



Havering
LONDON BOROUGH

**Strategic Planning
Committee
16 July 2020**

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

1.0 BACKGROUND

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

2. RECOMMENDATION

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

3. ADDITIONAL REPRESENTATIONS RECEIVED SINCE 27 FEBRUARY 2020

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

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

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

4. **ADDITIONAL CONSIDERATIONS**

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

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

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

- 4.3 The main conclusions of the feasibility study are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 1 – REPORT TO COMMITTEE 27 FEB 2020

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

1 INTRODUCTION

- 1.1 Members may recall discussing the above-mentioned planning application at the Strategic Planning Committee on the 19th December 2019, where the application was deferred to enable:
- An updated report to be brought to back to committee containing a summary and assessment of the late representations received
 - Full wording of the suggested conditions

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

2. RECOMMENDATION

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

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

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

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

1) Committee Report Availability

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

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

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

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

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

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

3) Three fundamental legal errors

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

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

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

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

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

5) Proposed Noise Conditions

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

6) Planning Statement does not reference working hours at night

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

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

4.0 Amendments to Officer's Report

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

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

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

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

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

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

Paragraphs 6.17 – 61.8 – As well as the considerations set out above in addressing the late representations received, it is considered useful for Members in considering the issue, to set out in more detail the considerations in regard to noise impacts affecting the proposed development. This is set out in the paragraphs below.

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

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

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

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

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

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

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

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

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

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

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

Appendix 1

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase II (Site Investigation) Report, as the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d) A description of how vehicles will be cleaned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that any protected species remain safeguarded.

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

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

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

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

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

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

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

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

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

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

Travel Plan monitoring - sum to be agreed]

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

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

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