of Terms to secure affordable housing, that was approved by Committee, means that the Heads of Terms do not align with the details of the approved development. Consequently, the agreed Heads of Terms require amendment if they are to accurately align with the details of the approved development, as set out in the application drawings and documents.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT a new amended planning permission subject to conditions, to include key matters as set out below:
- 3.2 That the Assistant Head of Planning is delegated authority to negotiate any subsequent legal agreement including that:
 - a. Pursuant to Section 16 of the Greater London Council (General Powers) Act 1974, restriction on parking permits
 - b. Controlled Parking Zone contribution sum of £80,304.00 or such other figure as is approved by the Council: Indexed
 - c. Linear Park contribution sum of £221,452.50 or such other figure as approved by the Council: Indexed
 - d. Carbon offset contribution sum of £877,173.00 or such other figure as approved by the Council: Indexed
 - e. A Travel Plan to encourage the use of sustainable modes of transport, including a scheme for submission, implementation, monitoring and review, and setting up the car club with free/ discounted membership for residents.
 - f. Public access routes through the site to the Beam Park development and site to the east, including the over 12's play space; commuted sum to provide/ improve existing place space locally if the Beam Park play space is not delivered
 - g. Bus mitigation strategy contribution of £680,150.00, to be payable to Transport for London by collected by LBH
 - h. To provide training and recruitment scheme for the local workforce during construction period, in accordance with the provisions of Policy 22 of the Submission Havering Local Plan 2016 – 2031

- i. To provide affordable housing in accordance with a scheme of implementation so that the overall level of affordable housing (by habitable rooms) provided across the scheme does not at any time fall below 38.35%. The affordable housing to be minimum 40% London Affordable Rent with up to 60% intermediate
 - j. Affordable Housing Review Mechanisms: early, mid and late stage reviews (any surplus shared 60:40 in favour of London Borough Havering) in accordance with the Mayor of London's Affordable Housing and Viability SPG (2017)
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- 3.3 The application is subject to Stage II referral to the Mayor of London pursuant to the Mayor of London Order (2008)
- 3.4 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters

Conditions

1. Full application – commencement in 3-years
2. Accordance with plans
3. Details of Materials
4. Car club management
5. Limited number dwellings occupied until Beam Park Station available
6. Details of commercial units
7. Parking allocation and management plan
8. Details of site levels
9. Technical specification of the venting structures/ gratings
10. Play wall specification
11. Detailed podium and drainage strategy
12. Details of play equipment
13. Inclusive and accessible design
14. Biodiverse green roofs
15. Fall prevention/ structures above vehicular ramps
16. Vehicle ramp conditions
17. Hard and soft landscaping
18. Details of refuse and recycling storage
19. London City Airport birdstrike
20. Details of cycle storage

21. Hours of construction
22. Noise Insulation
23. Noise Insulation (specific)
24. Contamination – site investigation and remediation
25. Contamination – if contamination subsequently discovered
26. Electric charging points
27. Construction methodology
28. Construction Logistics and Deliveries/ Servicing Plan
29. Air Quality – construction machinery
30. Air Quality – demolition/construction dust control
31. Air Quality – internal air quality measures
32. Air Quality – low nitrogen oxide boilers
33. Details of boundary conditions
34. Details of surfacing materials
35. Car parking to be provided and retained
36. Pedestrian visibility splays
37. Vehicle access to be provided
38. Wheel washing facilities during construction
39. Details of drainage strategy, layout and SUDS
40. Details of secure by design
41. Secure by Design accreditation to be obtained
42. Water efficiency
43. Accessible dwellings
44. Archaeological investigation prior to commencement
45. Bat/bird boxes to be provided

Informatives

1. Statement pursuant to Article 31 of the Development Management Procedure Order
 2. Fee for condition submissions
 3. Changes to public highway
 4. Highway legislation
 5. Cycle access to basements
 6. Temporary use of the highway
 7. Surface water management
 8. Community safety
 9. Street naming/numbering
 10. Protected species
 11. Protected species – bats
 12. Crime and disorder
 13. Cadent Gas, Essex and Suffolk Water, Network Rail, and Thames Water comments
 14. Letter boxes
- 3.5 In terms of the Community Infrastructure Levy (CIL), the development will be liable to pay CIL when the development is built. In this regard, the London Mayoral CIL2 charging rate is £25 per sq. m. for all development, and the Havering CIL for this part of Rainham (introduced on the 01st September 2019) is £55 per sq. m for residential development.

4 MATERIAL PLANNING CONSIDERATIONS

- 4.1 The main planning issues raised by the application that the Committee must consider are set out in the original report and update report presented to Committee on 30th January 2020. These documents are appended to this report.
- 4.2 This scheme was presented to this Committee on 30 January 2020 and the Committee resolved to grant permission, subject to S106 Agreement and Stage 2 Mayoral Referral. However, since the Committee's decision, it has come to light that there was a factual inaccuracy in the report to Committee with respect to the percentage figure of affordable housing (by habitable room), which the development would deliver. This factual error resulted in an error in the Heads of Terms which were agreed by Committee, and consequently, the approved Heads of Terms do not accurately align with the details of the approved development, as set out in the application drawings and documents.
- 4.3 The application is now being brought back to Committee to seek Members' agreement to correct the approved Heads of Terms, through a new resolution to grant an amended permission, with Heads of Terms that accurately reflect the details of the approved development, as set out in the application drawings and documents.
- 4.4 The amount of affordable housing (by habitable room) that would be delivered by the scheme (as illustrated within the application drawings and documents) was incorrectly reported to the committee as 41%, when in fact the correct figure is 38.35%. Therefore, the relevant Head of Terms to secure the proposed level of affordable housing are proposed to be corrected to reflect the accurate figure of 38.35% for the affordable housing proposed.
- 4.4 An affordable housing provision of 38.35% (by habitable room) does not alter the overall conclusions of the original officer report in regard to affordable housing or any other consideration. There are no other changes to the scheme as previously approved by Committee subject to conditions and S106.

Conclusions

- 4.4 All other relevant policies and considerations have been taken into account. An amended planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION. The original report to committee and update report are appended to this report.