

THIS AGREEMENT is made the 5th day of October
Two Thousand and Twelve

BETWEEN

1. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAVERING** of Town Hall Main Road Romford ("the Council") of the first part
2. **ROGER HARRY NORRINGTON** of Sackvilles Solicitors 12 Broadway Rainham Essex RM13 9YL **BERNARD BELL** of 28 Wakering Road Sheoburyness Southend on Sea Essex SS3 9SY **AND GEOFFREY RAE** of 161 Scrub Lane Hadleigh Benfleet Essex SS7 2JG (as Personal Representatives of Douglas William Clarke) ("the Owner") of the second part
3. **LAKEHOUSE CONTRACTS LIMITED** (Company Number 2603357) whose registered office is at 1 King George Close Romford Essex RM7 7LS ("the Developer") of the third part
4. **ESTUARY HOUSING ASSOCIATION LIMITED** of Maitland House 8th/9th Floors Warrior Square Southend on Sea Essex SS1 2JY ("the Housing Association") of the fourth part

WHEREAS:-

- A. The Council is the local planning authority for the area in which the Land hereinafter described in Schedule One is situate and by whom the obligation is enforceable
- B. The Council is registered at HM Land Registry as proprietor with Absolute Title under title number NGL156134 which forms part of the property described in Schedule One hereto ("the Land")
- C. The Owner is registered at HM Land Registry as proprietor with Absolute Title under title number EGL545881 which forms the remainder of the Land

- D. The Developer has entered into a contract dated 25 May 2012 with the Council and the Owner to purchase the Land conditional upon the grant of planning permission
- E. The Housing Association has entered into a contract dated 25 May 2012 with the Developer to purchase the Land conditional upon the grant of planning permission
- F. The Housing Association has by a written application dated the 11th day of June 2012 applied to the Council under reference P0745.12 for planning permission under the Town and Country Planning Act 1990 (hereinafter called "the 1990 Act") for the carrying out of development on the Land comprising provision of 28 residential units new access road associated car parking and landscaping ("the Proposed Development")
- G. The Council considers that planning permission for the Proposed Development could be granted subject to certain conditions and for this purpose the parties have agreed to enter into the Agreement in the manner following:- **NOW THIS DEED WITNESSETH** as follows:-
1. In this Agreement the following words and expressions shall where the context so requires or admits have the following meanings:

"Accrued Interest"	Interest accruing on a daily basis on the balance of the Infrastructure Contribution at base rate for the time being of the Bank of England
"Affordable Housing Units"	A minimum of fourteen dwelling units to include 6 for shared ownership (2, bed units) and 8 for rent (2, 3 & 4 bed units) to be managed by a Registered Social Landlord in the Proposed Development with the Council to

	receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed in the East London Housing Partnership (or its successor) (all such nomination rights to be governed by the nomination agreement
"Agreement"	Means this deed of Agreement
"BCIS Index"	Means Indexation by reference to the Building Cost Information Service All-In Tender Price Index or any successor to that Index in accordance with the Indexation Formula
"Commencement of the Proposed Development"	The carrying out of a material operation as defined in Section 56(4) of the Town and Country Planning Act 1990 pursuant to the Planning Permission save that the following works shall not comprise Commencement of the Proposed Development: demolition archaeological investigation site investigation remediation site clearance works and the erection of fencing
"Contribution Payment Form"	A form annexed at Schedule Two which must be completed and sent to the Council when any contributions are paid
"Homes and Communities	Means the organisation

Agency"	empowered to regulate Registered Social Landlords under the Housing and Regeneration Act 2008 or any successor body having functions currently exercised by the Homes and Communities Agency
"Indexation Formula"	<p>means the following formula in accordance with which the payments required under this agreement shall be adjusted upwards only:</p> $\frac{A \times B}{C} = D$ <p>A is the payment pursuant to the relevant clause;</p> <p>B is the figure shown in the BCIS Index for the period immediately prior to the date of payment;</p> <p>C is the figure shown in the BCIS Index for the period immediately prior to the date of this Agreement ;</p> <p>D is the recalculated sum for payment</p>
"Infrastructure Contribution"	The sum of £168,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document such sum to

	be indexed using the BCIS Index
"Landscape Management and Maintenance Plan"	A plan that identifies landscaping and timeframes for ongoing maintenance and an aftercare scheme in respect of the Land
"Nomination Agreements"	Two agreements between the Council and a Registered Social Landlord one for shared ownership and one for rent outlining the Council's nomination rights in respect of the Proposed Development to be amended to comply with the provisions of the Agreement together with any further amendments agreed between the Council and the Registered Social Landlord both acting reasonably
"Occupation"	Occupation of any Dwelling Unit for the purposes permitted by the permission but excluding occupation by personnel engaged in construction fitting out or decoration or occupation for marketing or display or occupation and "Occupied" and "Occupier" shall be construed accordingly
"Open Market Units"	Those Dwelling Units to be built pursuant to the Planning Permission other than the Affordable Housing Units
"Planning Permission"	Means the full permission granted

	by the Council under reference P0745.12 a substantial draft of which is annexed at Schedule Four
"Plan"	Means the plan annexed hereto
"Registered Social Landlord"	Means a social landlord or registered as such by the Homes and Communities Agency under section 2 of the Housing Act 1996 or a non profit registered provider of social housing pursuant to the Housing and Regeneration Act 2008 and which shall first be approved by the Council
"S106 Notice Form"	A form annexed at Schedule Three which must be completed and sent to the Council 14 days before Commencement of the Proposed Development
"Working Days"	Means any day on which clearing banks are open for business in the City of London (but not a Saturday or Sunday)

- 1.1 Where in this Agreement reference is made to a clause paragraph schedule plan or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph schedule plan or recital to or in the case of a plan attached to this Agreement
- 1.2 Reference in this Agreement to Owner shall include reference to successors in title

- 1.3 Reference in this Agreement to Council shall include its successors (in so far as relevant) as local planning authority
- 1.4 Reference in this Agreement to singular shall include plural and vice versa
- 1.5 Reference in this Agreement to male shall include the female and vice versa
2. **THIS** Agreement is a planning obligation made in pursuance of Section 106 of the Town and Country Planning Act 1990 as substituted by Section 12(1) of the Planning and Compensation Act 1991 and of all the other powers statutory or otherwise enabling the parties hereto in that behalf and this Agreement is made with the intent so as to bind (so far as may be) the said Land and each and every part thereof into whosoever hands the same may come
3. The Developer and the Council **AGREE** that following completion of the purchase of the freehold interest in the Land the Developer will enter into a further deed pursuant to S106 of the Act if the Council so requires to confirm that the planning obligations herein contained shall be binding on persons deriving title from the freehold interest vested in the Developer
4. **THE** Developer the Owner and the Housing Association hereby jointly and severally covenant with the Council subject to the Developer the Owner or the Housing Association either acquiring the freehold of the Land or Commencing the Proposed Development whichever is the earlier and the Council agrees that these obligations shall bind the legal estate of the Land as if owner of the legal estate at the date of this Agreement (but not so to impose any obligation on the Council) as follows:-

- (a) not to carry out the Proposed Development except in strict accordance with the Planning Permission and all conditions attached thereto and with this Agreement
- (b) To notify the Council in writing using the S106 Notice Form 14 days before:-
 - i) Commencement of the Proposed Development AND
 - ii) Occupation of the first Dwelling Unit on the Proposed Development
- (c) not to permit the Occupation of more than 50% of the Open Market Units pursuant to the Planning Permission until:
 - (i) the Affordable Housing Units shall have been transferred to a Registered Social Landlord AND
 - (ii) the Affordable Housing Units have been completed and are available for shared ownership or rent by the Registered Social Landlord in accordance with the Nomination Agreements
- (d) Prior to Commencement of the Proposed Development pay to the Council the Infrastructure Contribution such payment to be made using the Contribution Payment Form and **FOR THE AVOIDANCE OF DOUBT** any interest accruing on the Infrastructure Contribution shall be utilised by the Council towards the purpose for which the said Contribution was paid
- (e) Prior to Commencement of the Proposed Development submit to the Council for written approval the Landscape Management and Maintenance Plan the terms of such plan to be fully complied with at all times
- (f) to pay the sum of £1000 on completion of this Agreement towards the Councils costs in preparing this Agreement

- (g) to pay the sum of £1620 on completion of this Agreement towards the Councils costs of monitoring the obligations contained in this Agreement
5. **THIS** Agreement is a local land charge and shall be registered as such by the Council and shall also be registered as a notice on the title of the Land at the Land Registry
6. **IN** the event of any sum required to be paid under this Agreement remaining unspent for the purposes referred to in the Agreement for a period of 7 years from the date of payment thereof the said sum together with any Accrued Interest shall to that extent be repayable on demand provided that if the Council has entered into a contract prior to the expiry of the 7 year period in respect of matters which relate to the said sum the period shall be extended until the completion of the contract or payment of the final account under the contract whichever is the later
7. **THE** provisions of this Deed shall be enforceable by the Council against the Owner the Developer and the Housing Association but the Owner the Developer and the Housing Association save for any antecedent breach shall not be liable to the Council for any breach of the provisions committed after it has parted with all interest in the Land
8. **THE** Parties agree that unless expressly stated to the contrary nothing in this Agreement shall create any rights in favour of a person pursuant to the Contracts (Rights of Third Parties) Act 1999
9. It is hereby agreed by the Council and The Housing Association that the terms of this Agreement shall:
- (a) Not bind any mortgagee of The Housing Association or any receiver appointed pursuant to the Law of Property Act 1925 or otherwise by a party who has provided loan facilities to The Housing Association.
- (b) Cease to apply to any part or parts of the Land which are transferred or leased by any mortgagee referred to in 9 (a) above or

any receiver appointed pursuant to the Law of Property Act 1925 or otherwise by a party who has provided loan facilities to The Housing Association.

(c) Cease to apply to any completed residential units where The Housing Association shall be required to dispose of the same pursuant to a right to buy under Part V of the Housing Act 1985 as amended by the Housing (Preservation of Right to Buy) Regulations 1993 or pursuant to a right to acquire under Section 16 of the Housing Act 1996 or any similar or substitute right applicable.

(d) Cease to apply to any completed residential units where The Housing Association sells to a tenant pursuant to a voluntary grant scheme under Section 21 of the Housing Act 1996 or any amendment or replacement thereof.

(e) Not bind any mortgagee of any shared ownership unit leaseholder or any purchaser, tenant or occupier of any mortgagee of any shared ownership unit leaseholder nor any receiver appointed by such mortgagee or any person deriving title through such mortgagee.

(f) Cease to apply to any completed residential units referred to above in respect of which a shared ownership lease has been granted and where The Housing Association or its mortgagee shall have disposed of 100% of the equity in such units under the terms of such lease.

10. This Agreement shall only come into effect upon the grant of the Planning Permission
11. If the Planning Permission is revoked by any statutory procedure without the consent of the Developer or the Housing Association or their successors in title to the Land then this Agreement shall henceforth cease to have effect

SCHEDULE ONE

All that piece or parcel of land known as Corner of Lambs Lane North and
New Road Rainham Essex shown edged red on the Plan

28/09/93



John Dwyer
John Dwyer

AUTHORIZED OFFICER



*Revised
Landscape
Plan*

[Handwritten signature]



John Dwyer
John Dwyer

jpp consulting Civil & Structural Engineers 100/102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000	Client: Lakehouse		
	Project: Proposed Development Near Road Reduction		
Title: Proposed Hobbed Floor Levels			
Scale: As Shown	Drawn by: [blank]	Checked by: [blank]	Date: [blank]
Drawn: PRELIMINARY	Project no: Q5870/WW	Drawn no: SH02	Scale: [blank]

SCHEDULE TWO

To: - **The S106 Monitoring Officer**

Date :-

**Planning Services
London Borough of Havering
Mercury House
Mercury Gardens
Romford
Essex
RM1**

**Name of Development Corner of Lambs Lane North and New Road
Rainham**

Planning Reference ...P0745.12

Developer/Owner Name

Address

.....

Contribution being paid

Infrastructure Contribution £..... (Including Indexation)

Total sum enclosed by cheque £.....

OR

**Total sum being sent by BACS Transfer on (Date) to account:-
Bank National Westminster Bank PLC, Romford Town Centre Branch, 10
South Street, Romford RM1 1RD
Sort Code:- 60-18-01
Account Number:- 14871734
Account Name:- London Borough of Havering General Account**

**NB. Where payments are being made by BACS transfer this proforma
must still be completed and returned to the S106 Monitoring Officer.**

SCHEDULE THREE

S106 Notice Form

**To: - The S106 Monitoring Officer
Planning Services
London Borough of Havering
Mercury House
Mercury Gardens
Romford
Essex
RM1**

Date :-

Dear Sirs,

Name of Development Corner of Lambs Lane North and New Road...

Planning Reference ...P0745.12.....

Developer/Owner Name

**In accordance with the terms of the S106 agreement dated.....
we hereby give formal notification to you that :-**

***a) Commencement of the Proposed Development will take place
on.....**

***b) Occupation of the first Dwelling Unit on the Proposed Development
will take place on.....**

Yours faithfully,

*** delete where applicable**

SCHEDULE FOUR

(Draft Planning Permission)

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Andrew Bacon
Fraser Brown Mackenna Architects
15-18 Featherstone Street
London
EC1Y 8SL

Rose-Marie St Mart
Estuary Housing Association
8th Floor Maitland House
Warrier Square
Southend-on-Sea
SS1 2JY

APPLICATION NO: P0745.12

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Redevelopment to provide 28 residential units, new access road, associated car parking and landscaping.

Revised Plans Received 13/8 & 31.08.2012

Location: Corner of Lambs Lane North and New Road
Rainham

The above decision is based on the details in drawing(s):

596-(P) 001 Site Location Plan

596-(P) 002 Site Survey

596-(P) 003A Site Layout and Roof Plan

596-(P) 004 Overall Ground Floor

596-(P) 005 First Floor

596-(P) 006 Second Floor

596-(P) 007 Landscape Plan

596-(P) 009 030 House types 1-9, plans and elevations

596-(P) 031 Elevations

596-(P) 032 Street Scenes and Internal Elevations

Bir.4009-02 TPO Tree Protection Proposals and Method Statement

Bir.4009-03A Landscaping proposals

subject to compliance with the following condition(s):

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

Reason:-

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents:

596-(P) 001 Site Location Plan
596-(P) 002 Site Survey

596-(P) 003A Site Layout and Roof Plan
596-(P) 004 Overall Ground Floor
596-(P) 005 First Floor
596-(P) 006 Second Floor
596-(P) 007 Landscape Plan

596-(P) 009 030 House types 1-9, plans and elevations

596-(P) 031 Elevations
596-(P) 032 Street Scenes and Internal Elevations

Bir.4009-03A Landscaping proposals
Bir.4009-02 TPO Tree Protection Proposals and Method Statement

Reason:-

To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC81.

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

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

- 4 Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

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

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

Reason:-

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

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

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 8 Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

- 9 No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

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10 Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- j) routes to be taken by lorries to and from the site making deliveries/removing plant or materials associated with the construction of the development"

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

Reason:-

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

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Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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 III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

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

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

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

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

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

Reason:-

To ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

- 12 Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- 13 External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A,B,C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

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

Reason: The development of this site may damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design to accord with English Heritage guidelines and to accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

- 16 No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes Level 3 rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

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

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

- 18 Before any development is commenced, a scheme for protecting the proposed dwellings from noise from adjacent commercial and industrial activities shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the dwellings are occupied.

Reason: To prevent noise nuisance to adjoining properties in accordance with the National Planning Policy Framework and the recommendations of Planning Policy Guidance Note 24 Planning and Noise

- 19 Prior to the commencement of work on the development hereby approved, an assessment shall be undertaken of the impact of road noise emanating from New Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, Calculation of Road Traffic Noise, 1988. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation of any dwelling.

Reason: To protect future residents against the impact of road noise in accordance with the National Planning Policy Framework and the recommendations of Planning Policy Guidance Note 24, Planning and Noise.

- 20** The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.
- Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.
- 21** The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.
- Reason: To ensure the interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.
- 22** The development shall be carried out entirely in accordance with the hard and soft landscaping proposals shown on drawings no. Bir.4009-03A hereby approved. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.
- 23** Works on site shall be carried out in accordance with the TPO Tree Protection Proposals and Method Statement shown on drawing number Bir.4009-02 hereby approved, unless otherwise submitted to and approved in writing by the Local Planning Authority.
- Reason: To protect the trees on the site subject to a Tree Preservation Order.
- 24** The development shall be carried out in accordance with the details of boundary treatment shown on drawing number 596 (P)007 hereby approved unless alternative drawings are otherwise submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.
- Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

- 25 Details, including design, colour and finish of the metal railings shown on drawing number 596 (P)007 hereby approved shall be submitted and approved in writing by the Local Planning Authority prior to being erected on site. The metal railings shall be erected on site before the dwellings are first occupied in accordance with the approved details and retained permanently thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

- 26 The development shall be carried out in accordance with the recommendations set out in Section 5 of the Extended Phase 1 Habitat Survey dated April 2012 and received on 12 June 2012 and the developer shall provide evidence of this through the submission of a programme of work to accord with these recommendations, which shall be previously submitted to and approved in writing by the Local Planning Authority.

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

- 27 The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the residential occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

- 28 The development hereby approved shall be carried out in accordance with the submitted Site Waste Management Plan received on 6 July 2012 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable development practices

- 29 The changes to the access junction on the New Road shall be subject to the 4-stage full road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads & Bridges and recommendations reasonably dealt with. A Stage 1/2 RSA shall take place prior to any construction and details submitted for agreement in consultation with the Highway Authority.

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

Dated:



Patrick Keyes
Head of Development and Building Control
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf



**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary, it is not the practice to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.

IN WITNESS WHEREOF the Council the Owner the Developer and the Housing Association have hereunto affixed their respective Common Seals in the presence of the persons mentioned the day and year first before written

28/01/23



THE COMMON SEAL of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF HAVERING was hereunto affixed)
in the presence of:-)

Hynden Thomas
John Sims

Authorised Person

Authorised Person

SIGNED AS A DEED by the said ROGER HARRY)
NORRINGTON as the personal representative)
of DOUGLAS WILLIAM CLARKE DECEASED)
in the presence of:-)

Ron Norrington

W. J. Lawrence
151. ANTHONY'S CRESC.,
FULWOOD
PRESTON
LANCS,
LAWYER (RETIRED)

SIGNED AS A DEED by the said **BERNARD BELL** as the personal representative of **DOUGLAS WILLIAM CLARKE DECEASED**

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B Bell

In the presence of:-

[Signature]
1 ST. ANTHONY'S CREES.
FULWOOD PRESTON
LANES. LAWYER (RETIRED)

SIGNED AS A DEED by the said **GEOFFREY RAE** as the personal representative of **DOUGLAS WILLIAM CLARKE DECEASED**

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Geoffrey Rae

In the presence:-

[Signature]
1 ST. ANTHONY'S CREES.
FULWOOD, PRESTON
LANES.
LAWYER (RETIRED)

EXECUTED as a DEED by **LAKEHOUSE CONTRACTS LIMITED** acting by a Director:-

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[Signature]
.....
Director

In the presence of
[Signature]
1 King George Close.
Rouford, Essex RM7 7LS.

**THE COMMON SEAL of ESTUARY
HOUSING ASSOCIATION LIMITED**
was hereunto affixed in the presence of:-



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JJ Upda
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