

**PLANNING COMMITTEE MEETING: Thursday 13 May 2010**

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC  
 REPORT OF THE DIRECTOR OF PLANNING**

<b>UDC CASE NUMBER:</b>	LTGDC-08-053-FUL	<b>DATE MADE VALID:</b>	25/03/2008
<b>APPLICATION NUMBER:</b>	U0002.08/LBHG	<b>TARGET DATE:</b>	

<b>APPLICANT:</b>	Weston Homes Housing Ltd
<b>AGENT:</b>	Weston Homes Housing Ltd
<b>PROPOSAL:</b>	Full planning application for demolition and mixed use redevelopment of 729 dwellings comprising 95 houses and 634 apartments, 8,780m <sup>2</sup> of retail (A1-A4) and commercial floorspace (B1 & D1), 627 car parking spaces, public open space, de-culverting of Pooles Sewer, alterations to access to New Road, closure of accesses to New Road and Bridge Road, formation of emergency-only access to Lamson Road.
<b>LOCATION:</b>	Dovers Corner Industrial Estate, Rainham Trading Estate & Boomes Industrial Estate, New Road, Rainham, Essex RM13 8QT

**SUMMARY**

- 1.1 The application is located on the Dovers Corner Industrial Estate, adjacent to the Dovers Corner roundabout in Rainham and seeks permission for a residential led mixed used development comprising 729 residential units, 8,780m<sup>2</sup> of retail and commercial floorspace, car parking, open space and a new access to New Road and secondary non-vehicular access to Lamson Road.
- 1.2 The site is located in an area identified within Havering's LDF Site Specific Allocation (SSA) 12, which seeks comprehensive mixed use developments of predominantly three storeys in height and laid out on a traditional urban street pattern. This Site Specific Allocation also places emphasis on the relationship that any development on Dovers Corner may have with the nearby Rainham Village Conservation Area, stating that proposals need to preserve and enhance the Conservation Area.
- 1.3 The policy context is a point of particular concern for the Borough, who considers the proposal to be contrary to SSA12 with respect to the height of the development and the relationship with Rainham Village. There has also been a significant volume of local objection to the proposal on issues including height, density, design, transport, pressure on

local services, social problems and environmental concerns. The proposal has been advertised as being a departure from the development plan because it is not predominantly three storeys in height.

- 1.4 While the concerns of the Borough and local residents have been considered, it is the view of officers that, on balance, that there are insufficient grounds for refusal. This recommendation is based on the evidence provided by the applicant to justify why a predominantly three storey development would not be viable at this location coupled with the advisory wording of the policy itself and the advice supplied by the Corporation's viability and heritage advisers. Officers also believe that the changes that have been made to the building closest to Conservation Area overcome what officers consider to be the meritorious parts of the concerns expressed by the Borough.
- 1.5 The application offers 25% affordable housing, split 68/32 in favour of social rented housing. Both the Corporation's officers and the GLA's housing team are satisfied with the justification provided in support of the proportion of affordable
- 1.6 The applicant has agreed to the full Discounted Standard Charge under the terms of the Corporation's Planning Obligations Community Benefits Strategy of £6000 per unit which has been averaged so that payments are £3000, then £6000 and finally £9000 per unit. The applicant has also agreed to the principle of recapturing the balance of the standard charge, however the mechanism by which this is achieved is still the subject of further negotiation.
- 1.7 The site is located between three major hazard gas pipelines which have triggered an 'Advise Against' response from the Health and Safety Executive. However, investigations undertaken by the applicant, which have been independently peer reviewed by the Corporation's consultant, indicate that these pipelines have been strengthened to the extent that the HSE's consultation zones would be reduced to the extent that the proposal would generate a 'Do Not Advise Against' response, meaning that the development would be considered acceptable on health and safety grounds. This point is still to be confirmed by the HSE.
- 1.8 On the 21<sup>st</sup> of April, 2010, the applicant advised the Corporation that they had submitted an appeal to the Planning Inspectorate against the non-determination of the application. Members are therefore asked to resolve what decision they would have made had the appeal not been lodged. It is the recommendation of officers that on the balance of all material planning considerations, the decision would have been to approve the application.

## **SITE AND PROPOSAL**

### Site Description

- 2.1 The application site is known as Dovers Corner, a 5.5ha parcel of light industrial land bounded by the A1306 to the north, the River Ingrebourne and Ferry Lane to the east, the High Speed 1 and C2C railway lines to the south and the former Carpetright warehouse to the west. The site is surrounded by various uses, which include industrial and warehousing to the south and west, residential to the north and Rainham Village to the east.
- 2.2 The site is currently divided into no less than 36 separate land holdings including those of the applicant. The specific uses operating are predominately vehicle repair and storage but generally reflect a B2 industry land use.

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- 2.3 Rainham Village is the focal point for the area, fulfilling a town centre role with such draws as the large Tesco supermarket, the terminus of several bus routes and Rainham Station. The Village and the area surrounding is a designated conservation area.
- 2.4 Directly to the south and on the opposite side of the railway lines is the Thames Water Riverside Sewage Treatment Works. This site has recently gained planning permission to introduce new structures and equipment to the site for the purposes of sludge digestion.
- 2.5 The River Ingrebourne adjacent to the east site boundary is identified as a Site of Metropolitan Importance for Nature Conservation.
- 2.6 Dovers Corner is relatively well connected to the wider transport network. The site has convenient access to the A13 via Ferry Lane to the south or the A1306 to the west. The A13 is a strategic artery in the transport network of east London, providing direct links to central London to the west and the M25 to the east.
- 2.7 In terms of public transport, Rainham Railway Station is located approximately 400 metres to the east. The service from Rainham to central London take roughly 30 minutes, however it should be noted that this service is relatively infrequent, running only twice an hour on average. There are also four bus services that serve Rainham Village which link the site to Barking, Romford and Lakeside Shopping Centre.

### Proposal

- 2.8 The application is submitted by Weston Homes and proposes the mixed use redevelopment of the Dovers Corner site to provide 729 residential units made up from 95 houses and 634 flatted units, 8,780m<sup>2</sup> of non-residential use made up from 665m<sup>2</sup> of A1 to A4 retail and 8,115m<sup>2</sup> of B1a, D1 and D2. The scheme also proposes 591 car parking spaces and 848 cycle parking spaces as well as 8,600m<sup>2</sup> of open space.
- 2.9 This current application before Members is an amendment on the original submission. The previous scheme was largely the same as the current proposal, however proposed 746 units, 797m<sup>2</sup> of retail, 8,954m<sup>2</sup> of office 600 car parking spaces and 373 cycle parking spaces.
- 2.10 The scheme has been arranged into 10 buildings labelled Buildings A to J. Building A is located in the north eastern corner of the site and is closest to the Dovers Corner roundabout. The building is split into five elements which are arranged in an irregular '>' shape. A3 is the eastern most structure and is also the tallest at 10 storeys. The remaining elements step down from this corner to six storeys (A2 and A4) then five storeys (A1 and A5). Building A is a mix of private and affordable accommodation, however the A1 and A2 elements are entirely social rent. Retail units are located at the ground floor levels of elements A2, A3 and A4.
- 2.11 Buildings B, F, I and J are linear perimeter buildings being located on the eastern boundary (Building B), northern boundary (Building F) and western boundary (Buildings I and J). All these buildings are residential with Buildings B and F entirely private, Building I a mixture of private and social and Building J entirely social. These buildings vary in height but range from four to six storeys.
- 2.12 Buildings D, E, G and H are in the central part of the site and all share a square configuration arranged around a central courtyard. These buildings are predominantly private, however Buildings D, E and H each have a small element of affordable. The

building heights are three to four storeys. The three storey elements are arranged in a north-south terrace of town houses with the four storey flatted elements acting as 'book ends' to the building. These buildings are on a raised podium with communal and private car parking beneath.

2.13 Building C has been split into two separate elements, C1 the six storey residential component and C2 the nine storey commercial block. The C1 element provides a mix of private and affordable housing and is positioned on a podium with undercroft parking beneath. The commercial C2 element is aligned with the railway line and accessed via the podium level between the two elements. Car parking is provided at basement level from the southern side of the building.

2.14 Of the 729 units in total, 247 are proposed to be affordable (788 by habitable rooms). This translates to 25% by habitable rooms. The social to intermediate split for the affordable component is 71/29. The overall breakdown of residential units is as follows:

No. Beds	Affordable		Market	Totals
	Social	Intermediate		
1 Bed	40	18	158	216
2 Bed	37	21	254	312
3 Bed	31	13	125	165
4 Bed	20	8	0	28
<b>Totals</b>	128	60	537	729

2.15 It should be noted that 95 houses are included within this breakdown, equating to 13% of the proportion of units. Of these 95 houses, 71 are market, 19 social rented and 5 intermediate.

## MAIN ISSUES

- Land Use Principle
- Scale and Density
- Relationship with Rainham Village
- Housing Mix and Tenure
- Financial Offer
- Transport and Access
- Flood Risk
- Energy and Sustainability
- Odour from Riverside Sewage Treatment Works
- Major Gas Pipelines

## RELEVANT SITE HISTORY

4.1 There is an extensive planning history for and in the vicinity of the application site. Many applications relate to the industrial and commercial use of the site and are not immediately relevant. Those applications of most relevance are:

- P1483.03 - Demolition of existing buildings and erection of approximately 560 No. residential dwellings (approx 100 dwellings per hectare) and associated parking and public open space together with part for either D1 (health centre) or B1 (office space) also with associated parking - Withdrawn 09/10/2007

- Z001.06 – Residential redevelopment of Dovers Corner, request for screening opinion – Screening opinion issued, EIA required
- Z0008.07 – Redevelopment at Dovers Corner- Request for Scoping Opinion – Scoping opinion issued

## CONSULTATIONS/NOTIFICATIONS

### London Borough of Havering

5.1 The Borough of Havering has considered the application at two of their Regulatory Services Committees and concludes that the application should be refused.

#### *First Objection*

5.2 The first Havering Committee was the 28<sup>th</sup> of March 2009, where it was resolved to object to the application for the following reason:

*“That the Committee object to the proposal on the basis that it would fail to comply with Government Guidance, Consolidated London Plan and Local Development Framework policies as set out in the report and express particular concern in relation to conflict with Site Specific Allocation Policy SSA12 of the adopted LDF in relation to the predominant height and external appearance of the development, it’s poor relationship to Rainham Village, Conservation Area and neighbouring areas. Concern is also raised at the impact on infrastructure, local facilities and services arising from the indication that no financial contribution could be made towards this. Attention is also drawn to the comments of consultees in relation to the proximity of the development to High Pressure Gas Pipelines and the potential impact arising from odour from the adjacent sewage works.”*

5.3 Expanding on this recommendation, the Borough identified that the application site is located within the Rainham West area as identified by Policy SSA12 of the Havering Local Development Framework Site Specific Allocations DPD. This provides that residential, ancillary community, retail, recreation, education and leisure uses will be allowed on the site. SSA12 also states that 33% of the development site needs to be developed for compatible employment land uses and other non-residential land uses such as those previously listed. In terms of local policy the principle of a residential led mixed-use redevelopment of the site is therefore supported.

5.4 SSA12 identifies that the Dovers Corner site is one where developments at the upper end of the density range of 30–150 units per hectare could be allowed as it is within walking distance of Rainham Station and the bus services that serve Rainham Village. The policy and justification also require that the following be achieved:

- In line with policies DC2 and DC6 a mix of 1, 2, 3, 4 and five bed homes should be provided.
- New buildings should be predominantly three storeys high.
- Proposals need to demonstrate how they will enable development of adjacent sites within Rainham West.
- Traditional urban street layout required giving permeability, continuity of frontage and maximising overlooking of public realm.
- Provision for pedestrian and cycle linkage east-west and for a bus route.
- Provide a positive relationship with the historic quay on the River Ingrebourne and

adjacent Rainham Village.

- Reflect the character of Rainham Conservation Area.
- Provide convenient access for pedestrians and cyclists to Rainham Town Centre, Rainham Station and Ingrebourne Creek.
- Address the road frontage and seek to integrate the new and existing communities north and south of New Road.

5.5 With the possible exception of the housing mix proposed by this application, Havering considered that the proposal demonstrably fails to deliver on any of these requirements.

5.6 The applicant's calculations of non-residential use site area include 8,600 m<sup>2</sup> of open space, grassland and courtyard. Havering officers did not consider that these properly fulfil the requirement of being ancillary community, leisure or recreation uses in the manner intended by SSA12.

5.7 Havering considered that the only element of the scheme that can be described as genuinely three storeys are the north/south aligned town house elements of the central quadrangular blocks. All other elements of the scheme are either four storeys or higher and from the majority of external views of the site, the outward visual impression would be of a development that was predominantly four or five storeys in height or more. Havering further considered that the proposal fails to satisfy the criteria of Policy DC66 insofar as they apply to the taller elements of the scheme. In particular it is not considered that the 10 storey tower close to Dovers Corner roundabout would provide an appropriate or attractive visual gateway to Rainham Village and Conservation Area, particularly when taken together with the adjacent buildings in Building A.

5.8 The impact and appearance of the development in both views into and out of Rainham Village Conservation Area is one which Havering considered would neither preserve nor enhance the character or appearance of the conservation area. The impact of the scheme in terms of its poor relationship to the Village Conservation Area and the inadequate response to local character in the design of the scheme are therefore considered to be harmful to the character and setting of the Conservation Area contrary to SSA12, DC66 and PPG15.

5.9 In terms of design, Havering contend that alignment and design of buildings on the majority of the edges of the site are such that the development effectively turns its back on the village and adjacent areas. As a result the scheme thereby fails to meet the requirement of SSA12 that the development should be integrated visually and functionally with existing communities of Rainham.

5.10 Havering further considered that the links to Rainham Village and relationship to the River Ingrebourne, both visual and physical are inadequate. Of particular concern were the scale, bulk and position of the perimeter buildings, especially buildings A and B. The scheme provides a central east/west corridor that is blocked at the eastern end by Building B. Building A would present an imposing stepped height approach to Dovers Corner. The visual link provided by the gaps between the buildings is inadequate and the limited narrow nature of the view towards the Village would give only fleeting glimpses and would be unlikely to encourage a meaningful pedestrian or cycle link. The scale and design of the perimeter blocks was considered by Havering to be such that it would create the development of an island, separated from neighbouring developments and Village rather than seeking to integrate and provide positive linkages. It was further considered that when viewed from the Village the scheme would present an uninviting façade of a flatted residential development bearing little reflection of the character of the Rainham

Conservation Area or any recognition of the proposed re-creation of the historic quay.

- 5.11 Havering were concerned that the proposals for the vehicular entrance to the site from New Road are not suitable and are likely to give rise to road safety problems and that a signalised access would be the preferred.
- 5.12 Finally, Havering maintained that the applicant's suggestion that the requirement for a financial contribution in line with the LTGDC's Community Benefit Strategy be waived is ill founded. Havering contended that without the provision of an adequate contribution towards additional service and infrastructure requirements the development would place an unacceptable burden on local services and facilities. The Council's view was that the scheme would set an undesirable precedent for both the type of development and the means, or absence of them in this case, of funding infrastructure that it would potentially legitimise the position for other sites in the Rainham West area. On this basis the proposal would be contrary to Policies SSA12, and DC72 of the LDF.
- 5.13 The Council did not consider that the proposal was capable of revision in any minor way that would overcome its numerous and strongly felt objections to them or which make them accord with the provisions of policy SSA12. However, Havering went on to state that should the Development Corporation be minded to grant permission, it should first seek improvements to the design and appearance of the buildings, ensure that it is satisfied that the development is compliant with the requirements of policy SSA12 and that it is content that the relationship to the Conservation Area and River Ingrebourne is satisfactory. The Council also advised that should the Corporation be minded to grant permission, that it is of the view that such a decision would be a departure from Policy SSA12 of the adopted LDF and should consequently be referred to the Secretary of State.
- 5.14 The Council also recommended that if planning permission is to be granted the Corporation gives consideration to the inclusion of the following:
- 5.15 Planning conditions to cover:
- Time Limit 3 years
  - Accordance with Plans
  - CEMP (Construction Environmental Management Plan)
  - Environmental Management Plan
  - Scheme of Materials
  - Compliance with Renewable Energy Details
  - Assessment and remediation as may be required for land contamination
  - Flood storage compensation and surface water drainage works
  - Ecological mitigation and controls
  - Landscaping
  - Lighting
  - Noise insulation
  - Construction of parking areas
  - Hours of construction
  - Construction methodology
  - Mitigation proposals for high pressure gas pipelines and/or such other conditions as are required by the pipeline operators or HSE
  - Details of footpaths and cycleways
  - Details of cycle storage/rack provision
  - Secure by Design principles and practice

- Assessment of railway noise
- Details of finished floor levels
- Oil interceptors and traps in parking areas
- Use of commercial areas for purposes detailed.
- Hours of use of retail units.
- Details of refuse storage
- Details of foundations

5.16 Planning obligation under S106 to cover:

- As a minimum that a contribution of the full discounted amount required under the London Thames Gateway Development Corporation Community Benefit Strategy be made;
- A residential Travel Plan
- Provision on site of affordable housing units;
- Local employment scheme.

*Second Objection*

5.17 Following the revisions to Building B and the applicant's agreement to a financial contribution secure by a legal agreement, the proposal was reviewed by Borough officers and reported to the Development Corporation in a letter dated 8 January 2010 to still be unacceptable. The application was put again to Havering's Regulatory Services Committee on the 11<sup>th</sup> of March 2010, who resolved to raise continued objections to the application as follows:

*"That the Committee continue to object to the proposal on the basis that it would fail to comply with Government Guidance, Consolidated London Plan and Local Development Framework policies as set out in the report and express extreme concerns in relation to conflict with Site Specific Allocation Policy SSA12, and policies CP17, CP18, DC2, DC21, DC30, DC32, DC61, DC66 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Documents, together with Policies 3B.3, 3D.1, 4B.1, 4B.3, 4B.11 and 4B.12 of the Consolidated London Plan and PPG15 in relation to:*

- *The amount, external appearance and prominence of the development in excess of three storeys in height and its failure to relate visually or integrate functionally with neighbouring areas;*
- *The failure of the development to reflect the character of Rainham Conservation Area or provide a positive relationship with the proposed recreation of the historic quay on the River Ingrebourne and the adjacent village in terms of its layout, scale and design which are in marked contrast, thereby exacerbating the poor relationship to Rainham Village, Conservation Area and neighbouring areas*
- *The failure to address concerns in relation to the proposed primary access to the development from New Road and the safety of use of the nearby bus stop.*
- *The very harmful precedent that the scale and design of development proposed, and its poor relationship with neighbouring development, would set for future development west of Dovers Corner in the rest of the SSA12 area"*

5.18 Havering acknowledged that the revised Building B improves upon the previous design and that the division of the building into two blocks provides an improved visual gateway into the development, opening up the view along the proposed east/west access route when viewed from the east. However, Havering does not consider that the scale of the building would provide a positive relationship with the proposed recreation of the historic quay on the

River Ingrebourne and the adjacent Rainham Village, nor that it reflects the character of the Rainham Conservation Area as stated in SSA12. Havering consider that Building B is of a scale more commonly found in a city dockside location rather than a historic village quayside.

- 5.19 Havering also reiterate their previous concerns with respect to the predominant height being more than three storeys and the impact this may have on the surroundings given the height context of the area. Following on from this point, Havering considers that the proposal does not satisfy policy DC66, as those buildings proposed to be more than six storeys in height do not, in their view, demonstrate exemplary high quality, inclusive design required, or demonstrate that exceptional circumstances exist in order to justify an exception to the policy presumption against buildings of this height outside of Romford Town Centre.
- 5.20 The density of the development is also raised as a concern, however it is acknowledged that the proposal falls within the upper density range of SSA12.
- 5.21 In relation to the Conservation Area Impact Assessment commissioned by the Corporation, Havering are of the view that the conclusions are flawed as the review fails to pay regard to the impact of the development upon the views into the Conservation Area. It is concluded that the content and conclusion are misguided and insensitive to Government guidance and that they display a lack of understanding of the Conservation Area and its significance. The review does not consider whether the proposal will have a positive impact upon the Conservation Area, as stipulated in SSA12, and ultimately Havering disagree with the conclusion that the development will enhance views out of the Conservation Area and its setting. Havering consider that these points further enhance their position that the proposal is a departure from policy.
- 5.22 While not raised in the first objection, Havering now formally regard the access arrangements as unsafe and that a signalised junction is required for the junction with New Road.
- 5.23 Havering also have remaining concerns that the proposed phasing of the S106 payments are weighting too heavily toward the completion of the scheme. The payment trigger mechanisms are also questioned.
- 5.24 In conclusion, the Borough maintains their objection and strongly urges the Development Corporation to refuse the application for the reasons they have set out. The Council also advised that any resolution to grant permission would have led to a referral to the Secretary of State as a departure from policy.

#### Greater London Authority

- 5.25 The GLA's Stage 1 report was initially received at the end of May 2008 and highlighted a range of strategic issues that required rectification before being returned to the Mayor.
- 5.26 The land use principle of the proposal was deemed to be broadly acceptable. The report made specific reference to Havering Council's LDF, stating that considerable weight can be afforded to the Borough's Core Strategy and Site Specific Allocations.
- 5.27 In terms of density, the scheme was considered to be higher than the suggested ranges within the London Plan density matrix for suburban locations. However, site specific considerations such as the site's proximity to Rainham Village and the train station, public transport improvements to be secured through Section 106 agreement, overall design and

layout and the range of unit sizes would favour a development at this intensity.

- 5.28 It was noted that the split of affordable housing tenure was acceptable, however the original 33% proportion required further justification by way of a Three Dragons appraisal. A lower proportion of 25% was later deemed to be acceptable following such a financial appraisal.
- 5.29 The overall approach to the design of the scheme was considered to be acceptable in terms of block layout, general building heights, open spaces and the location of taller buildings. The site in its existing context was considered to be isolated, particularly in relation to the surrounding creek, roads and industry. In this regard, it was noted that the scheme should provide better visual and physical connections to surrounding areas. The primary east-west boulevard was not considered to be legibly related to Rainham Village and the scheme was not considered to make the most of benefits to the creek. Later comments from the GLA at the end of September 2008 stated that although some improvements had been made, the outstanding concern was the inadequate links from Rainham through the site to the A1306 and South Hornchurch to the north. Building B was initially identified as preventing an effective and clear route through the site to Rainham Village. However, the GLA has since confirmed that they welcome the revisions to Building B, stating that splitting the building in two provides an improved visual connection between the development site and the town centre and helps reduce the bulk of the building when viewed from Rainham Village. There was some concern that the elevation treatment could be improved and that the window placement, balcony and materials appear slightly monotonous.
- 5.30 The scale of Building C was considered to be out of context with the existing buildings in Rainham Village. This building was also criticised for the number of north facing units with poor daylight and poor environmental conditions. Following the redesign of Building C, the GLA provided a memo with updated comments. It was considered that the new ground floor arrangement of the building created a number of negative impacts, including: an overly-complicated stair and access arrangement to the western corner of the courtyard; poor street level public realm due to the abundance of car and cycle parking; and the bulk and height of the building increase to six storeys due to the ground level parking arrangement.
- 5.31 The GLA are satisfied that the development cannot link with existing district heating schemes in the area. However they were not satisfied that the scheme cannot incorporate the installation of a site-wide heating scheme. Energy officers were also not satisfied with the approach to photovoltaic panels. Following discussions between the applicant and the GLA, these matters are now resolved.
- 5.32 The comments of Transport for London were also contained within the Stage 1 report. TfL identified that the development will bring a number of bus services close to their capacity and therefore expects a financial contribution of £150,000 towards bus service enhancements.
- 5.33 The London Development Agency's views on the scheme were also supplied within the Stage 1 report. The emphasis of the LDA's comments was that the developer should be required to provide or contribute towards community facilities in the area.

#### Design for London

- 5.34 Following the GLA's Stage 1 report, Design for London provided their views on the application dated September 2008. These points can be summarised as follows:

- The building elevation treatments are overly fussy
- More explanation required surrounding Building C, reflecting the concerns raised in the GLA Stage 1 report
- No objection to the location of tall buildings at A3 (10 storeys) or C2 (nine storeys), however some concern relating to the stepping up of adjacent buildings to these heights.
- New pedestrian and cycle links to the wider area welcomed, however concerns as to how linkages are achieved from Rainham Village through the development and on to the north. Suggested that a physical and visual link is needed from the main east-west route through to the Village i.e. through Building B.
- The re-arrangement of the southern areas of open space is welcomed
- The quantity of child play space is sufficient

5.35 A second, unsolicited note was received by Design for London dated October 2009 which contrasted the previous comments and raised issues not previously expressed. These were:

- Density is too great (not previously raised and not in line with the Stage 1)
- Scale and bulk of Building A and C out of context with the surrounding area (contrary to previous comments)
- Single aspect north facing units a problem (not previously raised)
- Site accessibility is still a problem. Linkages to Rainham Village and supermarket is difficult.
- The east-west boulevard and associated pedestrian and cycle ways do not make a direct natural link from Rainham through to areas to the north (runs against the previous suggestion)
- Introduction of a creekside park needed to create a 'common' for Rainham and Dovers Corner. (not previously raised, outside of the applicant's control and is at odds with the GLA's Stage 1 report)
- Open space in the southern part of the site "...*fragmented and form small pockets of isolated green play space, wetland and car parking.*" (at odds with previous comments)

## CABE

5.36 CABE has commented on both the original and revised schemes. On the original scheme, the view held by CABE was that the form, mass and quantum of the development were appropriate for the location. There was however concern relating to the inward facing perimeter blocks and the limited access through the edges of the development. In CABE's view, this resulted in a development that turns its back on the surrounding area and does not easily and safely provide access to the town centre and railway station.

5.37 CABE's view has not changed substantially with the scheme amendments, stating in their most recent letter of 30 April that they cannot support the scheme due to the inward looking nature of the development that turns its back on the surrounding area. The physical and visual break in Building B has been noted, however CABE do not consider that this is sufficient to integrate the development with the land around. The concern stems from the perceived lack of connections between access points on the eastern side of the site and pedestrian routes to the local supermarket and Rainham Village.

5.38 While not supporting the development, CABE regards the mix of house types and tenures and the minimal amount of north facing units as positive aspects of the scheme.

CABE also states the importance of imposing the appropriate measures to ensure that a high quality of materials and detailing can be delivered.

#### The Environment Agency

5.39 The Environment Agency objects to the proposal due to concerns that the flood risk and environmental impact of the development can be managed and maintained. The risk of pollution to controlled waterways is also a cause for concern. It is understood that the applicant is compiling information to satisfy these objections, however it is not known whether this information will be forthcoming soon, or during the appeal process.

5.40 The EA have accepted the flood risk Sequential Test submitted by the Corporation.

#### The Health and Safety Executive

5.41 Using the PADHI system of risk assessment, the HSE are of the view that there are sufficient reasons on safety grounds for advising against the granting of planning permission. This is due to two major gas pipelines that are nearby, one through the north of the site operated by National Grid, the other running parallel with the railway line and operated by Barking Power.

#### National Grid

5.42 National Grid advised of the presence of their gas pipeline infrastructure in the area and requested that they be contacted to discuss the proposal in detail. Discussion with National Grid has been ongoing and is detailed in section 9 of this report.

#### Thames Water

5.43 Thames Water objects to the application on the basis of the Riverside Sewage Treatment Works being located nearby. The basis for their objection is that the site would be better suited to other land uses commonly found near industry and sewage works and cites PPS23 with regard to development and odour nuisance. This concern stems from a concern that should the development be implemented, the sewage works would be the subject of frequent odour complaints by the new residents.

#### Havering Primary Care Trust

5.44 The Havering PCT have provided information on the current situation regarding health services in the Rainham area, in particular the overcrowded GP surgeries with large lists of patients. Although the PCT are currently seeking a site for a new health centre, they have yet to find a location of sufficient size to support the local population.

5.45 Considering the existing situation, the PCT are concerned that the development will place additional pressure on an already stretched service. They therefore request financial support to help cope with the rise in population.

#### Natural England

5.46 Natural England are concerned that the Environmental Statement supporting the application contains insufficient survey information for protected species. It has been suggested that a robust Environmental Management Plan be secured in the event of planning permission being granted. This should include additional surveys, mitigation

measures, enhancement measures, lighting strategy and a financial contribution secured through a planning obligation to ensure the implementation and maintenance of the plan.

#### English Heritage

5.47 It is English Heritage's view that the development will bring a very urban character into a sensitive area, namely the Rainham Village Conservation Area. They recommend that the scheme should be refined to better respect the setting of the conservation area.

5.48 Separately, English Heritage also advises that the site is likely to contain archaeological remains and has recommended a condition to secure a programme of archaeological works.

#### The National Trust

5.49 The National Trust is the owner of the Grade 2 listed Rainham Hall and has worked with the Borough in developing their Site Specific Allocations for the area. It is their view that the proposal does not deliver on the vision for the area and should be revised. Specifically, the Trust states that the development largely turns its back on the Village, the scale on the boundaries would be visually dominant from within the Village and ultimately the development would be harmful to the character of the conservation area.

5.50 The scheme was also not considered to possess the urban street layout as sought by SSA12. This layout, coupled with the poor links to Rainham Village, has resulted in an opinion that the development does not integrate with the grain of the Village centre.

#### Campaign to Protect Rural England

5.51 CPRE objects to the application, stating that the design is visually inappropriate and the scale and massing fails to reflect that of the historic centre.

#### Friends of the Earth

5.52 Friends of the Earth object to the proposal on several points. These are that the scheme features 'low grade' architecture, the proposal is out of scale and character with the Village centre, the buildings present an 'urban high-rise estate' towards the A1306 and the A13, the scheme does not integrate with the river and extend the village centre, the new population will increase pressure on local services such as schools, medical care and transport, and that the proposal does not incorporate environmentally sensitive energy and heating.

#### London Fire Brigade

5.53 The Brigade has advised of the requirement for three hydrants to be installed and the existing four hydrants to be re-sited.

#### Metropolitan Police

5.54 The Borough's Crime Prevention Design Advisor regards the scheme to have major implications for local policing. The design and layout is considered to present areas of weakness, including access, amenity, permeability, defensible space and surveillance.

#### Channel Tunnel Rail Link

5.55 Union Property confirm that they have no comment under the CTRL Safeguarding

Directions.

## APPLICATION PUBLICITY

6.1 The application has been advertised, and where appropriate site notices have been placed on site, on the basis that it is major development, EIA development, constitutes a departure from the development plan and has an effect on the character or appearance of the Rainham Village Conservation Area.

6.2 Site Notice Expiry: 8 May 2008

6.3 Press Notice Expiry: 19 May 2008

6.4 Neighbour Notification: 10 April 2008

## REPRESENTATIONS

7.1 At the time of writing, 890 objections were received from local residents. The most frequent concerns related to the pressure that the development will place on community infrastructure followed by apprehension surrounding any tall buildings on site.

Individual Comment	Response to Comment
The development will place added pressure on already over-stretched community facilities, particularly health services and schools.	The Corporation is in negotiations with the developer to secure a financial contribution under the terms of the Corporation's Community Benefits Strategy. This is discussed in more detail under Section 9 of this report.
The site is not appropriate for tall, 'high-rise' development.	SSA12 states that development in this area should be 'predominantly' three storeys in height. This is discussed in greater detail under Section 9 of this report.
The proposal does not integrate with Rainham Creek or Village and fails to respect the character of the Rainham Village Conservation Area.	The building that fronts the creek and Rainham Village has been revised to overcome this issue. This is discussed in Section 9 of this report.
The density of the scheme is too high.	The density of the scheme is in line with the range specified in SSA12 and the London Plan density matrix.
The design of the scheme is poor.	The Corporation has received design advice from CABI and the GLA. Details may be found in section 5 and 9 of this report.
The retail element proposed for the scheme will compete with existing businesses within Rainham Village, many of which are already struggling.	Competition between businesses is not a material planning consideration. But in any event, it is considered that were the scheme to be approved, the proportion of retail to the increase in residential population would sufficiently sustain both

	the Rainham Village and the new retail element.
The proposal will increase congestion on the local highway and public transport network.	The transport implications of the scheme are discussed in section 9 of this report.
The scheme does not provide any opportunities for local employment.	It is intended that schemes for local employment would be secured through a Section 106 legal agreement.
A development of this scale and density will bring about the social problems often associated with council housing estates, such as crime and vandalism.	These concerns are noted, however it is not clear how such social problems can be attributed to this scheme.
The development is not environmentally sensitive or sustainable.	See section 9 of this report.
The site is at risk of flooding and is therefore not suitable for residential development.	See section 9 of this report.

7.2 In addition to the local response as detailed above, the application received an objection from local Councillor Coral Jeffery. The basis for the Councillor's objection was her view that the development constitutes an over-development of the site. Additionally, the local infrastructure situation was also cited, particularly the over-subscribed doctors and dentists in the area.

7.3 The scheme has also resulted in an objection from the Member of Parliament for Hornchurch, James Brokenshire MP. This objection cites three main reasons for concern, namely the high rise/high density nature of the scheme, the pressure that the scheme will place on local services and the potential impact that the proposed retail units will have in terms of competition with the businesses in Rainham Village.

## RELEVANT PLANNING POLICY

### 8.1 National Planning Policy Guidance and Statements

PPS1 Delivering Sustainable Development  
 PPS3 Housing  
 PPS4 Planning for Sustainable Economic Growth  
 PPG15 Planning and the Historic Environment  
 PPS25 Flood Risk

### 8.2 The London Plan Special Development Strategy – Consolidated with Alterations since 2004 (2008)

3A.1 Increasing London's Supply of Housing  
 3A.2 Borough Housing Targets  
 3A.3 Maximising the Potential of Sites  
 3A.5 Housing Choice  
 3A.6 Quality of New Housing Development  
 3A.7 Large Residential Development  
 3A.8 Definition of Affordable Housing  
 3A.10 Negotiating Affordable Housing in Individual Private Residential and Mixed Use Schemes

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3A.11 Affordable Housing Thresholds  
3B.3 Mixed Use Development  
3C.1 Integrating Transport and Development  
3C.2 Matching Development to Transport Capacity  
3D.1 Supporting Town Centres  
4A.1 Tackling Climate Change  
4A.2 Mitigating Climate Change  
4A.3 Sustainable Design and Construction  
4A.4 Energy Assessment  
4A.5 Provision of Heating and Cooling Networks  
4A.6 Decentralised Energy: Heating, Cooling and Power  
4A.7 Renewable Energy  
4A.9 Adaptation to Climate Change  
4A.10 Overheating  
4A.11 Living Roofs and Walls  
4A.12 Flooding  
4A.13 Flood Risk Management  
4A.14 Sustainable Drainage  
4B.1 Design Principles for a Compact City  
4B.2 Promoting World Class Architecture and Design  
4B.3 Enhancing the Quality of Public Realm  
4B.9 Tall Buildings  
4B.10 Large Scale Buildings – Design and Impact  
4B.11 London’s Built Heritage  
4C.1 Strategic Importance of the Blue Ribbon Network  
5C.1 Strategic Priorities for North East London  
5C.3 Opportunity Areas for North East London

8.3 London Borough of Havering Local Development Framework

Development Control Policies DPD (2008)

DC2 Housing Mix and Density  
DC3 Housing Design and Layout  
DC7 Lifetime Homes and Mobility Housing  
DC12 Offices  
DC13 Access to Employment Opportunities  
DC15 Locating Retail and Service Development  
DC20 Access to Recreation and Leisure Including Open Space  
DC21 Major Developments and Open Space, Recreations and Leisure Facilities  
DC25 Public Art  
DC30 Contribution towards Community Facilities  
DC32 The Road Network  
DC33 Car Parking  
DC34 Walking  
DC35 Cycling  
DC36 Servicing  
DC40 Waste Recycling  
DC48 Flood Risk  
DC49 Sustainable Design and Construction  
DC50 Renewable Energy  
DC51 Water Supply Drainage and Quality  
DC52 Air Quality

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DC53 Contaminated Land  
DC55 Noise  
DC56 Light  
DC59 Biodiversity in New Developments  
DC61 Urban Design  
DC62 Access  
DC63 Delivering Safer Places  
DC66 Tall Buildings  
DC72 Planning Obligations

#### Site Specific Allocation DPD (2008)

Site Specific Allocation 12 – Rainham West

### **ASSESSMENT OF MAIN ISSUES**

#### Principle of the Development

- 9.1 In strategic land use planning terms, PPS1 sets out the National policy approach to facilitating and promoting sustainable development. The document makes the point that regeneration of the built environment alone cannot ensure socially inclusive communities. Development must take into consideration the impact on the social fabric of communities and needs to ensure accessibility to community services such as jobs, health services, education facilities, shops, and leisure and community facilities.
- 9.2 PPS3 contains the National policy approach to housing and seeks to ensure that residential developments are located in areas that offer a range of community facilities with good access to jobs, key services and infrastructure. PPS3 places particular emphasis on previously developed or derelict sites for priority in development. This development would fall under this category of a priority development site.
- 9.3 The location is identified at a regional level in the London Plan as being an Opportunity Area. These areas are highlighted as being appropriate for the maximisation of residential and employment uses, subject to local context. The London Plan sub regional development framework for East London identifies Rainham Village as a District Centre, which has provided goods and services for local community needs. In terms of strategic planning policy, the principle of the development is acceptable. This has been confirmed by the GLA in their Stage 1 response.
- 9.4 Notwithstanding these national and regional policy considerations, the principal policy consideration in the assessment of the scheme is policy SSA12 of Havering's adopted Site Specific Allocations Development Policy Document. This identifies that residential, ancillary community, retail, recreation, education and leisure uses will be allowed on the site. SSA12 also states that 33% of the development site needs to be developed for compatible employment land uses and other non-residential land uses such as those previously listed. This figure of 33% may be reduced where intensive employment uses are provided, for example multi-storey office blocks.
- 9.5 SSA12 states that residential densities are set in the range of 30 to 150 units per hectare. This density range represents an equivalent that would be found in an area with a PTAL range of 0 to 4. In terms of the scale of development, SSA12 states that buildings should be predominantly three storeys high.

- 9.6 Dovers Corner is identified as a sub-site within SSA12 where only comprehensive development proposals will be considered. The proposal must demonstrate that adjacent sites can be developed, providing permeable block structures around a traditional street layout. Built development must reinforce the street pattern by providing a continuity of frontage and maximising the overlooking of public realm.
- 9.7 More specifically to the Dovers Corner site, SSA12 goes on to state that the development must provide a positive relationship with the River Ingrebourne and Rainham Village, reflect the character of the Rainham Conservation Area and provide convenient access through to the Ingrebourne River and Rainham Village.
- 9.8 It is considered that the proposal is broadly in line with the Site Specific Allocation for the area, however it should be noted that the development is not predominantly three storeys. It is for this reason that the proposal is a departure from the Local Plan. The specific elements of the development proposal, including this three storey consideration, are discussed in detail below.

### Design and Layout

- 9.9 PPS1 and PPS3 have a complementary approach to development. Amongst other considerations, both documents point out that good design is a key element of achieving sustainable development, however achieving this sustainable development goes beyond the aesthetic and should include access between people and places to ensure linkages to jobs and services, integration into the existing urban and natural form in terms of scale, density, layout and access, and the creation or enhancement of a local character that engenders a sense of local identity and civic pride.
- 9.10 Design and layout are also a central theme of the London Plan, in which Chapter 4B specifically focuses on a range of design considerations such as design principles, maximising the potential of sites, the quality of new housing provision, tall and large scale buildings, built heritage and views.
- 9.11 At a local level, Havering's LDF policy DC61 deals with urban design and seeks to ensure that development will enhance or improve the local character and appearance of the local area.
- 9.12 The scheme presents a contemporary architectural approach to the site that is generally arranged around four central courtyard blocks, five linear perimeter blocks at the boundary edges and two taller landmark blocks located in the north eastern and south eastern corners of the site. An individual design approach has been taken to each building, however this design approach is consistent in style. The greatest divergence in architectural style is the revised design for Building B, which faces Rainham Village. This represents a character that could be found at a quayside location and is conservative in design so as to not stand out in the longer distance views from of Rainham Village. This particular point is a matter of debate with Borough and is discussed in more detail later in this report.
- 9.13 SSA12 sets out that new development must be arranged in a traditional urban street layout allowing permeability throughout the site. The scheme has responded to this requirement by providing a block layout that reflects this form of street layout. A spine road runs from the northern site entrance between Buildings A and F down to Building C in the south. This central axis road is six metres in width and intended to be suitable for adoption.
- 9.14 Either side of this spine road, between Buildings D and E to the east and Buildings G

and H to the west are 'Homezone' areas which incorporate shared surfaces to promote pedestrian priority. The specific design of the Homezone areas will be secured by condition.

- 9.15 Running east-west through the site is a large open pedestrian corridor that begins in space between Building B and traverses across the site to the western boundary to where Havering College's new campus is proposed (approved in outline). This corridor provides a continuous link through the site but at the same time provides different roles for the space. For example, the space dividing Building B is treated as an area of open space providing both a visual and physical linkage through to the River Ingrebourne and Rainham Village, the space between Buildings D and E is a large open plaza, the narrower space between Buildings G and H is considered a pedestrian boulevard and finally, the space between Buildings I and J is allocated as play space. Where this corridor crossed the north-south trafficked roads, a raised pedestrian table is provided to ensure pedestrian priority.
- 9.16 Members will note from the consultation section of this report that there has been much discussion surrounding the potential for pedestrian linkages to extend through the site. In particular, the GLA considered that the scheme's isolation by surrounding land uses, the watercourses and the road network presented a particular challenge. CABE echoed this concern, questioning whether a case had been made for the connections between the site and the surrounding land. Havering has also voiced concern, especially with respect to the relationship of the scheme to Rainham Village. It is considered by Officers that the latest revisions to the scheme have successfully overcome these concerns for the following reasons. In the first instance, the layout of the scheme provides ample opportunities to access and cross the site. If the scheme were to be built out in the present built context, pedestrians would be able to access the site from the north through one of three points of access, either from the north western corner of the site, via the main vehicular access point or further to the east by way of a pedestrian access into the retail units of Building A. From any one of these points, access through the site is legible due to the grid layout of the blocks. Furthermore, the pedestrian priority of the Homezone areas and the traffic calmed central axis road encourage walking and cycling throughout the site. Linkages to and from the site to the west is achieved one of two ways, either to the south of Building B to Lamson Road or through Building A and onto Bridge Road directly opposite the large Tesco. It should also be noted that the sliver of land between the site and the River Ingrebourne can also be accessed through the space in Building B. It is also relevant to note that this sliver of land is owned by the Development Corporation and has the potential to become a future area of public open space possibly using contributions achieved through the section 106 planning obligation from this development.
- 9.17 Members will also be aware that the site to the west of the application site, known as the former Carpetright site, has received outline planning permission for the development of a new campus for Havering College. The central east west pedestrian corridor can align with this proposal when reserved matters application are worked up to secure the detail of this scheme. This has the potential to provide further pedestrian and cycle access through the site and onwards to other areas.
- 9.18 CABE has also commented that the perimeter buildings turn their back on the surrounding area and consider that there are no clear connections from the site to Tesco or Rainham Village. When considering this view, Buildings A, B and F, require further analysis being the perimeter buildings that provide the interface between the site and the surrounding area.
- 9.19 Building A, as a landmark corner building, is orientated outward by its balcony space, ground floor retail units, residential entrances and public linkages through the building into

the internal courtyard. Similarly, Building B, with the open area from the River Ingrebourne through to the centre of the site, the outward looking balconies and windows and the building entrances could not be considered to be inward looking.

9.20 Building F is orientated with its primary entrances, windows and balconies to the south, although it should be noted that the building has two access points on the New Road (northern) elevation and an access at each end of the building. The southerly aspect of Building F is for obvious daylight and sunlight reasons. Nevertheless, it is not considered by officers that the northern elevation presents a negative frontage to the A1306, and certainly not one that would make the development unacceptable in design terms. This is principally due to the position of Building F being governed by the required set back from the Pooles Sewer due to flood risk requirements. This 25 metre setback means that Building F sits back from the edge of the public realm, behind the watercourse and landscaped embankments. Therefore, the location of Building F and its setback from New Road means that the northern elevation of the building does not occupy any natural site lines and would not be a noticeable addition to the streetscape. It is for this reason that Building F's southern orientation is considered appropriate and that the inward looking nature of this building is considered acceptable in this context.

9.21 While it is accepted that the design of the scheme has been a point of criticism, officers feel that had the appeal not been lodged, the overall design of each building and the access arrangement to and from the site could have been controlled by conditions and/or legal agreement. Officers do not consider that there were adequate design reasons to support a robust reason for refusal.

#### Scale and Density

9.22 The proposal is for 729 residential units on a site with an area of 5.5 hectares representing a residential density of 132 units per hectare. This density sits within the 30 to 150 units per hectare range stipulated by SSA12. SSA12 also makes the point that the site is considered 'Urban' for the purposes of density calculations. Therefore this density is in line with the London Plan density matrix for PTAL 2/3 locations (being between the ranges of 70 to 170 units per hectare). When considering density, the site's location near the Rainham Village District Centre should also be noted, in particular the large retail supermarket, rail and bus services and other community facilities. Therefore, the proposed density of the development is considered to be wholly consistent with the prevailing strategic and local policy context for the location.

9.23 While the density of the development is not considered in policy terms to be at issue, the scale of the development is a matter of considerable concern from the Borough and the local objectors. Despite allowing a broad residential density range, SSA12 states that: "*New buildings should be predominantly three storeys high.*" The policy does not specify actual building heights, nor does it indicate how the heights are measured (i.e. whether it is to ridgeline, eave or parapet edge). The policy also does not define 'predominantly' and how the proportion of storey heights is calculated. However, taking this statement in isolation, the proposal is not considered to be predominantly three storeys.

9.24 When considering the appropriateness of the proposed building heights, we must first consider the proportion of built form at three storeys. This relates to the townhouse elements of blocks D, E, G and H. It has been assumed that the calculation of the proportion is based on building footprints. Therefore, the area of building footprints each of the new buildings over three storeys are as follows:

- A1 = 825m<sup>2</sup>
- A2 = 256m<sup>2</sup>
- A3 = 420m<sup>2</sup>
- A4 = 162m<sup>2</sup>
- A5 = 400m<sup>2</sup>
- B = 645m<sup>2</sup>
- C1 = 490m<sup>2</sup>
- C2 = 882m<sup>2</sup>
- D = 760m<sup>2</sup>
- E = 760m<sup>2</sup>
- F = 690m<sup>2</sup>
- G = 900m<sup>2</sup>
- H = 900m<sup>2</sup>
- I = 936m<sup>2</sup>
- J = 1411m<sup>2</sup>

9.25 From this, the footprint area of the buildings more than three storeys is 10,437m<sup>2</sup>.

9.26 The areas of the three storey building footprints are as follows:

- D = 975m<sup>2</sup>
- E = 1100m<sup>2</sup>
- G = 1155m<sup>2</sup>
- H = 1426m<sup>2</sup>

9.27 Therefore, the total area of building footprints at three storeys is 4656m<sup>2</sup>. This equates to 70% of the new buildings being more than three storeys and 30% of new buildings at three storeys. It is for this reason that the proposal is considered a departure from the adopted Development Plan.

9.28 Although this proportion cannot be considered to be 'predominantly' three storeys in height, Members must also consider how much weight can be attributed to this element of SSA12. The actual statement of "*New buildings **should** be predominantly three storeys high*" is an advisory statement, as the word 'should' is used rather than the word 'shall'. It is also noteworthy that many other provisions within SSA12 are clearly mandatory, for example "*Development **must** be arranged on a traditional urban street layout*". It is also accepted however that, for the three storey height policy preference to be applied flexibly, other considerations must be considered to justify any departure from this policy preference.

9.29 At a National level, PPS3 seeks that the efficient use of land is a key consideration in the delivery of housing. In this respect, the housing density is the method by land use efficiency is measured and states that Local Authorities should set a range of densities within their DPDs. Havering's LDF has followed this approach to efficient housing delivery by setting the density range of 30 to 150 dwellings per hectare in SSA12, which the proposal falls within.

9.30 A further consideration is the approach to design within the London Plan. The general design principles of the London Plan are set out in policy 4B.1, the first point under which is that the Mayor will seek to ensure that developments maximise the potential of sites. Parallel to this approach, policy 3A.3 within the housing chapter of the London Plan deals more specifically with the maximisation of site potential, stating that Boroughs should develop residential densities in their DPDs which are compatible with sustainable residential

quality. Again, the density range has been set in SSA12 and the proposal complies.

- 9.31 In exceeding the predominant three storey height, the applicant has argued that a development limited to predominantly three storeys in height would not be financially viable. In support of this view, an open book financial viability assessment has been provided and is discussed in greater detail later in this report.
- 9.32 It should also be noted that the reasoned justification behind the policy does state that the three storey limit is intended to ensure that the development is integrated visually and functionally into the existing communities of South Hornchurch and Rainham. In this respect, the surrounding context must be taken into consideration. The tallest elements of the scheme are the Building A blocks which step up from five storeys to 10 storeys at the Dovers Corner round about. Besides being a major junction of two local roads, the greatest contextual influence on this element of the scheme is the large Tesco supermarket located on the opposite side of the junction. The existing communities of South Hornchurch are, in the opinion of officers, sufficiently distant from the site so as not to be affected visually by Building A or the other blocks along the A1306. Further, the width of the A1306 is such that building heights of five storeys will result in acceptable enclosure ratios along the northern section of the development site i.e., the perception of space brought about by the proportion of the height of buildings with the width of the road. Travelling further west along the A1306, the neighbouring former Carpetright site is the site of the approved Havering College campus. While this campus is at this stage only in outline, the approved height parameters allow an equivalent height of six storeys at the A1306 frontage. Therefore, a case can be made for the procession of building heights from the Dovers Corner junction at 10 storeys, stepping down to five storeys to eventually match the approved building height of the future campus building.
- 9.33 Members will also note that Havering's LDF policy DC66 deals with tall buildings and structures and defines a tall building as being of six storeys or greater. The policy states that tall buildings will only be located in Romford town centre unless a range of criteria is met. These criteria are as follows:
- create an attractive landmark building which would clearly improve the legibility of the area for example at key gateway locations or are clustered with other buildings of a similar scale and massing and raise the cluster's quality or coherence;
  - preserve or enhance the natural environment, the historic environment, local amenity and the local character of the area;
  - act as a catalyst for regeneration
  - 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.
- 9.34 DC66 goes on to state that should be of exemplary high quality and inclusive design and in particular 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

9.35 The proposal includes two buildings that would fall under the DC66 definition of a tall building, being Buildings A and C. These buildings meet key criteria set for tall buildings outside of the Romford town centre. In particular, they are located in the corners of the site and create an attractive landmark. In the words of the Design for London's original advice when referring to buildings A and C, "*taller elements in these sections can help create markers and provide a statement.*" Other relevant criteria set under DC66 are that the tall buildings act as a catalyst for regeneration and ensure that the density is well suited to the site and to the wider context in terms of proportion, composition, relationship to other buildings, streets, public and private open spaces, waterways and townscape element. It is felt that these two buildings meet these criteria.

9.36 The reasoned justification behind DC66 raises an important point in relation to the makeup of built form within the Borough of Havering. It states that the Borough is typically characterised by two to three storey suburban development and scatterings of 10 or more storey buildings. Very little development occurs between these heights. It is the opinion of officers that the proposal offers a gradation of scale between these building heights which is not currently experienced in the Borough, thereby assisting in reducing the prominence that tall buildings have on the skyline.

9.37 The western edge of the development site has perhaps greater implications in terms of visual and functional integration, as this edge faces the Rainham Village Conservation Area. The relationship of the proposal with the Conservation Area is discussed in greater detail later in this report, as these considerations go beyond matters of scale. However, in the context of the height, Building B is split into two sections to allow the central public corridor to terminate at the River Ingrebourne. Despite being five storeys in height, it is the view of officers that this building allows visual and physical linkages into and out of the site. The design and materials proposed for Building B are also such that the longer distant views from the Conservation Area will terminate in a building of conservative and subservient character.

9.38 Ultimately, while the scale and density of the proposed development is considered to be acceptable by the GLA and CABE, the height policy preference of predominantly three storeys stated in SSA12 remains a controversial point for both the Borough and the local objectors. However, considering the limitations of the three storey policy preference, the context of the surrounding area, the national planning policy considerations set out above and the viability issues raised by the applicant, it is concluded, on balance, that the height and density of the proposal is acceptable. Moreover, it is not considered by officers that a robust reason for refusal could have been worded in the event that the appeal had not been lodged.

#### Relationship with Rainham Village

9.39 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty of local planning authorities when exercising their functions as respects a conservation area. It provides that "special attention" must be paid "to the desirability of preserving or enhancing the character and appearance of the conservation area".

9.40 PPG15 states that the Secretary of State considers that the desirability of preserving or

enhancing the character and appearance of the conservation area should also be a material consideration when considering development outside the conservation area which would affect its setting.

- 9.41 The London Plan also places emphasis on access and linkages through policy 3B.3 where it states that the intensity of development needs to be compatible with local context and in policy 3D.1 where it seeks to support town centres by provided good linkages to and from new development. More specifically in design terms, London Plan policy 4B.1 seeks to ensure that development respects the local context, history, built heritage, character and communities, while policy 4B.3 seek to enhance public realm, by integrating development with water space in terms of use, appearance and physical impact.
- 9.42 Havering's SSA12 is specific when referring to the eastern end of the A1306 and states that development must:
- Provide a positive relationship with the re-creation of the historic quay on the River Ingrebourne and the adjacent Rainham Village
  - Reflect the character of Rainham Conservation Area
  - Provide convenient access for pedestrians and cyclists to Rainham Town Centre, Rainham Station and Ingrebourne Creek.
- 9.43 Havering does not support the view that the development proposal will preserve or enhance the setting of the Rainham Village Conservation Area. In the borough's latest response to the proposal, it has been stated that the view of the Council is that *"...the scale and design of the buildings at the eastern side of the site do not reflect the character of the conservation area, nor do they provide a positive relationship to Rainham Village."*
- 9.44 Although English Heritage has not provided comment on the latest revision to Building B, their previous comments were not supportive of the proposal. The concern was centred on the development bringing a particularly urban character into a sensitive area and that views out of the Village towards the site may be affected. It was suggested that the scheme design be refined to overcome these concerns.
- 9.45 In response to the concerns raised by the Borough and English Heritage, the amendments to the scheme seek to increase the visual and physical linkages through the built form. Building B has in particular, undergone significant alterations since the original submission in order to respond to the Rainham Village Conservation Area. As was mentioned earlier in this report, the building has been split in two, providing a more open visual and physical link from the centre of the site through to Rainham Village. Additionally, the material palette proposed for this building has been changed to reflect a more conservative brick finish that is a better reflection of the type of materials used in Rainham Village. The design of Building B also differs from the design approach taken over the rest of the site, reflecting a simpler form that is subservient to the rest of the site.
- 9.46 Notwithstanding the design changes that have occurred to Building B, the Corporation appointed an independent conservation adviser to complete a heritage assessment of the potential impact of the proposed development on Rainham Village. This assessment was undertaken prior to the design changes to Building B and found that despite the Rainham Conservation Area being of undisputed quality, the area between the Conservation Area boundary and the development site is of a poor quality and in its current state does not enhance the setting of the Conservation Area. The Conservation Area itself is inward looking toward the Parish Church and War Memorial, with outward views being of poor quality due to the surrounding environment. This applies to the one principal long distance

view out of the Conservation Area towards the development site.

9.47 The proposed development will replace much of the low quality industrial development currently viewed from the Conservation Area with good quality built structures some 63 metres distant. The revisions to Building B, which will be the only building clearly visible from the Village will at least preserve and, arguably, enhance the setting of the Conservation Area rather than detracting from it. Furthermore, the revisions to Building B are welcomed by the GLA.

#### Housing Mix, Tenure and Viability

9.48 London Plan policies 4A.1 and 4A.2 seek to increase London's housing supply by identifying sources of housing supply both strategically and at a local level. The method by which this can be achieved is through major development in Opportunity Areas and through change of use of surplus industrial or commercial land to residential or mixed use.

9.49 London Plan policy 3A.9 is the relevant policy on affordable housing and seeks that 50% of new housing should be affordable, of which 70% will be social housing and 30% intermediate. Policy 3A.10 goes on to state that the maximum reasonable amount of affordable housing should be sought, having regard to the individual circumstances of the site, the site costs and the availability of public subsidy.

9.50 The affordable housing provision was initially offered at 35%, however following the submission of an open book financial toolkit appraisal this figure was reduced to 25%. This proportion allows for the full Discounted Standard Charge under the Corporation's Planning Obligations and Community Benefits Strategy to be applied to the units in the scheme. The financial contribution is discussed in greater detail later in this report.

9.51 The affordable split represents a ratio of 68% social to 32% intermediate. While not exactly in line with London Plan policy, the split represents a makeup that is close enough to be considered acceptable without further justification.

9.52 The applicant has completed an open book financial appraisal of the scheme in line with the GLA's toolkit. In terms of this toolkit, the applicant has stated that they have obtained up to date valuations with respect to particular building types. It is worth noting that the sales values in the appraisal are applied based on current market values. The market may change during the period up to when a planning consent is implemented and sales values could change considerably over this period

9.53 In all likelihood, the developer will seek to achieve sales values in excess of what has been assumed in the appraisal since the development will have a critical mass to establish new thresholds, particularly once the housing market has moved on from the current uncertainties. Advice from the Corporation's adviser on financial viability indicates that the sales figures adopted are somewhat conservative, but could be regarded as reasonable.

9.54 In terms of the commercial offer, Rainham does not have an established office market and where space is available it tends to trade at a discount compared to established centres such as Romford. Similarly, retail accommodation has suffered badly as a result of the large Tesco store on the opposite side of the Dovers Corner roundabout. This has had the effect of being very detrimental to demand for retail units in Rainham High Street. Advice received from the Corporation's advisor on viability indicate that the rents and yields assumed for the commercial accommodation are reasonable.

- 9.55 The applicant has provided construction cost estimates that are lower than the Toolkit default values, which vary depending on the property type. These costs are considered to be competitive, but may be consistent with the current shortage of construction activity.
- 9.56 In terms of affordable housing grant, an offer has been received from Family Mosaic which assumes the level of grant that this RSL expects to obtain. The assumptions concerning grant are considered to be reasonable.
- 9.57 The GLA's housing team have confirmed that the assumptions set out in within the submitted toolkits are largely realistic and acceptable. The position of the GLA is that in the interest of securing financial contributions towards local infrastructure improvements, and given that the information set out in the financial appraisal is considered to be accurate, the GLA are content for the affordable provision of affordable housing to reduce from 35% to 25%.
- 9.58 Overall, the housing offer is considered to be acceptable despite being at a relatively low rate of 25%. The proposal offers an acceptable range of housing, particularly in terms of affordable market housing which is an identified need within PPS3.

#### Financial Contribution

- 9.59 Planning obligations, as part of Section 106 agreements, are a normal part of the planning and development process. Essentially, obligations under Section 106 are intended to make acceptable development which would otherwise be unacceptable in planning terms. The importance of planning obligations on a scheme of this size is that they play an integral part of mitigating the impact of the development, thereby allowing an otherwise unacceptable scheme to accord with the adopted local, regional and national planning policies. When considering this mitigation, it is often the case that a financial contribution from the developer is a sufficient means of mitigation against the pressures that the development will place on local infrastructure.
- 9.60 At a local policy level, Havering's Development Control Policy DPD is clear in stating the expectation that large developments should incur a financial contribution through Section 106 agreement, namely policies DC30 towards community facilities, DC32 towards road improvement and DC72 which outlines the need for planning obligations more generally.
- 9.61 The Corporation's Planning Obligations Community Benefit Strategy, adopted March 2008, applies a discounted standard charge within the London Riverside area of £6000 per new unit towards community infrastructure. This discounted rate is designed to encourage development in the area without the need to apply the full rate of £28,800 per dwelling that would otherwise be required. Havering's SSA12 also states that contributions will be sought for community facilities, leisure and recreation facilities, public transport improvements and environmental improvements. As a consequence, and in line with the Corporation's Community Benefit Strategy, this development can expect to attract an initial discounted financial contribution of £4,374,000 with the usual provisions for possible recovery of the deferred part of the charge.
- 9.62 The matter of the financial contribution has been the subject of a significant amount of discussion. Not only is the impact upon community infrastructure the most prevalent theme of local opposition, but the recent turbulence in the housing market and wider economy has also been taken into consideration. The first offer by the application was for no financial contribution due to the financial viability constraints and an affordable housing offer of 35%.

When this offer was not accepted, an offer of £1,000,000 payment split into four non-indexed payments was provided which would include a reduced affordable housing offer down to 25%. This second offer was also not accepted by the Corporation. The latest offer is summarised as follows.

9.63 The applicant offers a full discounted charge payment of £6000 per unit, equating to £4,374,000. However, the £6000 per unit is offered as an average payment and will be triggered upon the completion of various unit number thresholds. For the first third of the development, unit payments will be £3000, the second third £6000 and the final third £9000. This approach is designed to take into account the current market conditions as well as the potential for an improvement in market conditions. Therefore, the payment structure is proposed to follow the phasing arrangement of:

- £360,000 upon implementation
- £360,000 upon the sale of 240 units
- £744,000 upon the sale of 364 units
- £744,000 upon the sale of 488 units
- £1,080,000 upon the sale of 608 units
- £1,080,000 upon the sale of the final unit

9.64 The final tariff payment will also have a time limit of the tenth anniversary of implementation in any event.

9.65 The phasing of the payments is intended to be linked to a fresh financial appraisal of the scheme at each phase. The purpose of these new financial appraisals will be to calculate whether there is an opportunity to recapture the discounted standard charge. The Planning Obligations Community Benefit Strategy details three methods by which the discounted standard charge may be recaptured. The first is the Matrix of Average Sales Values and Deferred Charges, which essentially secures payments set by steps of increased sales values up to the Standard Charge. The second is the payment of the full Standard Charge set at the time that the contribution was payable. The third option is to fix the level and timing of the deferred charge contributions within the legal agreement.

9.66 The applicant has agreed to the principle of recapturing the discount but has offered a method of recapturing that differs from the model agreement. This entails the following:

- A further £3000 per unit being added at each of the development phases if the fresh financial appraisal finds that the developer profit warrants this further payment. Each appraisal will include the entire scheme with costs and sales values projected forward for the balance of the development outstanding at the trigger date.
- In the event that the profit margin exceeds 30% at any given trigger point, a further £3000 will be added to the discounted standard charge.
- At the next trigger point, if the developer profit is sustained or exceeded up to 30%, the additional £3000 will continue.
- If the resulting margin has achieved more than 30% at the next trigger point, a further £3000 per unit will be added.
- This would be capped at £18,000 rather than the standard charge.

9.67 While the principle of recapturing the discount has been accepted by the applicant, the preferred mechanism by which this is achieved will be matters for further negotiation. The model agreement sets out that the threshold by which the deferred payment is achieved is by Development Realised Average Sales Value, not developer profit. The model agreement also sets out the degree of additional standard charge payment according to these sales

values. While the applicant has offered a mechanism by which the deferred standard charge can be recaptured, the figures are yet to be justified or evidenced.

- 9.68 As Members will no doubt be aware, the model agreement requires 25% payment upon implementation, however the offer of £360,000 represents only 8.2%. The applicant has verbally indicated that the affordable housing element of the scheme may be capable of early handover to the RSL. In the event of the early handover of this element, the initial discounted standard charge payment would rise a further £741,000 to £1,101,000, representing 25.1%. However, this is a matter for further negotiation with the applicant.

### Transport and Access

- 9.69 At present, vehicular access to the site is via two points on the A1306, one in the north western corner of the site and the other roughly at the mid-point of the northern boundary. The proposal aims to rationalise these two existing access points into the one access located centrally on the site's northern boundary. The proposal includes a ghosted right hand filter lane for east bound traffic on New Road. It should be noted that Havering's Highways Officers have expressed their preference for this junction to be signalised, and that this has been expressed as a grounds of objection in Havering's second formal response to the Corporation. The safety issues relating to this junction are based on the change in driver profile, i.e. from industrial to residential as well as the increase in vehicle numbers from the current maximum of 85 trips per day via two accesses to 473 per day through one access. Additionally, the location of a bus stop directly to the east of the junction is likely to lead to busses being stationary in drivers' eastern site line. Given the concerns raised by the Borough's Highways Officers, it is considered that had the appeal not been lodged there would have been further investigation into the need for a signalised junction by way of a Four Stage Safety Audit. The junction works, whatever form it would have taken, would have been secured by Section 106 agreement to ensure that any increase in accidents, congestion or delay brought about by this new junction is dealt with at the developer's expense. Furthermore, the a further requirement of the legal agreement would have been to move the existing bus stop to the west of the junction and a lay by provided, which is supported by Havering's Highways Officers. TfL have also requested a financial contribution of £150,000 towards bus improvements to the area.
- 9.70 A secondary access is proposed for the Lamson Road frontage of the site, which is on the south eastern boundary. This access is restricted to emergency vehicles, pedestrians and cyclists. It is acknowledged that this access point may be seen by future residents as a short cut out of the site towards the A13. Therefore, the means of ensuring this secondary access is not used by non-emergency vehicles would have been the subject of a condition.
- 9.71 Car parking standards for the residential component of the scheme are set out in SSA12 as a maximum of 1-1.5 spaces per dwelling. The proposal seeks 591 parking spaces, of which 50 are allocated to B1 uses leaving 541 spaces for residential. This represents a residential parking proportion of 0.74 spaces per dwelling which complies with maxima approach to parking enshrined into all levels of policy. Residential parking is located both above and below ground. The below ground parking is found beneath blocks D, E, G and H, while shared street parking is found throughout the site.
- 9.72 Cycle and pedestrian movement throughout the site will be of a good standard particularly with such features as the two 'Homezone' streets and the central east-west pedestrian link. Pedestrian and cycle access through to Rainham Village will be achieved via the gap in Building B and the secondary emergency access on Lansom Road. To the north, pedestrians and cyclists can proceed through the site to New Road via linkages

through Building A or a linkage to the west of Building F over the former vehicle access.

- 9.73 Cycle parking provision meets TfL and Havering standards and is found throughout the development, both beneath the ground in the corners of each building and above ground at evenly distributed locations.

#### Flood Risk

- 9.74 At the time of writing the report, the flood risk issues that were raised by the Environment Agency are still outstanding. The EA have fundamental concerns with the content of the Flood Risk Assessment. These concerns have been outlined in section 5 of this report, but essentially relate to the information provided on 1 in 100 year flood events, the proximity of Building F to the de-culverted Pooles Sewer, the proposed engineering of the watercourse and the potential impact on existing flood defences. In response to this, Building F was moved seven metres from Pooles Sewer, however it is intended that the detailed design of the drain is secured by condition. The EA have not explicitly confirmed that this is acceptable, but rather have expressed more general flood risk and pollution concerns relating to the scheme.
- 9.75 The GLA welcome the de-culverting of Pooles Sewer as an environmental enhancement. However, the GLA have concerns that the Flood Risk Assessment does not adequately assess the potential impact of the tidal Thames and does not provide sufficient detail on escape routes in the event of such a tidal flooding situation.
- 9.76 The matters relating to flood risk are being discussed with the EA and the applicant in this respect.

#### Energy and Sustainability Principles

- 9.77 The London Plan sets out the regional strategy in adaptation to climate change through the management of natural resources. The policy 4A.2 sets the carbon dioxide reduction target of 15% by 2010 and 20% by 2015, while policies 4A.3 to 4A.8 focus on the best mitigation practices.
- 9.78 At a local level, Havering's Development Control Policy DC50 sets out the criteria for major developments with respect to energy and applies the principles of the London Plan energy hierarchy. The policy also requires that on-site renewable energy equipment is incorporated into schemes unless it can be otherwise fully demonstrated to be unfeasible.
- 9.79 The GLA energy officers have reviewed the energy assessment provided by the applicant and have also taken the opportunity to discuss the issues with the scheme directly in a meeting at the GLA. The energy proposals were considered to not meet the policy test within 4A.1 and were inconsistent with policy 4A.6 with respect to decentralised energy. It was considered that the development should be able to incorporate communal heating systems for at least the apartments and the viability of a CHP plant on site remains to be demonstrated. Additionally, the method of cooling the units in the development was not clear. However, the applicant stated that there would not be enough heat load created by the development to make the implementation of CHP viable until dwelling number 547. The GLA accepted this position. The applicant also argued that by that time when enough heat load exists to implement CHP, other developments in the area may have already been brought forward that would make the implementation of an area wide CHP district heating scheme much more attractive. In this respect, the GLA accepts that a CHP plant would not be required until later in the scheme. This shall be secured by condition

9.80 The applicant has proposed to install 4,000m<sup>2</sup> of photo voltaic cells into the scheme and has stated that 4,336m<sup>2</sup> of roof space is required to displace 20% reduction in CO<sub>2</sub> emissions. However, to achieve this target, the applicant has overstated the energy yield of the photo voltaic cells. Therefore, a greater area of roof space is required to achieve the 20% reduction in carbon dioxide emissions. However, given the cost and heat load of the PVs, and with the inclusion of the condition relating to the CHP plant, the GLA are willing to accept this renewable offer.

#### Odour from Riverside Sewage Treatment Works

9.81 Although Thames Water have raised objections to the scheme based on the potential for odour complaints to arise from new residents of the proposal, this objection is not considered to have sufficient weight to warrant a reason for refusal in its own right. This view comes back to Havering's LDF process, where the intention to provide for land use change to residential was made public but no representation from Thames Water was received in this regard. Furthermore, the potential for land use change along with the land use principles now enshrined in SSA12 was found to be acceptable by an Inspector. Planning permission was recently granted by LTGDC for developments at Riverside STW including a new sludge digestion plant. The permissions were subject to stringent odour control measures secured through a S106 agreement.

#### Major Gas Pipelines

9.82 As stated in the consultation section of this report, discussions have been ongoing between National Grid, the applicant, Havering Council and the Corporation. These discussions have revealed that the pipeline under National Grid's control is a 7.92mm thick pipe at a pressure of 32 bar. National Grid have also been able to advise that Barking Power's pipeline, aligned roughly parallel with the Channel Tunnel Rail Link alignment, is at a pressure of 70 bar. Both pipelines are considered to be 'Major Accident Hazards' as they are operated at a pressure of more than 7 bar. For context, a car tyre pressure is around 2 bar.

9.83 The applicant has commissioned a Quantitative Risk Assessment (QRA) which has found that a large proportion of the current HSE Consultation Distances either side of the pipelines overlap the proposed development area. Specifically, the proposed development in the southern proportion of the site overlaps the middle and outer consultation zones. If most of the development were located within the middle zone, then it is likely that the HSE would challenge the development at this location. However, as less than 10% of the entire development is within this middle zone, then the 'straddling' rule is applied whereby the housing element is considered to lie within the outer zone. Therefore, under these circumstances, it is unlikely that the HSE will resist the development in the southern portion of the site.

9.84 In terms of the Mardyke – Fords Dagenham pipeline, running along the northern boundary of the site, the current consultation zones indicate that development straddles the inner, middle and outer zones. This would attract an 'Advise Against' development generated from the PADHI system. The QRA recommends a range of mitigation measures to this pipeline to reduce the risk presented to future occupiers including the removal of the risk by diverting the pipeline, strengthening the pipeline, slabbing over the pipeline to reduce risk of third party rupture, increased marking of the pipeline route and revised development design. These mitigation measures have the potential to reduce the HSE's consultation distances and therefore make the development acceptable in the northern parts of the site.

However, when investigations were undertaken to establish the risk of the pipeline to the adjacent Havering College proposal, it was found that the section of pipeline influencing the Dovers Corner site had been strengthened from a pipe wall thickness of 7.92mm to 9.52mm. According to the applicant's QRA, this increase in pipe wall thickness is enough to reduce the consultation zones considerably and to the extent that there will be minimal overlap of the development proposal. Although National Grid has confirmed the increase in pipe wall thicknesses is correct, the HSE is yet to formally confirm that the consultation distances from the pipeline can be revised.

9.85 The Corporation's own consultants have undertaken a peer review of the QRA submitted by the applicant. The conclusion of this review is that although the QRA covers the most relevant risk issues, there is a lack of clarity in the presentation that makes the report somewhat difficult to understand. However, the conclusions regarding the PADHI advice in relation to the zones as they are currently set is deemed to be correct. It was also found that the conclusion in relation to the consultation zones for the Mardyke – Fords Dagenham pipeline being too large are also considered to be correct. The risk mitigation measures discussed in the applicants QRA, coupled with the reduction in the PADHI consultation distance to reflect the increased pipe wall thickness was considered by our consultant to be likely to change the PADHI advice to 'do not advise against' the development.

9.86 Ultimately, it is felt that on balance and considering the discussions to date and on the information at hand, a reason for refusal on health and safety grounds would not be successful at appeal. In any case, had the appeal not been lodged, the Corporation would have been 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.

## **CONCLUSION**

10.1 The scheme before Members provides for 729 residential units with an affordable offer of 25%. The scheme offers an averaged Discounted Standard Charge and the principle of recapturing the discount has been accepted by the applicant, although the mechanism is the subject of further negotiation.

10.2 There is no doubt that the application before Members is controversial, particularly considering the concerns expressed by the Borough in terms of the Site Specific Allocation covering the site. However, when resolving to make a decision on this scheme, Members need to consider the merits of the proposal against these issues raised. Officers of the Corporation consider that, on balance, the scheme is acceptable and should be approved. While it is acknowledged that the scheme is not predominantly three storeys in height, the financial viability appraisal, the comments from the GLA in terms of scale and density and the advisory nature of the wording of the three storey limit provides a counter-weight of evidence that, in the opinion of officers, would make a reason for refusal on height grounds difficult to defend in an appeal situation.

10.3 The relationship of the scheme with Rainham Village has also been considered. Again, the Borough disagrees with the conclusion of the Corporation's officers, stating that the scale of the building would not provide a positive relationship with the River Ingrebourne and Rainham Village. However, it is the view of Officers that the improvements to Building B overcome the previous issues, particularly as the Building has been split and a more conservative material palette has been applied. Notwithstanding these revisions, the independent review of the heritage impact concluded, prior to the revision being made, that while the layout, scale and design of the new buildings would be in contrast to that of the

Conservation Area, the development represents an enhancement of the views out of the Conservation Area and its setting.

10.4 Ultimately, Officers consider that, on balance, had the appeal against non-determination of the application not been submitted, the application would have been found to be acceptable and recommended for approval, subject to the conditions outlined below. The approval of such an application would have been subject to the following.

1. The completion of a Section 106 Agreement in accordance with the Corporation's Planning Obligations Community Benefit Strategy to secure:

- An average £6000 per residential unit, being the Discounted Standard Charge for the London Riverside Area with an acceptable mechanism by which the Discounted Standard Charge may be recaptured
- Provision of affordable housing, demonstrating a minimum of 25% split 68/32 social to intermediate accommodation and detailing the breakdown of unit sizes.
- Preparation of a Workplace and Residential Travel Plan prior to occupation in line with TfL Workplace and Residential Travel Planning Guidelines.
- Local employment scheme
- Alterations to the vehicular access on the A1306 New Road be subject to a four stage safety audit with stages 1 and 2 being undertaken prior to any construction works commencing.
- Submit and agree detail for the relocation of the bus stop located on the A1306 New Road.

2. Referral to the Secretary of State for Communities and Local Government pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999 as a departure application involving the development of more than 150 houses or flats and more than 5,000 square metres of commercial floor space.

3. Referral to the Health and Safety Executive to allow 21 days for their consideration on whether to request that the Secretary of State call-in the application for his determination

4. Referral to the Greater London Authority for their Stage 2 consultation response.

5. The conditions as listed in section 11 of this report.

## **CONDITIONS**

1. The development to which this permission relates shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable time period and in accordance with Section 91 of the Town and Country Planning Act 1990

2. The details to be implemented in accordance with the approved plan and drawing numbers:

- 100-S02 rev B Proposed Site Plan
- 100-S03 rev A Building Identification Plan
- 100-S04 rev A Open Spaces Identification Plan
- 100-S05 rev B Location of Affordable/Private Dwellings, Ground + 1<sup>st</sup>

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100-S06 rev B Location of Affordable/Private Dwellings, 2<sup>nd</sup> + 3<sup>rd</sup>  
100-S07 rev B Location of Affordable/Private Dwellings, 4<sup>th</sup> + 5<sup>th</sup>  
100-S08 rev B Location of Affordable/Private Dwellings, 6<sup>th</sup> + 7<sup>th</sup>  
100-S09 rev B Location of Affordable/Private Dwellings, 8<sup>th</sup> + 9<sup>th</sup>  
100-S10 rev A Proposed Parking Plan  
100-S11 rev B Proposed Refuse Storage Strategy  
102-S01 rev B Proposed Site Sections  
103-A01 rev A Building A North and South Elevations  
103-A02 rev A Building A South and West Elevations  
103-A03 rev A Building A South and North Internal Elevations  
102-A01 rev A Building A Sections A-A, B-B, C-C, D-D  
101-A01 rev A Building A Ground Floor Plan  
101-A01 rev A Building A First Floor Plan  
101-A03 rev A Building A Second Floor Plan  
101-A04 rev A Building A Third and Fourth Floor Plan  
101-A05 rev A Building A Fifth Floor Plan  
101-A06 rev A Building A Sixth Floor Plan  
101-A07 rev A Building A Seventh – Ninth Floor Plan  
103-B01 rev B Building B Elevations  
102-B01 rev B Building B Sections  
101-B01 rev B Building B Ground and First Floor Plans  
101-B02 rev B Building B Second and Fourth – Fifth Floor Plans  
103-C01 rev A Building C North – South Elevations  
103-C02 rev A Building C East – West Elevations  
102-C01 rev A Building C Section A-A and B-B  
102-C02 rev A Building C Section C-C  
101-C01R rev A Building C1 Res Ground Floor Plans  
101-C02R rev A Building C1 Res First –Fifth Floor Plans  
101-C01C rev A Building C (Commercial) Basement Floor and Ground Floor Plans  
101-C02C rev A Building C (Commercial) First – Sixth Floor and Seventh – Eighth Floor Plans  
103-D01 rev A Building D Elevations  
102-D01 rev A Building D Sections  
101-D01 rev A Building D Basement/Ground Floor Plans  
101-D02 rev A Building D First and Second Floor Plans  
101-D03 rev A Building D Third Floor and Roof Plans  
103-E01 rev A Building E Elevations  
102-E01 rev A Building E Sections  
101-E01 rev A Building E Basement/Ground Floor Plans  
101-E02 rev A Building E First and Second Floor Plans  
101-E03 rev A Building E Third and Roof Plans  
103-F01 rev A Building F Elevations  
102-F01 rev A Building F Sections A-A, B-B  
101-F01 rev A Building F Ground and First – Fourth Floor Plans  
103-G01 rev A Building G Elevations  
102-G01 rev A Building G Sections  
101-G01 rev A Building G Basement/Ground Floor Plans  
101-G02 rev A Building G First and Second Floor Plans  
101-G03 rev A Building G Third Floor and Roof Plans  
103-H01 rev A Building H Elevations  
102-H01 rev A Building H Sections  
101-H01 rev A Building H Basement/Ground Floor Plans  
101-H02 rev A Building H First and Second Floor Plans

101-H03 rev A Building H Third Floor and Roof Plans  
103-I01 rev A Building I Elevations  
102-I01 rev A Building I Sections  
101-I01 rev A Building I Ground and First – Fourth Floor Plans  
103-J01 rev A Building J Elevations  
102-J01 rev A Building J Sections  
101-J01 rev A Building J Ground Floor, First, Second, Third, Fourth Floor Plans

Reason: To ensure that the development is implemented in accordance with the approved drawings.

3. Full details of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.
  - a. The materials to be used on the external faces of the buildings provided on a sample board and indicated on a drawing of each elevation
  - b. Further details of the treatment of the affordable business unit frontages including potential signage zones
  - c. Acoustic glazing and ventilation for the residential units
  - d. The treatment of open land within the site including both hard and soft landscaping to include any proposed walls, fences and railings, outdoor furniture, gates to the car park entrances and green roofs
  - e. A scheme of external lighting that shall demonstrate that the on-site lighting will not disturb adjacent residential occupiers and that no light spill will be experienced onto the watercourse or adjacent river corridor habitat
  - f. Any storage facilities for oils, fuels or chemicals

Reason: To ensure that the specific details of the scheme are delivered to a high standard, in accordance with policies DC3, DC61 and DC66 of the London Borough of Havering Local Development Framework and 4B.1, 4B.2 and 4B.3 of the London Plan 2008.

4. Prior to the commencement of the development hereby permitted, full details of the internal traffic management layout shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
  - a. The number, location and width of pedestrian and cycle access points shown on a plan.
  - b. Pedestrian footways on site to a minimum 2.0m.
  - c. The barrier method for the Emergency Vehicle access including the provision of warning signage.
  - d. Routine maintenance of planting to maintain visibility splays.
  - e. The detail for on-site layout including on-street car parking and tracking of vehicles.
  - f. Traffic calming features, give way markings and road signage on site, footway design, signage and markings.
  - g. Street lighting design including the provision of suitable reflective banding to street lighting columns that delineate the footway from the cycleway

The approved details shall be implemented in full thereafter.

Reason: To ensure that the internal layout of trafficked areas is suitably delivered, in accordance with policies DC32, DC33, DC34, DC35 and DC36 of the London Borough of Havering Local Development Framework 2008.

5. Commercial and residential occupiers of the completed development shall be prohibited from purchasing permits for any existing, revised or new Controlled Parking Zones.

Reason: So that no undue pressure is placed on the existing residential and commercial parking areas within the locality by the permitted scheme, in accordance with DC33 of the London Borough of Havering Local Development Framework 2008.

6. Full details of the refuse and recycling storage areas shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate that apartment properties will provide one metal 1100 litre bin for every six units and that dropped kerbs will be installed to ensure easy collection and that no refuse vehicle will be more than 25 metres from the refuse store. Such approved details shall be implemented prior to the first occupation.

Reason: To ensure adequate refuse storage facilities are provided, in accordance with policy DC40 of the London Borough of Havering Local Development Framework 2008.

7. Prior to the commencement of each of the individual building, full details of the provision of cycle parking, shower and changing facilities for residential, office and retail uses, as appropriate for that building, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be implemented in accordance with the approved details thereafter.

Reason: To ensure each of the buildings on site has sufficient cycle parking provision, in accordance with DC35 of the London Borough of Havering Local Development Framework 2008.

8. Prior to the first occupation of the development hereby approved, full details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that any pressure on the local transport network is suitably managed, in accordance with policy DC36 of the London Borough of Havering Local Development Framework 2008.

9. Prior to the first occupation of the development hereby approved, a landscape management plan, indicating long term design objectives, a planting scheme, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out as approved thereafter.

All planting, seeding or turfing associated with this landscape management plan shall be carried out in the first planting and seeding seasons following occupation of the buildings or the completion of the development, whichever is sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the public and shared spaces within the approved development are delivered to a high standard, in accordance with policies DC32, DC33, DC34, DC35 and DC61 of the London Borough of Havering Local Development Framework 2008 and policies 4B.3 of the London Plan 2008.

10. Prior to the commencement of any works on site, the following information shall be submitted for the approval of the Local Planning Authority:

- a. A Phase 2 (Site Investigation) Report, if the Phase 1 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 site 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 3 (Risk Management Strategy) Report if the Phase 2 Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:
  - i. Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The Remediation Strategy is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.
  - ii. 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 different type to those included in the contamination proposals, a revised contamination proposal shall be submitted to the Local Planning Authority
- d. If during development works 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.

Reason: To protect those engaged in the construction of the development as well as those future occupiers of the site from potential contamination.

11. Prior to the commencement of works on site, an Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following detail:

- a. Details of additional surveys that will be undertaken and/or mitigation employed to ensure that protected species are not disturbed or injured and UK or European legislation contravened as a result.
- b. Details of mitigation measures that will be undertaken to ensure the minimisation of air and water borne pollution of adjacent areas
- c. Full details of habitat enhancement measures that will be put in place on site and how these will improve the existing situation.

Reason: To ensure that any protected species found on site are suitably managed, in

accordance with policy DC59 of the London Borough of Havering Local Development Framework 2008.

12. Full details of sustainable urban drainage systems to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The construction of such drainage systems shall be carried out in accordance with such approved details thereafter.

Reason: To prevent pollution of the water environment, in accordance with policy DC48 of the London Borough of Havering Local Development Framework 2008 and policies 4A.12, 4A.13 and 4A.14 of the London Plan 2008.

13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological work shall be undertaken by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: So that the local authority may record and preserve any archaeological remains that may be present on site, in accordance with policies DC70 of the London Borough of Havering Local Development Framework 2008 and 4B.15 of the London Plan 2008.

14. Full details of the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a. Prior to the commencement of relevant works of the development, the developer shall submit details to be approved in writing by the local planning authority of the design stage Code for Sustainable Homes Pre-Assessment, showing that the development will achieve a minimum of Code Level 3.
- b. Prior to the occupation of the development the applicant shall submit to the local planning authority to be approved in writing, the final Code for Sustainable Homes Assessment, verified by the awarding body (Building Research Establishment) under the Code for Sustainable Homes certification scheme, showing that the development will achieve a minimum of Code Level 3.

Reason: To comply with The London Plan 2008 policy 4A.3 and policy DC49 of the London Borough of Havering Local Development Framework 2008.

15. All the residential accommodation provided within the development hereby approved shall comply with Lifetime Homes standards and 10% of such accommodation shall be accessible by wheelchair users or easily adaptable to such use.

Reason: To ensure that the appropriate level of accessibility

16. Prior to the first occupation of the development, a detailed scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme will identify lux levels over publicly accessible areas while also demonstrating that light does not spill into areas identified as being ecologically sensitive.

Reason: To ensure that the external lighting of the development does not cause nuisance to future occupier or neighbouring occupiers while also ensuring that light spill does not detrimentally affect the adjacent creek habitats.

17. Prior to the construction of the development hereby permitted, a scheme for the protection of residential and commercial elements of the scheme from noise and vibration emanating from the nearby railway lines shall be submitted to and approved in writing by the Local Planning Authority. All works so approved within this scheme shall be implemented prior to the first occupation of each relevant block.

Reason: To ensure the development is constructed in such a way as to protect future occupiers from noise and vibration from the railway lines, in accordance with DC55 of the London Borough of Havering Local Development Framework 2008.

18. Prior to the commencement of each building, details of following information for non-residential units shall be submitted to and approved in writing by the Local Planning Authority.

- a. The details of suitable environmental equipment to remove and/or disperse odours and odorous material.
- b. Scheme to control the transmission of noise and vibration from any mechanical ventilation system.
- c. Provision of grease trap to the foul drainage systems

Reason: To ensure that adjacent residential and non-residential uses are complimentary to one another, in accordance with DC55 of the London Borough of Havering Local Development Framework 2008.

19. Prior to the commencement of the development hereby permitted, full particulars of a Demolition and Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- a. Public safety, amenity and site security
- b. Building, engineering and other operation carried out only between the hours of 0800 and 1800 Monday to Friday, 0800 to 1300 Saturdays and shall not be carried out at any time on Sundays or Public Holidays
- c. Any piling operations only between the hours of 1000 to 1600 Monday to Friday and 1000 to 1300 Saturdays and at no time at all on Sundays and public holidays
- d. Noise and vibration controls
- e. An air quality and dust management plan
- f. Surface/foul water drainage plans and associated control measures
- g. Recycling plan for waste and material reuse
- h. Details of wheel washing facilities to prevent the carriage of mud and material onto the public highway
- i. A construction traffic management plan, including details of on-site construction parking and delivery arrangements.

The construction of the development shall thereafter be implemented in accordance with the approved Management Plan.

Reason: In the interests of the local residential amenity

20. During construction, there shall be no storage of materials within 8 metres of the watercourse adjacent to the site. This area must be suitably marked and protected and there shall be no access during development. There shall also be no fires, dumping or use of machinery within this area designated area.

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Reason: To reduce the impact of the development on wildlife habitats upstream and downstream, including bankside habitats.

21. The installation of photovoltaic cells specified in the application documents and as shown on the approved drawings shall be implemented prior to the first occupation of the development.

Reason: To ensure the provision of renewable energy systems on site, in accordance with policy DC50 of the London Borough of Havering Local Development Framework and policies 4A.1, 4A.2, 4A.4 and 4A.6 of the London Plan 2008.

22. A district heating network supplying every apartment in the development shall be installed in phases sized to the space heating and hot water requirements of each phase and shall be made operational in phases prior to the occupation of the first apartment in each respective phase. This shall thereafter serve all completed apartments within the development. No more than 549 apartments may be occupied prior to either the provision on site of a 200 Kw CHP plant linked to the site's district heating network or the connection of the site to an alternative off-site district heating network incorporating an equivalent CHP plant.

Reason: In the interests of the sustainable supply of heating requirements, in accordance with policies 4A.1, 4A.2, 4A.5 and 4A.6 of the London Plan 2008.

23. Prior to the commencement of construction of Buildings A and F, a scheme of pipeline risk mitigation measures for the Mardyke – Fords Dagenham Pipeline shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Health and Safety Authority, in order to reassess the PADHI Consultation Distances overlapping the site. The details of the approved scheme of mitigation shall be implemented in full thereafter.

Reason: To ensure future occupiers of Buildings A and F are not exposed to an unreasonable level of risk.

<b>CASE OFFICER:</b>	Stephen Allen
<b>Appendix 1:</b>	Site Location Plan
<b>Appendix 2:</b>	Proposed Site Layout
<b>Appendix 3:</b>	Proposed Elevations
<b>Appendix 4:</b>	Site Sections
<b>Appendix 5:</b>	Tenure Distribution
<b>Appendix 6:</b>	Car Parking Allocation
<b>Appendix 7:</b>	Proposed Junction Works to New Road
<b>Appendix 8:</b>	Internal Tracking Diagrams
<b>Appendix 9:</b>	Site Access Points
<b>Appendix 10:</b>	Eastern Gateway