



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
22 October 2015**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace (Vice-Chair)
Ray Best
Philippa Crowder
Steven Kelly

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering
Residents'(2)**

Alex Donald
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the minutes of the meetings of the Committee held on 17 September and 1 October 2015 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 7 - 34)

- 6 **P1117.15 - TOWERS INFANTS SCHOOL** (Pages 35 - 44)

- 7 **P1131.15 - LAMBS LANE NORTH/NEW ROAD, RAINHAM** (Pages 45 - 80)

- 8 **P0954.11 - FORMER EDWIN LAMBERT SCHOOL, MALVERN ROAD, ROMFORD**
(Pages 81 - 118)

- 9 **P0886.15 - ANGEL WAY RETAIL PARK, ROMFORD** (Pages 119 - 136)

- 10 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
17 September 2015 (7.30 - 8.00 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Melvin Wallace (Vice-Chair),
Ray Best, Philippa Crowder and +Damian White

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Alex Donald and Linda Hawthorn

UKIP Group +John Glanville

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Steven Kelly and Phil Martin .

+Substitute members: Councillor Damian White (for Steven Kelly) and Councillor John Glanville (for Phil Martin).

1 member of the public was present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

334 **MINUTES**

The minutes of the meetings held on 20 August and 3 September 2015 were agreed as correct records and signed by the Chairman.

- 335 **P0986.15 - SUTTONS JUNIOR AND MIXED INFANTS SCHOOL, SUTTONS LANE, HORNCHURCH - REDEVELOPMENT OF EXISTING SUTTON PRIMARY SCHOOL TO ALLOW CONSTRUCTION OF NEW SCHOOL BUILDINGS (USE CLASS D1) OF APPROXIMATELY 2,197SQM GIA, WITH ASSOCIATED FACILITIES AND WORKS INCLUDING VEHICULAR AND PEDESTRIAN ACCESS AND LANDSCAPING, AND THE PHASED DEMOLITION OF EXISTING SCHOOL BUILDINGS AT THE SITE.**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following two revisions to the conditions:

- Condition 6 (Community Use) – insert "not" between "shall" and "be occupied".
- Condition 15 (Hours of Outdoor Use). Alter 9am to 8am (two references).

- 336 **P0994.15 - 93 SHEPHERDS HILL - ERECTION OF TWO-STOREY REAR EXTENSION AND NEW BAY WINDOWS TO FRONT**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 337 **P1116.15 - UNITS 4A AND 4B MARKET PLACE, ROMFORD - CHANGE OF USE OF UNITS 4A AND 4B (FIRST FLOOR LEVEL) FROM USE CLASS D1/B1 TO RESIDENTIAL UNITS (CLASS C3), INSERTION OF MEZZANINE FLOORS AND EXTERNAL ALTERATIONS AT FIRST FLOOR LEVEL AND GROUND FLOOR ENTRANCE. AMENDMENTS TO PLANS APPROVED UNDER P0370.14 CONDITION 2**

The Committee considered the report, noting that the proposed application qualified for an amended Mayoral CIL contribution of £16,740 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £48,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to the completion of the obligation irrespective of whether it was completed.
- Payment of the appropriate planning obligations monitoring fee.
- That the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above contribution and upon completion of that obligation, grant planning permission subject to the conditions as set out in the report.

338 P1136.12 - 1A HILLVIEW AVENUE, HORNCHURCH

The report before Members detailed an outline planning application requesting assessment of access, layout and scale and proposed the demolition of the existing workshop and garages on site and the erection of a replacement two bedroom bungalow.

The application was originally reported to the Committee on 3 October 2013, where it was resolved to grant permission subject to the completion of a legal agreement.

The application was re-reported to the Committee in January 2014 and sought authority to alter the obligation wording to state that the applicant would enter into a legal agreement together with the adjoining land owners to ensure clear unobstructed visibility splays were retained in perpetuity. The original wording of the obligation from the October 2013 resolution required the applicant to purchase land to provide the visibility splays.

The application had been awaiting the completion of the legal agreement since the resolution to grant planning permission in January 2014. The applicant had failed to secure the agreement of the adjoining land owners for the visibility splays included in the revised obligation and therefore sought to gain planning permission for the development without such an obligation attached. To support this new approach, a new Transport Statement produced by Rocke Associates had been submitted for assessment.

During a brief debate Members discussed the adjoining properties and the possibility of the occupiers erecting walls/fences to the boundaries of their properties which would further obstruct the view of motorists exiting the application site.

Members also discussed possible enhancements to the proposal before them that would assist motorists entering/exiting the application site which would also afford safety to pedestrians using the area.

The report recommended that planning permission be refused, however following a motion to delegate the granting of planning permission to the Head of Regulatory Services it was **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to prior completion of a legal agreement to secure an education infrastructure payment and also subject to conditions requiring the following safety related measures within the new access way designed to optimise visibility for drivers/passing Hillview Avenue pedestrians:

- Mirror(s).
- Speed hump(s) to reduce vehicle speed when exiting the access into Hillview Avenue.
- Low level lighting to be permanently operated during hours of darkness.

Chairman

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
1 October 2015 (7.30 - 7.40 pm)**

Present:

COUNCILLORS: 10

Conservative Group Robby Misir (in the Chair) Melvin Wallace (Vice-Chair), Ray Best and +John Crowder

Residents' Group Stephanie Nunn and +Jody Ganly

East Havering Residents' Group Linda Hawthorn and +Linda Van den Hende

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder, Alex Donald and Reg Whitney.

+Substitute members: Councillor John Crowder (for Philippa Crowder), Councillor Linda van den Hende (for Alex Donald) and Councillor Jody Ganly (for Reg Whitney).

4 members of the public were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

339 **P0984.15 - HACTON PRIMARY SCHOOL, CENTRAL DRIVE, HORNCHURCH - REDEVELOPMENT OF EXISTING HACTON PRIMARY SCHOOL TO ALLOW CONSTRUCTION OF NEW SCHOOL BUILDINGS (USE CLASS D1) OF APPROXIMATELY 3,324SQM GIA, WITH ASSOCIATED FACILITIES AND WORKS INCLUDING VEHICULAR AND PEDESTRIAN ACCESS AND LANDSCAPING, AND THE PHASED DEMOLITION OF EXISTING SCHOOL BUILDINGS AT THE SITE**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

340 **P0760.15 - 268-272 NORTH STREET, ROMFORD**

The report before Members detailed a proposal to add an additional storey to the existing two-storey building and create five 2-bedroom and three 1-bedroom apartments with the retail unit being kept on the ground floor.

During a brief debate Members discussed the density of housing the proposal would provide, amenity space offered and how the proposed building would sit within the existing streetscene.

The report recommended that planning permission be granted, however following a motion to defer consideration of the report it was **RESOLVED** that consideration of the application be deferred to allow officers to negotiate with the applicant a possible reduction to seven flats to improve the density and compliance with planning guidance, space standards and amenity. The building height and mass was thought to be acceptable but the internal configuration needed to be reconsidered.

Chairman

Regulatory Services Committee

22 October 2015

Application No.	Ward	Address
P0515.15	St Andrews	10 The Avenue, Hornchurch
P0517.15	St Andrews	10A The Avenue, Hornchurch
P0937.15	Upminster	1 Druces Cottages, Hacton Lane, Hornchurch
P1139.15	Cranham	12 Willow Parade, Moor Lane, Cranham
P1317.15	Cranham	127 Avon Road, Upminster

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 22nd October 2015

APPLICATION NO.	P0515.15	
WARD:	St Andrew's	Date Received: 10th April 2015 Expiry Date: 31st August 2015
ADDRESS:	10 The Avenue Hornchurch	
PROPOSAL:	Two storey front extension with dormer windows	
DRAWING NO(S):	TA/001/2015 Day Light & Shadowing Document (including addendums) Daylight and Sunlight Study (including addendums)	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

CALL-IN

The application has been called in by Councillor Mylod noting the impacts on neighbourliness from the development.

SITE DESCRIPTION

The subject site is semi-detached dwelling located on the northern side of The Avenue. The building is set back approximately 14m from the highway. The site is flat with an extensive area of driveway between the dwelling and the highway.

The surrounding environment is an established residential neighbourhood. While a number of Victorian-style dwellings are located within the immediate vicinity the surrounding environment contains buildings with a mix of building styles with varying setbacks from the road.

DESCRIPTION OF PROPOSAL

The proposal is for a two storey front extension to the dwelling. The proposals comprise the following elements:

- internal alterations to the layout on the ground floor
- extension of bedrooms 2 and 3 on the first floor
- extending the front wall forward by 1.1m at ground floor level and 2.4m at first floor level
- internal alterations in the loft
- the extension of the roof southward resulting in a crown roof design
- the construction of 2No. dormer windows on the front of the roof
- various alterations to the building frontage including the construction of a porch, 1.6m deep beyond the extended front elevation.

It should be noted that a similar proposal has been submitted in respect of the other half of this semi-detached pair (No. 10A). This is subject of a separate planning application, P0517.15, reported elsewhere on this agenda.

RELEVANT HISTORY

N/A

CONSULTATIONS / REPRESENTATIONS

A total of nine parties were notified as part of consultation. One objection was received by the Council. The objection raised the following matters:

- adverse effects on the streetscene
- the proposal is not considered to preserve or enhance the character or appearance of the distinctive local area
- the proposal is not in keeping with the character of the surrounding built development
- loss of sunlight, daylight, warmth and privacy
- the introduction of a brick flank wall in close proximity to a window
- increased overshadowing effects
- increased interlocking effects from new windows
- adverse dominance effects as a result of the front extension
- increased vehicle movements
- impact of building works, including safety issues

Comments relating to the impact of building works and safety procedures are not material planning considerations. Other issues are addressed in the report below.

One letter of support was received on the grounds that it will modernise the property, there is sufficient parking, the mansard roof is in keeping with the locality and will not block light to the individuals property.

RELEVANT POLICIES

LDF

- CP17 - Design
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture

MAYORAL CIL IMPLICATIONS

The proposal increases the Gross Internal Area of the building by less than 100sqm. The proposal is not liable for Mayoral CIL.

STAFF COMMENTS

In the assessment of the planning application Council staff considered the following matters:

- the impact of the building on the surrounding area and the streetscape
- the impact of the building on adjoining properties

Staff have also had regard to the concurrent planning application which has been submitted to the Council (ref: P0517.15) for the same extensions to No. 10A The Avenue (the adjoining semi-detached dwelling).

DESIGN / IMPACT ON STREET / GARDEN SCENE

As viewed from the street the building will appear closer to the road due to the front extension. The building will still be set back 13m from the highway. This pair of dwellings are of a different style to that of surrounding built development and have a greater setback than the other buildings on the street. Given the degree of set back, the building is less readily visible from the street than would otherwise be the case and does not follow the established building frontage. Notwithstanding this any street views into the site of the building would be framed by the buildings flanking either side.

As the current design of the building differs from the character of other dwellings in the street the proposed design is judged not to be incongruous with the other buildings on the street. It is acknowledged that the proposal introduces a substantial crown roof to the dwellings. However, as a matter of judgement, Staff consider that there will be limited views of the flat roof from the street given the relative height of the roof and the screening provided by the buildings on the flank. The crown roof will not be visible as viewed from the street or car park given the recessed siting of the dwelling. While the crown roof is not a common feature in the streetscene, there is a variety of building designs and roof styles in the locality and it is judged that there will not be any adverse effects on the character of the area the roof itself will not be visible from the street or surrounding area.

The rear boundary of the site adjoins a car park. As the proposal does not include external alterations to the rear elevations there will not be any materially different effects on the car park and the wider streetscene to the rear of the site.

IMPACT ON AMENITY

The proposed extension is judged to have no material impact on the other half of this pair (No. 10A) as this is subject of a separate, identical application for front extensions. The extension is sufficiently far removed from No. 12 The Avenue not to adversely impact on this property.

The most affected dwelling is No. 8 The Avenue, as the proposed front extension will bring the building further forward along the flank wall of this neighbouring dwelling. Staff have considered the impact of the proposed extensions on the amenity of this property, which has ground and first floor flank windows and presently sits forward of the application site.

The extension will bring the building closer to a ground floor flank window, which serves a dining room. There is also a smaller ground floor window which, based on internal inspection of the neighbouring property, appears to serve a passage that leads to the dining room. A sunlight/daylight assessment has been submitted with the application. This concludes that while there will be some loss of sunlight to these windows, this will be negligible (1% loss). It is noted in those assessments that there will not be any sunlight/daylight loss during winter sunlight hours. As such it is considered that the proposed development will not cause undue loss of sunlight/daylight to this habitable room window.

Staff are satisfied with the submitted assessment and consider that the proposal would not result in an undue loss of sunlight or daylight to the affected habitable room.

Staff have considered whether the proposed extension would have an overbearing impact on the neighbouring property, given that it will be visible from the flank dining room window. It should be noted that the extension does not extend across the full length of the window and will only extend across part of the outlook from this window. While it is acknowledged that there will be some effects relating to the increased bulk of the window this is considered to be minor as it will only impact on part of the window and is not considered to be of a scale which would cause undue loss of sunlight/daylight to this window. It is also noted that this habitable room also has a flank window on the opposite wall. As such it is considered that the effects of the proposed development on this habitable window will be within acceptable realms. It is acknowledged however that this is a matter for judgement for Members.

A flank window is also located on the first floor of this adjoining property. This window serves a hallway, which is not considered to be a habitable room. The sunlight loss to this window will be 2% however as this is not considered to be an undue loss of sunlight given that this window is not a habitable window. Staff have also considered whether the extension would be unacceptably intrusive in relation to this window or result in undue loss of privacy. On the one hand, the proposed first floor front elevation windows of the application property will be located closer to this flank window than is presently the case. However, the effect of this will, in Staff's opinion, create a more oblique view of this flank window from the new windows than is presently the case. As such, it is not judged that the impact of the extension would be materially more harmful to neighbouring amenity than the present situation but it is acknowledged that this is a matter of judgement for Members.

HIGHWAY / PARKING

The development will retain scope for parking in the front garden and no material highway issues are considered to result.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be appropriately designed and not to adversely impact the character of the streetscene. Staff have considered the relationship of the extension to neighbouring properties and sunlight and daylight implications and consider, as a matter of judgement, that no material harm to neighbouring residential amenity will result. It is therefore recommended that planning permission is granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC4 (Time limit) 3yrs

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. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

3. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved 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.

4. Materials (details no samples)

Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the 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:-

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

5. SC45A (Removal of permitted development rights) EDIT DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including porches and additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

6. SC22 (Hours of working) ENTER DETAILS

No work shall be carried out on the site between the hours of 07:00am and 07:00pm Mondays to Fridays, between the hours of 08:00am and 06:00pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant on 3 June 2015, 17 June 2015, 2 July 2015, 10 July 2015, 21 July 2015, 4 August 2015, 9 September 2015. The revisions involved changes to the design of the roof as well as the front windows (including the dormer windows). The amendments were subsequently submitted on 29 July 2015 and 29 September 2015.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 22nd October 2015

APPLICATION NO.	P0517.15	
WARD:	St Andrew's	Date Received: 10th April 2015 Expiry Date: 31st August 2015
ADDRESS:	10A The Avenue Hornchurch Essex	
PROPOSAL:	Two storey front extension with dormer windows	
DRAWING NO(S):	TA/001/2015 Day Light & Shadowing Document (including addendums) Daylight and Sunlight Study (including addendums)	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

CALL-IN

The application has been called in by Councillor Mylod noting the impacts on neighbourliness from the development.

SITE DESCRIPTION

The subject site is semi-detached dwelling located on the northern side of The Avenue. The building is set back approximately 14m from the highway. The site is flat with an extensive area of driveway between the dwelling and the highway.

The surrounding environment is an established residential neighbourhood. While a number of Victorian-style dwellings are located within the immediate vicinity the surrounding environment contains buildings with a mix of building styles with varying setbacks from the road.

It should be noted that a similar proposal has been submitted in respect of the other half of this semi-detached pair (no.10). this is subject of a separate planning application, P0515.15, reported elsewhere on this agenda.

DESCRIPTION OF PROPOSAL

The proposal is for a two storey front extension to the dwelling. The proposals comprise the following elements:

- internal alterations to the layout on the ground floor
- extension of bedrooms 2 and 3 on the first floor
- extending the front wall forward by 1.1m and 2.4m at first floor level
- internal alterations in the loft
- the extension of the roof southward resulting in a crown roof design
- the construction of 2No. dormer windows on the front of the roof
- various alterations to the building frontage including the construction of a porch, 1.6m deep beyond the extended front elevation.

RELEVANT HISTORY

N/A

CONSULTATIONS / REPRESENTATIONS

A total of nine parties were notified as part of consultation. No objections were received by Council. Two letters of support (from the same person) were received on the basis this will improve the local area.

RELEVANT POLICIES

LDF

- CP17 - Design
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture

MAYORAL CIL IMPLICATIONS

The proposal increases the Gross Internal Area of the building by less than 100sqm. The proposal is not liable for Mayoral CIL.

STAFF COMMENTS

In the assessment of the planning application Council staff considered the following matters:

- the impact of the building on the surrounding area and the streetscape
- the impact of the building on adjoining properties

Staff have also had regard to the concurrent planning application which has been submitted to the Council ref: P0515.15) for the same extensions to No. 10 The Avenue (the adjoining semi-detached dwelling).

DESIGN / IMPACT ON STREET / GARDEN SCENE

As viewed from the street the building will appear closer to the road due to the front extension. The building will still be set back 13m from the highway. This pair of dwellings are of a different style to that of surrounding built development and have a greater setback than the other buildings on the street. Given the degree of set back, the building is less readily visible from the street than would otherwise be the case and does not follow the established building frontage. Notwithstanding this any street views into the site of the building would be framed by the buildings flanking either side.

As the current design of the building differs from the character of other dwellings in the street the proposed design is judged not to be incongruous with the other buildings on the street. It is acknowledged that the proposal introduces a substantial crown roof to the dwellings. However, as a matter of judgement, Staff consider that there will be limited views of the flat roof from the street

given the relative height of the roof and the screening provided by the buildings on the flank. The crown roof will not be visible as viewed from the street or car park given the recessed siting of the dwelling. While the crown roof is not a common feature in the streetscene, there is a variety of building designs and roof styles in the locality and it is judged that there will not be any adverse effects on the character of the area the roof itself will not be visible from the street or surrounding area.

The rear boundary of the site adjoins a car park. As the proposal does not include external alterations to the rear elevations there will not be any materially different effects on the car park and the wider streetscene to the rear of the site.

IMPACT ON AMENITY

The proposed extension is judged to have no material impact on the other half of this pair (no.10) as this is subject of a separate, identical application for front extensions. The extension is sufficiently far removed from no.8 The Avenue not to adversely impact on this property.

The proposal will extend the building further along the flank wall of the adjoining dwelling at No. 12 The Avenue. As viewed from this neighbouring site the extension of the front wall will bring the building closer to a number of flank windows. These flank windows are not associated with habitable rooms and as such there will not be any material adverse impacts of the development on privacy or dominance. Notwithstanding this the applicant has supplied sunlight/daylight studies which conclude that the loss of sunlight/daylight will be minimal and will not cause and undue loss of sunlight/daylight to these windows. It should be noted that there will not be any loss of sunlight/daylight during winter hours. As such, the application is not considered to cause undue loss of sunlight/daylight to this neighbouring site.

It should be noted that there has been a ground floor side extension on this site. There are no windows associated with this ground floor extension facing the subject site.

HIGHWAY / PARKING

The development will retain scope for parking in the front garden and no material highway issues are considered to result.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be appropriately designed and not to adversely impact the character of the streetscene or neighbouring residential amenity. It is therefore recommended that planning permission is granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC4 (Time limit) 3yrs

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. SC22 (Hours of working) ENTER DETAILS

No work shall be carried out on the site between the hours of 07:00am and 07:00pm Mondays to Fridays, between the hours of 08:00am and 06:00pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

4. SC45A (Removal of permitted development rights) EDIT DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including porches and additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

5. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved 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.

6. SC09 (Materials) (Pre Commencement Condition)

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of

the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

INFORMATIVES

1. Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant on 3 June 2015, 17 June 2015, 2 July 2015, 10 July 2015, 21 July 2015, 4 August 2015, 9 September 2015. The revisions involved changes to the design of the roof as well as the front windows (including the dormer windows). The amendments were subsequently submitted on 29 July 2015 and 29 September 2015.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 22nd October 2015

APPLICATION NO. P0937.15
WARD: Upminster
Date Received: 25th June 2015
Expiry Date: 20th August 2015

ADDRESS: 1 Druces Cottages
Hacton Lane
Hornchurch

PROPOSAL: Single storey rear extension

DRAWING NO(S): Site Location Plan
1333/15

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site comprises of a semi detached, residential, two storey dwelling house situated on the corner at the junction between Hacton Lane and Berwick Pond Road. The application dwelling is finished in face brick. There is a hard standing to provide off street parking for at least two vehicles to the frontage.

DESCRIPTION OF PROPOSAL

The Local Authority are in receipt of an application that seeks planning permission for a single storey rear rextension to replace an existing conservatory.

The proposed extension will have similar dimensions to the existing conservatory, measuring 3.85m in depth, 3.66m wide and would feature a pitched roof with an overall ridge height of 3.50m and eaves of 2.50m.

RELEVANT HISTORY

P2526.88 - Conversion of existing dwellings into one and side and rear extension to enlarge property - Approved

P0982.87 - Ground floor front and side extension and two storey rear extension - Approved

P1315.92 - Detached garage with pitched roof conservatory - Approved

P0153.96 - Two storey side extension - REFUSED - (dismissed on appeal)

CONSULTATIONS / REPRESENTATIONS

Six letters of consultation have been sent to neighbouring properties, no letters of representation have been received.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

N/A

STAFF COMMENTS

Agent did not submit full floor plans/full elevations nor any calculations relating to the cubic capacity of the dwelling house however it is clear that what exists currently is in excess of the 50% additional volume stipulated by Policy DC45.

GREEN BELT IMPLICATIONS

Policy DC45 does not discourage extensions and alterations within the Metropolitan Green Belt, however stipulates that "extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling".

In the absence of sufficient historic detail relating to the application property, staff must make a judgement based on what limited records are available as to the compliance with the aforementioned stipulations of Policy DC45, in relation to the cubic capacity of the dwelling. It is apparent that the host dwelling has changed significantly, and benefits from a number of additions not limited to, a two storey rear extension (as a joint application between nos. 1 & 2) which altered the shape of the roof and footprint of the dwelling considerably, a two storey side extension, detached garage and single storey conservatory to the rear.

Staff have placed great weight on the fact that the proposed extension would replace an existing single storey rear extension, albeit one that is primarily glazed, which is only marginally smaller in terms of footprint and volume. Given the siting of the proposed replacement extension and its modest dimensions it would not appear substantially greater than that which exists currently, or disproportionate in the context of the host dwelling. The proposed replacement extension would not detract from the open nature of the Metropolitan Green Belt.

It is the view of staff that whilst it is questionable whether the proposed addition would comply with Policy DC45 of the Core Strategy and Development Control Development Plan Document dependent upon how much volume has been added, the proposal is in accordance with the guidance contained in NPPF which relies more on a judgement as to whether the extension would appear disproportionate to the original. Staff are satisfied that this will not be the case but suggest that any approval should carry an informative which advises that any future addition would be required to be heard at Regulatory Services Committee.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposal is not considered to cause any undue impact in the rear garden environment as there

exists currently, similar development which is to be replaced and on the rear wall of the adjoining property. Furthermore, the depth from the original rear wall of the dwelling house is in accordance with guidance offered in the Residential Extensions and Alterations SPD.

The proposed extension would not be visible from the street scene, thus no objections are raised.

IMPACT ON AMENITY

The neighbour to the North of the application site benefits from development of similar depth which is at ground and first floor level. This would serve to screen the entirety of the proposed single storey side/rear extension and negate any potential loss of light/overshadowing. Furthermore this neighbour benefits from only one flank window and this is at first floor level and obscure glazed.

The depth of the proposed single storey rear extension is in accordance with guidance set out in the Residential Extensions and Alterations SPD and is situated due north of the unattached neighbour to the South. Staff judge that there is an adequate separation distance between the application site and this neighbour - and that this, in conjunction with favourable orientation would negate any harmful impact in terms of loss of outlook, loss of daylight/sunlight and overshadowing.

Consequently it is the view of staff that the proposed single storey side/rear extension at 1 Druces Cottages would not be detrimental to neighbouring amenity due to mitigating circumstances mentioned above.

HIGHWAY / PARKING

No alterations to the parking at the host dwelling are proposed and no objections have been raised by the Highway Authority.

KEY ISSUES / CONCLUSIONS

In light of the above and having had regard to all relevant planning policy and material considerations, it is the view of staff the the proposed single storey rear extension at 1 Druces Cottages, Hacton Lane is acceptable and approval is therefore recommended accordingly.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC4 (Time limit) 3yrs

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. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and

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

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

4. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved 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.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Non Standard Informative 1

Despite the limited historical information relating to the application premises, it is clear that the resultant cumulative volume of host building is well in excess of the 50% additional volume stipulated by both Local Planning Policy.

Staff would therefore remind the applicant that any future application which would not incorporate the removal/replacement of any existing additions would likely need to be heard at Regulatory Services Committee due to representing a departure from Policy.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 22nd October 2015

APPLICATION NO. P1139.15
WARD: Cranham Date Received: 3rd August 2015
Expiry Date: 28th September 2015
ADDRESS: 12 Willow Parade
Moor Lane
Cranham
PROPOSAL: Change of Use from A1 to D1 use
DRAWING NO(S): 15213_001
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

Two storey end of terrace property with a vacant A1 unit at ground floor, which was formally used as a pet shop entitled 'Four Paws'. The surrounding area comprises of a commercial row of shops with residential accommodation above. The site is located within the Front Lane, Cranham Major Local Centre.

DESCRIPTION OF PROPOSAL

The application is for a change of use from a shop (A1) to a veterinary service (D1) and a new shop front. The shop front consists of a pair of doors with a glass panel either side.

Opening hours are proposed to be 8:00 to 20:00 Monday to Saturday.

The application is accompanied by floor plans which indicate the provision of a reception/waiting area, theatre, consultation room, preparation room, x-ray room, staff area, stores and toilets.

There would be three full time and 1 part-time employees.

RELEVANT HISTORY

- P0678.14 - Change of Use from a shop (A1) to Financial & Professional Services (A2) and a new shop front.
Apprv with cons 05-12-2014
P2278.07 - Change of use from A1 Class to A5 Hot food take-away
Refuse 15-01-2008

CONSULTATIONS / REPRESENTATIONS

Neighbour notification letters were sent to 30 local addresses. No letters of representation were received. The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. No objections were received.

Highway Authority - No objection.

RELEVANT POLICIES

LDF

DC16 - Core and Fringe Frontages in District and Local Centres

DC61 - Urban Design

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Front Lane, Cranham Major Local Centre, impact on residential amenities and highways/parking.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Front Lane Cranham Major Local Centre. Policy DC16 states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail) at ground floor level and planning permission for service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Within the Major Local Centres, not more than 33% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the relevant centre.

This policy is intended to maintain the viability and vitality of the relevant centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. The retail core of the centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposal would not result in a group of three or more adjoining A2-A5 uses.

In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between No.'s 1-12 Willow Parade, Moor Lane. This frontage has a total length of 79 metres.

There are 12 units within this parade. The five non-retail uses comprise the application site at No.

12 - formally in A1 use, No.1 - Professional Financial Solutions (PFS), No. 2 - Lottie & Ollie children's day nursery, No. 3 - Chiropodists & Osteopaths and No. 8- Sea World Fish 'N' Chips/Kebabs.

These five non-retail uses including the proposed change of use at No. 12 Willow Parade with a combined frontage measuring 29.17 metres, would result in 36.9% of the total length of the parade in non-retail use, exceeding the 33% given in policy.

The proposed change of use from A1 to D1 would provide services appropriate to the Front Lane Major Local Centre and therefore would contribute to the vibrancy and vitality of the locality. Staff are of the view that the proposal would maintain an active shop front and has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open Monday to Saturday during normal shopping hours.

When reviewing the merits of this application, consideration was given to the fact that this A1 unit has been vacant since October 2013 resulting in the unit having a somewhat neglected appearance. Although the change of use would be contrary to Policy DC16, it is considered that on balance, an D1 use would be acceptable, particularly as it would bring this vacant unit back into use, which staff consider would be a positive outcome for the vitality of this shopping parade in the Front Lane Major Local Centre.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The shop front consists of a pair of doors with a glass panel either side. The shop front would be similar in design to other existing shop fronts in the vicinity and therefore, would appear in character with the streetscene. The shop front would have an active frontage open to the street which complies with policy DC61.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance. In this instance, opening hours are proposed to be 8:00 to 20:00 Monday to Friday. Staff are of the view that the proposed D1 use would be unlikely to generate unacceptable levels of noise when viewed against the existing background noise levels arising from other uses in the locality.

HIGHWAY / PARKING

There is space for two to three vehicles to the rear of the site. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues.

KEY ISSUES / CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that an D1 use would be acceptable, particularly as it would bring this vacant unit back into use, which staff consider would be a positive outcome for the vitality of this shopping parade in the Front Lane Major Local Centre. The opening hours are deemed to be acceptable and the new shop front

would not have an adverse impact on the streetscene. The proposal would not be detrimental to neighbouring amenity, there are no parking issues arising nor would the proposal give rise to any other highway issues. Officers are recommending approval.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC4 (Time limit) 3yrs

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. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 20:00 on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

4. SC45B (Restriction of use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason:-

This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 are not acceptable to the Local Planning Authority in this location because (SPECIFY REASON).

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 22nd October 2015

APPLICATION NO. P1317.15
WARD: Cranham **Date Received:** 4th September 2015
Expiry Date: 30th October 2015
ADDRESS: 127 Avon Road
Upminster
PROPOSAL: Erection of single story rear extension and change of use from A1 to A3/A5
DRAWING NO(S): OS sitemap
Avon-01
Avon-02
Avon-03
Avon-04
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application was called in to the Regulatory Services Committee by Councillor Gillian Ford for the following reasons:

- This is a small shopping centre that has 15 outlets; 4 outlets are currently A3/A5.
- Adding a further A3/A5 outlet will compromise the diversity of the area.
- This out of town shopping centre is not served by a public car park; additional diners to the area, could be a potential problem.

SITE DESCRIPTION

Three storey mid terrace property with a A1 unit at ground floor, which is currently used by St Francis Hospice as a charity shop. The surrounding area comprises of a commercial row of shops with residential accommodation above. The site is located within the Avon Road, Cranham Major Local Centre.

DESCRIPTION OF PROPOSAL

The application is for a change of use from a shop (A1) to a A3/A5 use and a single storey rear extension.

Opening hours are proposed to be 10:00 to 23:00 Monday to Sunday and including bank holidays.

The single storey rear extension would replace an existing similar depth rear projections and would measure 8.9m in depth and 5.5m in width. The proposed flat roof would be slightly higher than the existing at 3.6m.

The application is accompanied by floor plans which indicate the provision of a seating area, wc, kitchen and prep area and store.

There would be 5 full time and 2 part-time employees.

RELEVANT HISTORY

P1705.08 - Erection of new single storey extension at rear.
Apprv with cons 25-11-2008

CONSULTATIONS / REPRESENTATIONS

Neighbour notification letters were sent to 73 local addresses and 4 letter of objection were received and a petition signed by 323 people in objection to the proposal.

The Highway Authority raised no objection to the proposal.

Environmental Health requested the conditions for contamination and suitable equipment to remove or disperse odours.

RELEVANT POLICIES

LDF

DC16 - Core and Fringe Frontages in District and Local Centres

DC61 - Urban Design

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Avon Road Major Local Centre, impact on residential amenities and highways/parking implications.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Avon Road, Cranham Major Local Centre. Policy DC16 states that planning permission for A1 retail uses will be granted throughout the primary shopping area at ground floor level and planning permission for service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Within the Major Local Centres, not more than 33% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the relevant centre.

This policy is intended to maintain the viability and vitality of the relevant centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. The retail core of the centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposal would not result in a group of three or more adjoining A2-A5 uses.

In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between No.'s 119-151 Avon Road. This frontage has a total length of 97 metres.

There are 17 units within this parade, of which 5 will be in non-retail use. The five non-retail uses comprise the application site at No. 121 (Bookmakers), No. 127 (subject site), No. 131 (Indian restaurant and take-away), No. 133 (Chinese takeaway) and No. 151 (fish and chips take-away)

These five non-retail uses including the proposed change of use at No. 127 with a combined frontage measuring 97.25 metres, would result in 29.5% (29.8m) of the total length of the parade in non-retail use. The proposal would therefore comply with policy DC16 as the total non-retail frontage would be under 33%.

The proposed change of use from A1 to A3/A5 would provide services appropriate to the Avon Road Major Local Centre and therefore would contribute to the vibrancy and vitality of the locality. Staff are of the view that the proposal would maintain an active shop front and has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open 7 days a week during normal shopping hours.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposal would not result in an unacceptable impact on the streetscene as no external changes are proposed to the front elevation. Any proposed changes to the signage does not form part of this application and may require a separate planning application.

The proposed rear addition is not considered to have a harmful impact on the environment to the rear of the premises as it would be similar to a number of other rear projections to neighbouring commercial premises.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance. In this instance, opening hours are proposed to be 10:00 to 23:00, 7 days a week, including bank holidays.

The nearest residential properties are located above the shops and offices in the Local Centre and it is not considered that there would be a material detrimental impact on the amenity of these homes which should, for reason of their location, expect some degree of noise from the functioning of the local centre. Similar opening hours exist at the take-away uses at No.s 131 and 133 Avon Road

The fume extract system vents to the rear of the building. It is set well away from residential properties and a condition is proposed to limit any odour or odorous material. It is not considered that the extract system will cause any material loss of amenity to neighbouring occupiers.

HIGHWAY / PARKING

Local residents have expressed concerns over the traffic movement and car parking associated with the proposed A5 use.

The Highway Authority however, have raised no objections to the proposed change of use on the basis of parking or highway matters. It is noted that there are parking bays in front of the premises and scope for on street parking in Avon Road opposite the application site.

KEY ISSUES / CONCLUSIONS

The proposal is for the change of use of an existing shop unit previously in A1 use to A3/A5. It is considered that the proposal is acceptable in principle, complies with policy and would not cause a loss to local amenity or have a detrimental impact on the local highways. As a result it is recommended that planning permission is granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. S SC4 (Time limit) 3yrs

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. SC27 (Hours of use) ENTER DETAILS

The ground floor premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 23:00 on any day including Bank and Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. S SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

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

4. M SC62 (Hours of construction)

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.

5. SC58 (Refuse and recycling)

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. Non Standard Condition 1 (Pre Commencement Condition)

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

7. Risk and Contamination Assessment, Part 1

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

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) 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 sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:-

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

8. Risk and Contamination Assessment, Part 2

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

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

Reason:-

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

INFORMATIVES

1. Fee Informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. Approval - No negotiation required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 October 2015

Subject Heading:

P1117.15: Towers Infant School, Osborne Road

Single storey flat roof extension and internal alterations (Application received 29th July 2015).

Ward

Hylands

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- | | |
|--|-----|
| Havering will be clean and its environment will be cared for | [X] |
| People will be safe, in their homes and in the community | [] |
| Residents will be proud to live in Havering | [X] |

SUMMARY

The Council is in receipt of an application which seeks permission for the erection of an infill extension on the south eastern side of the school premises, for an additional 57.4m² of floor space for use as an additional classroom. The proposed extension would not result in an increase in pupils and will be utilised as a Special Educational Needs resource area for existing students. The proposed extension would feature a flat roof of matching height to the host building.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions.

1. Time Limit

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

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

2. Materials

All new external finishes shall be carried out in materials to match those of the existing building, namely brickwork, plain roof tiles and aluminium double glazed windows and doors, to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice).

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

4. Hours of Construction

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

Reason:-

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

5. SC65 (Contaminated Land Phase I and II Report) (Pre Commencement)

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

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) 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 sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC53 and DC61.

6. SC65a (Contaminated Land Phase III Report) (Pre Commencement)

Prior to the commencement of any works/occupation, the developer shall submit for the written approval of the Local Planning Authority:

A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC53 and DC61.

7. Contaminated Land (During Development)

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

INFORMATIVES

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The subject site lies to the south of Osborne Road. The site consists of an Infant School to the north of the site and Junior School to the south of the site. To the centre of the site and between the two schools is a large playing field. The site is surrounded by residential properties to the north, east, south and west.
- 1.2 The application site is set well away from the highway by means of a gated entrance and driveway and as such is set away from residential properties which surround the host building.

2. Description of Proposal

- 2.1.1 Permission is sought for a single storey infill extension to a recess situated on the south eastern side of the school premises, representing an additional 57.4m² of gross internal floor area.
- 2.1.2 The proposal would feature a flat roof and be of a matching height to the host building.
- 2.1.3 The proposal will not result in an increase of pupil numbers into the school and will be utilised as an SEN (Special Educational Needs) resource area.

3. History

- 3.1 P0609.13 – Single storey extension - Approved with conditions

P1501.12 – Single storey extension with 3 classrooms and hard standing play areas and extension to car park – Approved with conditions

P1071.05 - Single storey extension to the staffroom and alterations to form additional car spaces and disabled ramp – Approved with conditions

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 58 neighbouring occupiers. One letter of objection was received which raised concerns over the lack of crossing/speed limit signage and suggested general alterations to the highway to ensure safety of pupils/residents.
- 4.2 Highway Authority – No objections.
- 4.3 Environmental Health – No objections.

5. Relevant Policy

- 5.1 Policies DC28, DC29, DC32, DC33, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.
- 5.2 Also relevant are London Plan Policies 3.1, 3.18, 6.13, 7.3, 7.4, 7.6 of the London Plan and the National Planning Policy Framework (NPPF)

6. Staff Comments

- 6.1 The application is being reported to Committee because the applicant is the Council and an objection has been received

7. Principle of Development

- 7.1 The issues for Staff to consider relate to the impact that the proposed extension would have on the character of the original building, locality, and amenity of neighbouring occupiers, highways and parking.
- 7.2 The proposal is not located within a Conservation Area, or Green Belt and in principle there is no objection to an extension to the existing school building.
- 7.3 Policy DC61 states that Planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.
- 7.4 Policy DC29 of the LDF states that educational premises should be of a suitable quality to meet the needs of residents. The development contained herein represents an infill extension to provide a SEN (Special Educational Needs) resource area to better cater for existing students. No increase in pupils is proposed. Therefore the proposal can be considered a necessary expansion in order for the school to continue to cater acceptably to the needs of existing students and thereby the wider community. The proposal is therefore acceptable in principle.

8. Design/Impact on Street/Garden Scene

- 8.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context.
- 8.2 The proposed infill extension would be a considerable distance from the highway, the majority of its projection would be subsumed by the form of existing school building, thus cannot be judged based on its impact on the street scene. Given that its height and roof design would match the existing school building and it would project no further than the existing eastern flank wall, the proposal would appear as a subordinate feature and would integrate acceptably with the form of the original school building. Whilst it is clear that the proposed addition would not be visible from the highway, given its siting it would certainly be visible from windows of neighbouring properties to the east of the site, who benefit from gardens and rear facing windows with outlook into the school premises. Given the scale of the proposal, with similar overall height and roof design to the existing school building, it is not considered that it would give rise to any substantial visual impact on these neighbouring premises.
- 8.3 It is considered that the proposed infill extension would, by reason of its design, positioning and scale, safeguard and preserve the character and appearance of the school and surrounding area. The proposal is acceptable and in accordance with Policies DC61 and advice contained within the NPPF.

9. Impact on Amenity

- 9.1 The proposed infill extension would be subordinate in scale and positioned within the existing building envelope of the school. The extension, whilst visible from premises situated to the east of the site, which have outlook into the school premises, would not appear as an obtrusive or visually harmful feature by reason of its modest scale and satisfactory integration into the envelope of the host building. The proposal would not result in any loss of privacy, outlook, sunlight or daylight to neighbouring properties over and above that which exists presently.
- 9.2 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties in accordance Policy DC61 the intentions of the NPPF.

10. Highway/Parking

- 10.1 There exists presently, a clear issue in respect of vehicles parking/blocking the access road to the North and a general level of congestion which serves the application premises in the early hours of the morning and presumably in the afternoons with parents collecting children. This was evidenced by staff during site inspection and further emphasised by a letter of objection received during the consultation process.

10.2 Whilst staff acknowledge that there may be an existing level of congestion caused by the school, which creates an overspill of vehicles and traffic onto Osborne Road, it cannot be considered that the proposed addition would give rise to any greater increase in traffic flow to or from the application premises any greater than that which exists presently, owing to the fact that no additional pupils are proposed. The proposed addition will not result in any loss of vehicular parking and would not create any additional Highways issues so a reason for refusal could not be justified.

10.3 The Council Highways Department have raised no objections to the proposed development and therefore it is considered acceptable in parking standards terms and in accordance with Policy DC33.

11. **Conclusion**

11.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form and character of the school and surrounding area, the residential amenity of the occupants of neighbouring properties or result in highway issues.

11.2 The application therefore complies with aims and objectives of Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

The application relates to a land which is within the Council's ownership. This does not affect the planning considerations relating to this development. The Council's interests as applicant are considered separately from the Council's role as a Local Planning Authority.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The extension proposed to the existing school building would be for the sole purpose of offering a Special Educational Needs resource area for existing students for their benefit and inclusion. It is considered that The Council's planning policies are therefore implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form and drawings received 29-07-2015.

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REGULATORY SERVICES COMMITTEE

22 October 2015

REPORT

Subject Heading:

Proposed variation of Section 106
Legal Agreement in connection with
P0745.12: Corner of Lambs Lane North
and New Road, Rainham

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

Ward

Rainham and Wennington

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input type="checkbox"/>

SUMMARY

This report relates to the development approved under planning permission P0745.12 on land at the junction of New Road and Lambs Lane North, Rainham. Planning permission was granted subject to a Section 106 legal agreement.

A request has been made to the Council to vary the legal agreement under the provisions of Section 106A of the Town and Country Planning Act 1990 (as amended) to amend the mortgagee exclusion clause as set out in clauses 9(a) and (b) of the S106 Agreement.

RECOMMENDATIONS

It is recommended that the Head of Regulatory Services be authorised to enter into a Deed of Variation under section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 5 October 2012 in respect of planning permission P0745.12

The variation shall be as follows:

i) Add definition of Chargee: "any mortgagee or chargee of the Registered Social Landlord or the successors in title to such mortgagee or chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or charge to realise its security"

ii) To delete clauses 9(a) and 9(b) and add a new clause 9(a) as follows:

9(a) Any Chargee shall prior to seeking to dispose of the Affordable Housing Unit pursuant to any default under the terms of its mortgage or charge give not less than one month's prior notice to the Council of its intention to dispose and:

- (i) in the event that the Council responds within one month from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Unit can be made in such a way as to safeguard them as Affordable Housing for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the Chargee in respect of the mortgage or charge then the Chargee shall co-operate with such arrangements and use its reasonable endeavours to complete such transfer.
- (ii) if the Council does not serve its response to the notice served under paragraph 9(a)(i) within the one month then the Chargee shall be

entitled to dispose free of the restrictions set out in this agreement which shall from the time of completion of the disposal cease to apply

- (iii) if the Council or any other person cannot within two months of the date of service of its response under paragraph 9(a)(i) complete such transfer for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the Chargee in respect of the mortgage or charge then provided that the Chargee shall have complied with its obligations under paragraph 9(a)(i) the Chargee shall be entitled to dispose free of the restrictions set out in this agreement which shall from the time of completion of the disposal cease to apply

PROVIDED THAT at all times the rights and obligations in this paragraph 9(a)(i) shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation to the clauses set out above and any necessary consequential amendments to the legal agreement dated 5 October 2012 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. The site to which this proposal refers is located at the junction of New Road and Lambs Lane North. Planning permission was granted under planning permission P0745.12 for redevelopment of the site to provide 28 units. Permission for the development was granted subject to a legal agreement

signed and dated 5 October 2012. The planning permission has been implemented and the development is complete.

2. The legal agreement includes a requirement for a minimum of 14 units within the development to be provided as affordable housing, an infrastructure contribution and a requirement for a landscape management and maintenance plan.
3. A request has been received on behalf of the current registered provider (Estuary Housing Association) for a variation to clauses 9 (a) and (b) of the legal agreement. A copy of the existing legal agreement is appended to this report.
4. It is requested that a definition of "Chargee" be included and that clauses 9 (a) and (b) be amended as set out in the recommendations section of this report.
5. The amendment to the clauses has been requested on the basis that the clause is currently overly restrictive. It is common practice for the Registered Provider (RP) to raise development finance by charging their properties to lenders as security. The mortgagee exclusion clause, as drafted, effectively binds the property to be retained as affordable housing if the mortgagee goes into possession. This has the effect of limiting the value of the property to a lender, in turn reducing the amount of development finance that an RP can raise against the development.
6. The effect of the amendments to the relevant clauses would be that the properties could be sold free of the affordable housing requirement if the mortgagee went into possession. The revised clauses would give the Council notice that the units would be sold and provide a right for them to be transferred as affordable housing still. In the event that the Council cannot direct a buyer to the mortgagee then they can be sold at Open Market Value free of restrictions.
7. Staff consider the proposed amendments to be acceptable. It is considered that the amendments requested represent a low risk of a net loss of affordable housing, given that role of the RP is to provide affordable housing. The amendments to the clauses would not reduce affordable housing provision or allow the RP to stop providing affordable housing on the site. It would come into play in the event that the RP went into administration but the units would then fail to be provided as affordable housing in any event. The proposed amendments would have the benefit of allowing the RP to increase their borrowing against the increased value of the properties, thereby potentially creating more funding for the provision of further development of affordable housing.
8. It is not considered that the proposed changes would have any material impact on the remaining provisions of the S106 Legal Agreement.

9. Conclusion

9.1 Staff consider that the proposed amendments to the S106 Legal Agreement relating to the mortgagee exclusion clauses are acceptable. It is therefore recommended that the proposed variation of the legal agreement is approved.

IMPLICATIONS AND RISKS

Financial Implications and risks:

No implications.

Legal Implications and risks:

Legal resources will be required for the variation of the legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council’s planning policies are implemented with regard to Equalities and Diversity. The proposal will continue to meet affordable housing requirements, which is in the wider interest of the community.

BACKGROUND PAPERS

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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

4.10.12

- 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
Guskey Rev.
8/93*

[Handwritten signature]



jpp consulting Civil & Structural Engineers 1000 Lakeshore Blvd. S., Suite 100 Minneapolis, MN 55425 Tel: 612-338-1111 Fax: 612-338-1112	Client	Lakehouse
	Project	Proposed Development Near Road Ribbon
Scale at 1/8" = 1'-0"	Title	Proposed Paved Entry Levels
Drawn by PRELIMINARY	Checked by G5870/WW	Date SH02

John Dwyer
[Signature]

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.

11

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



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

Lynden 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 (REHIRED)

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

)
)
)
)
)
)

B Bell

In the presence of:-

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

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

)
)
)
)
)
)

Geoffrey Rae

In the presence:-

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

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

)
)
)
)
)

[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:-



)
)
)
)
)

JJ Upsta
Atyulli

REGULATORY SERVICES COMMITTEE

22 October 2015

REPORT

Subject Heading:

Proposed variation of Section 106 Legal Agreement in connection with P0954.11: Former Edwin Lambert School, Malvern Road, Romford

Demolition of existing buildings and redevelopment of the site to create 35 no. three bedroom houses, plus associated roads, paths, car parking, garages and landscaping.

Ward

Romford Town

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input type="checkbox"/>

SUMMARY

This report relates to the development approved under planning permission P0954.11 on the site of the former Edwin Lambert School, Malvern Road, Romford. Planning permission was granted subject to a Section 106 legal agreement.

A request has been made to the Council to vary the legal agreement under the provisions of Section 106A of the Town and Country Planning Act 1990 (as amended) to amend the mortgagee exclusion clause as set out in clauses 4.1 and 4.2 of the S106 Agreement.

RECOMMENDATIONS

It is recommended that the Head of Regulatory Services be authorised to enter into a Deed of Variation under section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 4 January 2012 in respect of planning permission P0954.11.

The variation shall be as follows:

- i) To amend the definition of “Chargee” as set out on page 3 of the legal agreement to: “Any mortgagee or chargee of the Registered Social Landlord or the successors in title to such mortgagee or chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security”;
- ii) To amend clause 4.1 (b) to read “Shall not bind any Chargee of an Affordable Housing Unit;
- iii) To delete clause 4.2 and replace as follows:

Any Chargee shall prior to seeking to dispose of the Affordable Housing Unit pursuant to any default under the terms of its mortgage or charge give not less than one months prior notice to the Council or its intention to dispose and:

(a) In the event that the Council responds within one month from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Unit can be made in such a way as to safeguard them as Affordable Housing for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses

incurred by the Chargee in respect of the mortgage or charge then the Chargee shall co-operate with such arrangements and use its reasonable endeavours to complete such transfer

(b) if the Council does not serve its response to the notice served under paragraph 4.2 (a) within the one month then the Chargee shall be entitled to dispose free of the restrictions set out in this Part of the Third Schedule which shall from the time of completion of the disposal cease to apply

(c) if the Council or any other person cannot within two months of the date of service of its response under paragraph 4.4 (a) complete such transfer for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the Chargee in respect of the mortgage or charge then provided that the Chargee shall have complied with its obligations under paragraph 4.2 (a) the Chargee shall be entitled to dispose free of the restrictions set out in this Part of the Third Schedule which shall from the time of completion of the disposal cease to apply

PROVIDED THAT at all times the rights and obligations in this paragraph 4.2 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of monies outstanding under the charge or mortgage.

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation to the clauses set out above and any necessary consequential amendments to the legal agreement dated 4 January 2012 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. The site to which this proposal refers is the former Edwin Lambert school, Malvern Road, Romford. Planning permission was granted under planning permission P0954.11 for redevelopment of the site to provide 35 units. Permission for the development was granted subject to a legal agreement signed and dated 4 January 2012. The planning permission has been implemented and the development is complete.
2. The legal agreement includes a requirement for 4 affordable housing units within the development, a health care contribution and a highways contribution.
3. A request has been received on behalf of the current registered provider (Estuary Housing Association) to vary the legal agreement to amend the definition of "Chargee" as set out in the legal agreement, to amend clause 4.1 (b) and to delete the existing clause 4.2 of the legal agreement and replace with a new sub-clause. A copy of the existing legal agreement is appended to this report.
4. It is requested that the definition of "Chargee" and the relevant clauses be amended as set out in the recommendations section of this report.
5. The amendment to the clauses have been requested on the basis that they are currently overly restrictive. It is common practice for the Registered Provider (RP) to raise development finance by charging their properties to lenders as security. The mortgagee exclusion clause, as drafted, effectively binds the property to be retained as affordable housing if the mortgagee goes into possession. This has the effect of limiting the value of the property to a lender, in turn reducing the amount of development finance that an RP can raise against the development.
6. The effect of the amendments to the relevant clauses would be that the properties could be sold free of the affordable housing requirement if the mortgagee went into possession. The revised clauses would give the Council notice that the units would be sold and provide a right for them to be transferred as affordable housing still. In the event that the Council cannot direct a buyer to the mortgagee then they can be sold at Open Market Value free of restrictions.
7. Staff consider the proposed amendments to be acceptable. It is considered that the amendments requested represent a low risk of a net loss of affordable housing, given that role of the RP is to provide affordable housing. The amendments to the clauses would not reduce affordable housing provision or allow the RP to stop providing affordable housing on the site. It would come into play in the event that the RP went into administration but the units would then fail to be provided as affordable

housing in any event. The proposed amendments would have the benefit of allowing the RP to increase their borrowing against the increased value of the properties, thereby potentially creating more funding for the provision of further development of affordable housing.

8. It is not considered that the proposed changes would have any material impact on the remaining provisions of the S106 Legal Agreement.

9. **Conclusion**

9.1 Staff consider that the proposed amendments to the S106 Legal Agreement relating to the mortgagee exclusion clauses are acceptable. It is therefore recommended that the proposed variation of the legal agreement is approved.

IMPLICATIONS AND RISKS

Financial Implications and risks:

No implications.

Legal Implications and risks:

Legal resources will be required for the variation of the legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will continue to meet affordable housing requirements, which is in the wider interest of the community.

BACKGROUND PAPERS

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54
P0954.11
former
Lambert School

THIS AGREEMENT is made the 4th day of January Two Thousand and ~~Five~~ 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. **PERSIMMON HOMES LIMITED** (company registration number **4108747**) whose registered office is at Persimmon House, Fulford, York YO19 4FE ("the Developer") of the second 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 EGL559213 of the Land described in Schedule One ("the Land").
- C. The Developer has by a written application dated the 23rd day of June 2011 applied to the Council under reference P0954.11 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 the redevelopment of the Land to create 35 No. 3 bedroom dwellings, plus associated roads, paths, car parking, garages and landscaping ("the Proposed Development").
- D. The Developer has entered into a contract with the Council dated 17th June 2011 conditional upon the grant of planning permission for the acquisition of the freehold of the Land.

- E. The Council acknowledges that the legal estate to the Land shall be bound by the terms of this Agreement.
- F. The Council consider 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 this Agreement in the manner following.

NOW THIS DEED WITNESSETH as follows:-

DEFINITIONS

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 Highways Contribution and the Health Care Contribution at base rate for the time being of the Bank of England
"Affordable Housing Units"	4 Dwelling Units to include 1 unit for Intermediate Tenure and 3 units for Affordable Rent in partnership with a Registered Social Landlord or such other mix of Affordable Housing as shall be agreed between the Council and the Developer 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)

"Affordable Rent"	a rent of up to 80 per cent of local market rents inclusive of any applicable service charges
"Agreement"	this Deed of Agreement
"BCIS Index"	Indexation by reference to the Building Cost Information Services All-In Tender Price Index or any successor to that Index
"Chargee"	any mortgagee or chargee of the Registered Social Landlord or the successors in title to such mortgagee or chargee or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925
"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 (entirely without prejudice to the provisions of the Planning Permission) the following works shall not comprise Commencement of the Proposed Development: site survey and clearance works, demolition of the existing buildings, archaeological and other site investigation, the assessment and remediation of contamination, the erection of

	temporary or security fencing, disconnecting and diverting and laying services, installing signage or digging boreholes or trial pits and "Proposed Development" shall be construed accordingly.
"Contribution Notice Form"	A form annexed at Schedule 3 which must be completed and sent to the Council 14 days before payment of the Highways Contribution and/or the Health Care Contribution
"Dwelling Unit"	a dwelling unit situated within the Proposed Development
"Health Care Contribution"	the sum of £12,250.00 to be used for increasing the local health care provision in the vicinity of the Proposed Development, such sums shall increase in line with the monthly BCIS Index, or any successor to such index, starting from and including the month in which this Agreement is completed.
"Highways Contribution"	the sum of £35,000 to be used by the Council for a review of parking restrictions in the locality of the Proposed Development together with a street light upgrade and possible footway improvements all within 500

	metres of the Land such sum increasing in line with the BCIS or any successor to such index
Intermediate Tenure	Shared Ownership or other such housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria for affordable rented housing as set out in Government Guidance: Annex B: Definitions Planning Policy Statement 3 (PPS3): Housing. These can include shared equity products, other low cost homes for sale and intermediate rent but does not include affordable rented housing
Nomination Agreement	an agreement between the Council and a Registered Social Landlord outlining the Council's nomination rights in respect of the Proposed Development
"Occupation"	occupation of any Dwelling Unit for any purpose permitted by the Planning Permission but excluding occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security

	operation "Occupy", "Occupied" and "Occupier" shall be construed accordingly.
"Open Market Units"	those 31 Dwelling Units to be built pursuant to the Planning Permission which are not Affordable Housing Units
"Plan"	Plan PH111-011 annexed hereto
"Planning Permission"	the full permission granted by the Council under reference P0954.11 a substantial draft of which is annexed hereto at Schedule 4
"Practical Completion"	the issue of a certificate of practical completion by the Developer's architect or in the event that the Proposed Development is constructed by a party other than the Developer the issue of a certificate of practical completion by that other party's architect and "Practically Complete" shall be construed accordingly
"Protected Tenant"	any tenant who: a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force of a particular Affordable

	<p>Housing Unit</p> <p>b) has exercised any statutory right to buy in respect of a particular Affordable Housing Unit</p> <p>c) has been granted a Shared Ownership lease by a Registered Social Landlord (or similar arrangement where a share of the Affordable Housing Unit is owned by the tenant and a share is owned by the Registered Social Landlord) in respect of a particular Affordable Housing Unit and the tenant has subsequently purchased from the Registered Social Landlord all the remaining share so that the tenant owns the entire Affordable Housing Unit</p>
<p>"Registered Social Landlord"</p>	<p>a registered social landlord or registered provider of social housing within the meaning of the Housing Act 1996 (and any amendment re-enactment or successor provision including the Housing and Regeneration Act 2008) registered with the Homes and Communities Agency or the Office for Tenants and Social Landlords (or any successor authority thereto) or any other company or body involved in the provision of affordable housing as approved in writing by the Council</p>

"S106 Notice Form"	a form annexed at Schedule 2 which must be completed and sent to the Council 14 days before: a) Commencement of the Proposed Development; b) Occupation of the 1 st Dwelling Unit; and c) Occupation of the 20 th Open Market Dwelling Unit
"Shared Ownership"	Affordable Housing purchased on a shared equity basis whereby not more than 50% and not less than 25% of the equity is initially sold to the purchaser by the Registered Social Landlord with power to the purchaser to increase their degree of ownership up to 100%

1 Construction

- 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 Developer 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. **Legal Basis**

This Agreement 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 Section 16 of the Greater London Council (General Powers) Act 1974 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. **Developers Covenants**

- 3.1 The Developer hereby covenants with the Council that following the completion of the purchase of the freehold interest in the Land the Developer will enter into a further deed pursuant to Section 106 of the Act if the Council so requires to confirm that the planning obligations herein contained shall be binding on all of the Developer's successors in title to the Land and all persons deriving title from the freehold interest in the Land.
- 3.2 The Developer hereby covenants with the Council subject to the Developer Commencing the Proposed Development and the Council agrees that these obligations shall bind the legal estate of the Land as if the Developer were the owner of the legal estate at the date of this Agreement (but not so to impose any obligation on the Council) as follows:
- (a) to construct the Affordable Housing Units and when Practically Complete transfer the Affordable Housing Units to the Registered Social Landlord for letting / intermediate Housing by the Registered Social Landlord in accordance with the Nomination Agreement

(b) not to permit the Occupation of more than 20 of the Open Market Units until:

(i) the Affordable Housing Units have been transferred to the Registered Social Landlord; and

(ii) the Affordable Housing Units have been completed and are available for letting/shared ownership by the Registered Social Landlord in accordance with the Nomination Agreement

(c) to notify the Council in writing using the Section 106 Notice Form 14 days before:

(i) commencement of the Proposed Development

(ii) the Occupation of the 1st Open Market Dwelling Unit

(iii) the Occupation of the 20th Open Market Dwelling Unit

3.3 The Developer shall use the Contribution Notice Form to notify the Council of payment of the Highways Contribution and the Health Care Contribution.

3.4 The provisions of this Deed shall be enforceable by the Council against the Developer but the Developer save for any antecedent breach shall not be liable to the Council for any breach of the provisions committed after it has parted with its freehold interest in the Land **PROVIDED THAT** the provisions of this Deed shall not be enforceable against the purchaser or occupier of any individual Dwelling Unit.

4. **The Registered Social Landlord**

4.1 Clause 3.1 hereof:

(a) shall not bind any Protected Tenant or purchaser from a Protected Tenant or their respective mortgagees;

- (b) shall not bind any mortgagee of a Registered Social Landlord or any mortgagee of an occupier of an Affordable Housing Unit or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or otherwise by a party who has provided loan facilities for the purpose of providing the Affordable Housing;
- (c) shall not bind any purchaser from such person; and
- (d) shall cease to apply in respect of :
 - (i) any Shared Ownership unit where the tenant has staircased to 100% of the equity in such unit;
 - (ii) any Affordable Housing Unit where the tenant has acquired 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 statutory right applicable.

4.2

- (a) Any mortgagee/chargee or receiver of any such mortgagee or chargee of a Registered Social Landlord shall prior to seeking to dispose of the Affordable Housing Unit or Affordable Housing Land pursuant to any default under the terms of its mortgage or charge give not less than 3 months' prior notice to the Council of its intention so to dispose.
- (b) In the event that the Council responds within 2 months from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Unit can be made in such a way as to safeguard it as Affordable Housing then the mortgagee or other person referred to in clause 4.2(i) shall co-operate with such arrangements and use its best endeavours to secure such transfer so the Affordable Housing

Units can be let at Affordable Rent pursuant to Government Guidance in Planning Policy Statement 3 (PPS3): Housing.

- (c) If the Council does not serve its response to the notice served under sub-clause (i) above within 2 months of receipt then the mortgagee or other person referred to in clause 4.2(i) shall be entitled to dispose free of any restrictions imposed by this Agreement on the occupation or disposal of that Affordable Housing Unit.
- (d) If the Council or any other person cannot within 3 months of the date of service of its response under sub-clause (ii) above secure such transfer provided that the mortgagee, chargee or receiver as the case may be uses its best endeavours to affect a transfer then provided that mortgagee or other person referred to in paragraph 4.2(i) shall have complied with its obligations under sub-clause (ii) above it shall be entitled to dispose free of any restrictions imposed by this Agreement on the occupation or disposal of that Affordable Housing Unit.

5. **Payments**

- 5.1 Prior to the Commencement of the Proposed Development the Developer shall pay to the Council the Highways Contribution in cleared funds.
- 5.2 Prior to the Occupation of the Proposed Development the Developer shall pay to the Council the Health Care Contribution in cleared funds.
- 5.3 Prior to completion of this Agreement the Developer shall pay the Council the sum of £1,500.00 in cleared funds towards the Council's costs in preparing this Agreement.
- 5.4 Prior to completion of this Agreement the Developer shall pay the Council the sum of £2,132.00 in cleared funds towards the Council's costs of monitoring the obligations contained in this Agreement.

6. Council's Covenants

6.1 The Council agrees with the Developer:

- (a) not to use or permit the use of the Highways Contribution for any purpose other than for securing highways improvements to be carried out within 500 meters of the Land which will include a review of parking restrictions, the upgrading of street lighting and possible footway improvements;
- (b) to repay on demand to the Developer together with any Accrued Interest any part of the Highways Contribution which is not spent on or committed to the carrying out of the said purposes within 5 years of the date of receipt by the Council of the contribution;

provided that if the Council has entered into a contract prior to the expiry of the 5 year period in respect of matters which relate to the Highways Contribution the period shall be extended until completion of the contract or payment of the final account under the contract whichever is later.

7. Notices

7.1 Any notice or communication required to be given by the Developer, or the Council under the terms of this Agreement shall be in writing and sent to the relevant addressee by pre-paid registered post as follows:

- (a) in the case of the Developer addressed to the Managing Director, Persimmon Homes (Essex) Ltd, 10 Collingwood Road, Witham, Essex CM8 2EA or such other recipient or address as may be notified in writing by the Developer to the Council from time to time;

- (b) in the case of the Council addressed to the Assistant Chief Executive, London Borough of Havering, Town Hall, Main Road, Romford, Essex RM1 3BD or such other recipient or address as may be notified in writing by the Council to the Developer from time to time.

8. Arbitration

- 8.1 Any unresolved disputes or differences arising between the parties as to their respective rights, duties or obligations or as to any other matter or thing in any way arising out of or in connection with the subject matter of this Agreement shall be referred to arbitration by a single arbitrator to be agreed on by the parties or, failing agreement, nominated on the application of either party by the President of the Royal Institution of Chartered Surveyors, and such reference to arbitration shall be subject to the provision of the Arbitration Act 1996.
- 8.2 The Parties may agree any other method of alternative dispute resolution notwithstanding the rights agreed in clause 8.1 in seeking to resolve any matter in dispute arising from this Agreement.

9. Local Land Charge

This Agreement is a local land charge and shall be registered as such by the Council.

10. Debt Due

Any sum payable to the Council under the terms of this Agreement shall be deemed to be a debt due to the Council and without prejudice to any other remedy available to the Council shall be recoverable as such.

11. **Third Party Rights**

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.

12. **Waiver**

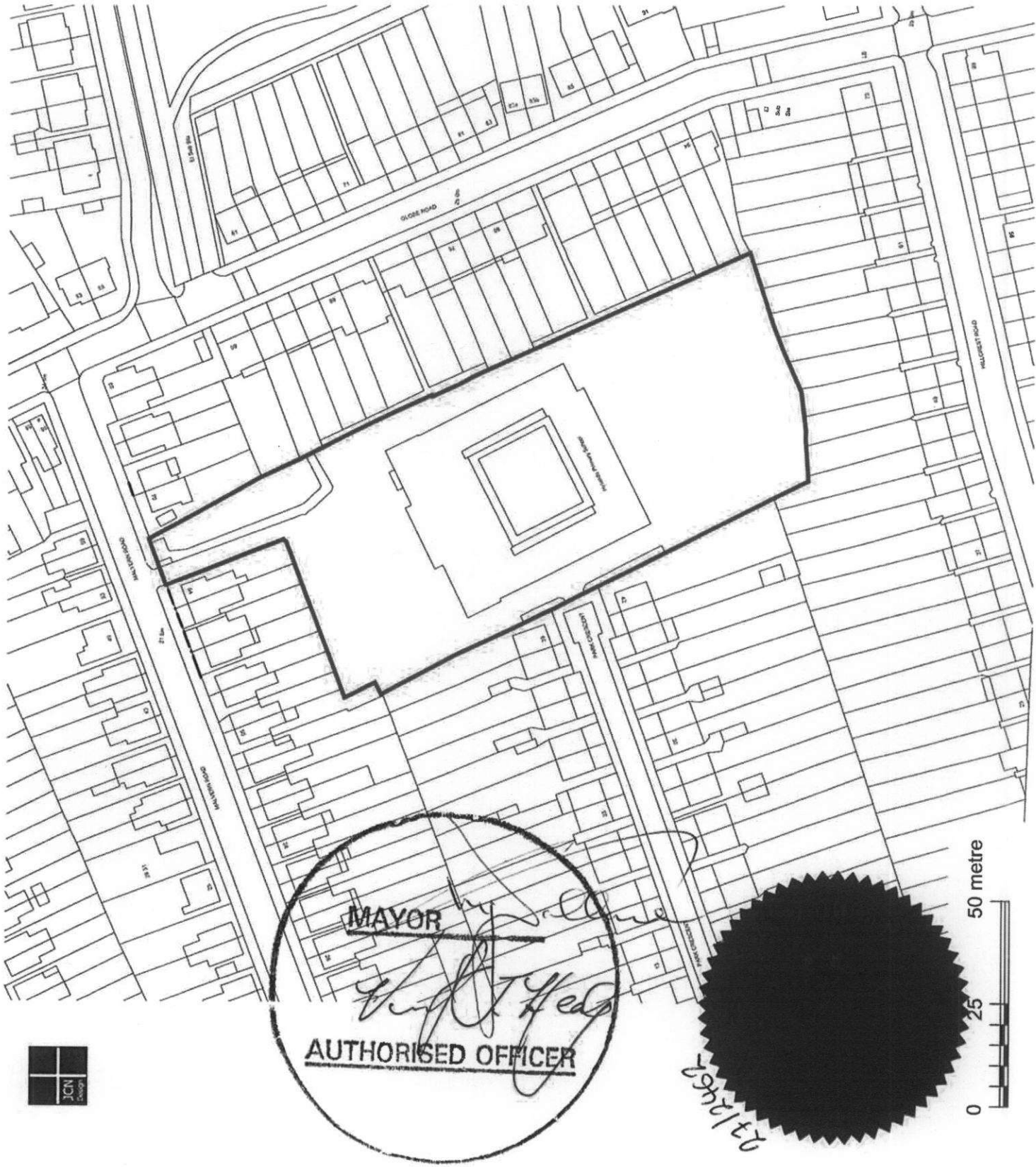
No waiver (whether expressed or implied) by the Council or any breach or default by the Developer in performing or observing any of the terms or conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing at any time any of the said terms or conditions or from acting upon any subsequent breach or default in respect thereof by the Developer.

13. **Law**

This Agreement is governed by and is to be interpreted in accordance with the laws of England and Wales.

SCHEDULE ONE

All that piece or parcel of land known as former Edwin Lambert School,
Malvern Road, Hornchurch shown edged red on the Plan.



North

[Handwritten signatures]

Application Boundary

Project:
Former Edwin Lambert
School, Malvern Road,
Hornchurch, Essex

Description:
Location Plan

PERSIMMON

PERSIMMON HOMES (ESSEX) LIMITED
10 Collingwood Road
Witham
Essex
CMB 2EA

Tel: 01376 - 518811
Fax: 01376 - 321143

Date:
May 2011

Scale:
1:1250 @A4

Drawn by:
PH11-011

Revised:
00

www.persimmon.co.uk - info@persimmon.co.uk - 01376 572377



SCHEDULE TWO

To: -

Date: -

The s106 Monitoring Officer
Planning Services
London Borough of Havering
Mercury House
Mercury Gardens
Romford
Essex RM1 3BD

Name of Development
Planning Reference
Developers / Owners Name
Address.....
.....
.....
.....

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 1st Dwelling Unit will take place on
- c) Occupation of the 20th Open Market Dwelling Unit will take place on
.....

SCHEDULE THREE

To: -

Date: -

The s106 Monitoring Officer
Planning Services
London Borough of Havering
Mercury House
Mercury Gardens
Romford
Essex RM1 3BD

Name of Development
Planning Reference
Developer/Owner Name -
Address
.....
.....

Contribution being paid

Highways Contribution £.....(Including Indexation)
Health Care 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 FOUR



LONDON BOROUGH OF HAVERING
TOWN AND COUNTRY PLANNING ACT 1990

To: Mr Michael Smith-JCN Design Ltd.
2 Exchange Court
London Road
Feering
Colchester
CO5 9FB

Persimmon Homes
10 Collingwood Road
Witham
Essex
United Kingdom
CM8 2EA

T

F

APPLICATION NO: P0954.11

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: Demolition of existing buildings and redevelopment of the site to create 35 No. three bedroom houses, plus associated roads, paths, car parking, garages and landscaping.
revised plans rcvd 15/8, rev & additional plans rcvd 26/8

Location: Former Edwin Lambert School
Malvern Road
Hornchurch

A

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

- JCN 1037 11 revision A
- PH111-006 revision E
- PH111-007 revision E
- PH111-008 revision E
- PH111-009 revision D
- PH111-010 revision C
- PH111-011
- PH111-03-01
- PH111-03-02 revision B
- PH111-03-03
- PH111-04-01 revision A
- PH111-04-02
- PH111-04-03 revision A
- PH111-04-04
- PH111-50-05
- PH111-50-06
- PH111-50-07

R

D

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

PH111-50-08
PH111-50-09
PH111-50-10 revision A
PH111-50-11 revision C
PH111-50-12 revision C
PH111-50-13 revision A
PH111-50-14
PH111-50-15 revision A
PH111-50-16

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 approved plans, particulars and specifications.

Reason:-

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

- 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 and 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 that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business. **T**

Reason:-

To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

5 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. **F**

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.

6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. 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. **A**

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 Development Control Policies Development Plan Document Policy DC61 **R**

7 Prior to the commencement of the development hereby approved the trees to be retained on site shall be protected in accordance with the appropriate recommendations contained in British Standard 3998:1989 (Tree Works) to the satisfaction of the Local Planning Authority. **D**

Reason: To protect the trees on site in the interests of amenity and to accord with Policy DC61 of the LDF Development Control Policies Development Plan Document.

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

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

9 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

10 Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained 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.

11 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 Housing 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.

D

- 12 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 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.

- 13 Prior to the commencement of the development a method statement shall be submitted to and approved in writing by the Local Planning Authority outlining details of how the proposed ecological scoping survey recommendations and associated habitat enhancement measures will be implemented within the development. The development shall thereafter be carried out in accordance with the agreed details.

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

- 14 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.

- 15 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.

16 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.

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.

D

R

17 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 and approved in writing by 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 protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

D

18 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 and the London Plan.

19 Any 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 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 DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

20 The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

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

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellinghouses 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 the LDF Development Control Policies Development Plan Document Policy DC61.

D

22 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. **T**

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. **F**

23 Prior to the commencement of the development details of the existing ground levels and 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. **F**

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. **A**

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Please contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process. **R**

2. In aiming to satisfy conditions 10, 11 and 12 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

3. Reason for Approval:

D The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, CP18, DC2, DC3, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC63, DC70 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The proposal is considered to accord with Policy DC6 as the amount of affordable housing provision has been justified through the submission of a viability appraisal, which has been independently tested and found to be sound.

The proposal also accords with the provisions of Policies 3.3, 3.4, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 8.2 of the London Plan. The application proposes car parking at a level greater than that set out in policy 6.13 however the amount is considered to be justified given the relatively low PTAL level of the site. A number of the proposed houses within the development would fall below the internal space standards set out in Policy 3.5 however staff consider that the proposed houses would provide a decent quality living environment for future occupiers. The application does not comply with Policy 5.2 of the London Plan in that the sustainability element of the development is not equivalent to Code Level 4. The development does however envisage achieving Code for Sustainable Homes Level 3. Given the London Plan policy has been adopted post-submission of the scheme and compliance with local sustainability policies, this is considered acceptable in this case. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which require the maximum reasonable amount of affordable housing to be sought. A development viability appraisal has been submitted with the application, justifying the amount of affordable housing provided.

4. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

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

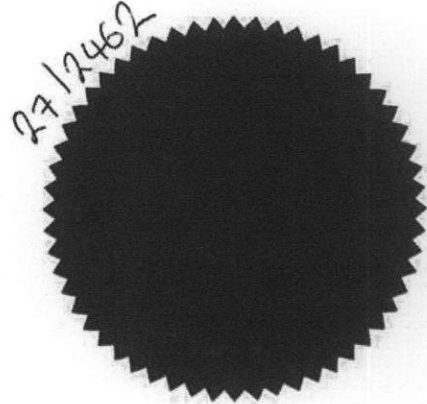
- (2) When submitting the completed appeal form to the Planning Inspectorate, it should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but 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 practise 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 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 OF WHICH the Council has hereunto affixed their common seal and the Owner executed this instrument as a Deed in the presence of the persons mentioned the day and year first before written

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



[Handwritten signature]

Authorised Person

[Handwritten signature]

Authorised Person

EXECUTED AS A DEED by PERSIMMON)
HOMES LIMITED acting by its attorneys)
)
)
)

Attorney *[Handwritten signature]*

Attorney *[Handwritten signature]*

REGULATORY SERVICES COMMITTEE

22 October 2015

REPORT

Subject Heading:

P0886.15 Angel Way Retail Park, Angel Way, Romford

New mixed use development of 350 residential units, a 63 bedroom hotel, ground floor mixed retail, basement car parking and a new public square at Angel Way Retail Park, Angel Way, Romford RM1 1JH. Minor-material amendment to P2246.07 involving the substitution of revised plans.

Romford Town

Ward:

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This is an application made under S73 of the Town and Country Planning Act 1990 for a new planning permission for the development granted under P2246.07 as varied by non-material amendments N0047.14 and N0024.15. It proposes to make minor material amendments to the approved drawings concerning the configuration of the underground car parking areas, parts of the internal layout and external detailing, including a small increase in height of one of the lower blocks and lift overruns. Under S73 only the question of the conditions subject to which planning permission should be granted, can be considered as the principle of the development has already been accepted. The proposed changes to the approved drawings are considered to be minor and are judged to be acceptable.

The existing planning permission is subject to a S106 planning obligation that secures affordable housing and other infrastructure and environmental contributions, including for education and highways, totalling over £1.9 million. As the approval of this proposal would result in a new planning permission a revised obligation is required. Subject to the prior completion of a new S106 planning obligation to secure affordable housing and the same contributions (indexed from the date of the original obligation) as set out in the original obligation the grant of a new planning permission is recommended subject to the same planning conditions, with some updating including the amendments approved under N0047.15 and N0024.15.

RECOMMENDATIONS

1. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - 31 of the residential units to be affordable in accordance with the details approved under S106BA of the Town and Country Planning Act 1990 on 18th June 2015.
 - A financial contribution of £1,628,712 (subject to final indexation) to be used for educational purposes to be paid in three instalments. 33% upon the occupation of the 66th market unit; 33% upon the occupation of the 131st and 34% upon the occupation of the 197th market unit. Market

units to be defined as all residential units other than the 31 affordable units referred to above.

- A highways contribution of £186,468 (subject to final indexation) for defined highways works in the vicinity of the site.
- Romford Ring Road contribution up to a maximum of £372,936 (subject to final indexation) to fund a scheme of mitigation against the impact of the development on the ring road. The exact sum to be determined in accordance with a modelling exercise to be undertaken by the Council upon the commencement of the development. Such scheme to be approved by the Council). Payment upon first occupation or within 6 months of receipt of the modelling results.
- A town centre environmental improvements contribution of £211,330 (subject to final indexation) towards improvements to the town centre by the Council, including pavement improvements in North Street and environmental improvements to Market Square. Payment to be made in two stages, 50% upon occupation of the 86th open market unit and 50% upon occupation of the 173rd open market unit.
- Provision of police office
- A training and recruitment scheme.
- TV reception study and remediation works
- Submission of landscape management plan.
- Provision of a piece of public art in an agreed location.
- Restriction on resident parking permits.
- Public access paths
- The terms of payment of the contributions and other provisions to be as set out in the planning obligation dated 19th November 2009 as modified by resolution of the Regulatory Services Committee on 18th June 2015. All contributions to be indexed from the date of the original UU to the date of signing the new agreement.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to the completion of the obligation irrespective of whether it is completed.

- Payment of the appropriate planning obligations monitoring fee.
- That the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions set out below.

1. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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

2. *Landscaping* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme. 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: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

3. *River Rom naturalisation* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, details of works, including details of all proposed planting, to achieve the naturalisation of that part of the western bank of the River Rom which lies within the site shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the works have been carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the naturalisation works proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document policies DC58 and DC59. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

4. *Light spillage* - There shall be no light spill which exceeds a lux level of 2 at any time from new external artificial lighting into the watercourse of the River Rom or the adjacent river corridor habitat within the site.

Reason: To minimise the impact from light spillage on the River Rom wildlife corridor in accordance with policies DC56, DC58 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

5. *Surface drainage* - No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to demonstrate that that surface water discharge from the development would not increase the risk of flooding in the locality. The submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

6. *Foul water drainage* - No development shall take place until a scheme of foul water drainage has been submitted to and approved in writing by the local planning authority.

Reason: Insufficient information has been supplied with the application to demonstrate how the foul water drainage would be undertaken. The submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with Development Control Policies Development Plan Document Policy DC51.

7. *Materials* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

8. *Access & Cycle paths* - The development hereby permitted shall not be occupied until all vehicular accesses and pedestrian and cycle paths shown on the approved plans have been constructed and made available for use in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that the site is fully accessible prior to occupation to comply with London Plan Policies 6.3, 6.13 and 7.14 and Development Control Policies Development Plan Document Policy CP10.

9. *Cycle storage* - The development hereby permitted shall not be occupied until all the bicycle racks shown on drawings Nos 2503/AP/09A and 2503/AP/10B and the 150 residential car-parking spaces and the 30 hotel car-parking spaces shown on drawing No 2503/AP/09A have been constructed and made available for use. Thereafter the bicycle racks and car-parking spaces shall be kept available at all times for the parking of bicycles and cars respectively.

Reason: In order to ensure that there is adequate cycle storage provision in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with London Plan Policies 6.3, 6.13 and 7.14 and Development Control Policies Development Plan Document Policy CP10.

10. *Parking management* - The development hereby permitted shall not be occupied until a parking management strategy and allocation scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall become operational on the commencement of the hotel or residential use, whichever is the earlier.

Reason: To ensure that adequate provision of parking for the whole development is provided in accordance with Development Control Policies Development Plan Document Policy DC33.

11. *Storage and electric charging* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, details of the following facilities to be provided within the development shall be submitted to and approved in writing by the local planning authority:

- (a) electric charging points to be provided in the basement car park;
- (b) secure containers, including refrigerated units, for the storage of deliveries to residential properties;
- (c) facilities for the storage of waste and recyclable materials.

Reason: In order to ensure that the development adequately incorporates measures to allow use of electric vehicles by occupiers in accordance with London Plan policy 5.7.

12. *Secured by design* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref

2503/PH01A, details shall be submitted to and approved in writing by the local planning authority showing how the principles and practices of the Secured By Design Award including the Park Mark Safer Parking accreditation have been incorporated into the development. These details shall include measures for site security, CCTV and security lighting for the development including the basement parking area. Development shall be carried out in accordance with the details thus approved.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

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

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

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

The submission will provide;

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

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

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

- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.No development shall take place until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details and retained throughout the course of the construction works.

15. *Construction methodology* - No development shall take place until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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.

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

Reason:- Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects

residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

16. *Noise* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, a scheme for protecting the residential units hereby permitted from road traffic noise and from noise arising from the retail floor-space hereby permitted shall be submitted to and approved in writing by the local planning authority. None of the residential units hereby permitted shall be occupied until the scheme has been carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to the likely road noise impact on the development. The submission of details prior to commencement will ensure that the amenities of future residents will be protected in accordance with Development Control Policies Development Plan Document policies CP15, DC55 and DC61.

17. *Energy Strategy* - Prior to the commencement of the works on: a) Phase 2A; b) Phase 2B or c) Phase 2C as shown on 'Development Phasing diagram' ref 2503/PH01A, an updated energy strategy based on the commitments in the Mendick Waring Energy Strategy Report (June 2008) and including details of a renewable energy system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the renewable energy system has been installed in accordance with the approved details and brought into operation.

Reason: The energy strategy submitted with the original planning application needs to be updated in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document and London Plan Policy 5.2.

18. *Contamination* - No development shall take place until there has been submitted to and approved in writing by the local planning authority:

(a) A Phase I (Desktop Study) Report documenting the history of the site and its surrounding area and the likelihood of contaminant(s), their type and extent, and incorporating a Site Conceptual Model;

and, if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors:

(b) A Phase II (Site Investigation) Report. The Phase II Report will be based on an intrusive site investigation and will include an updated Site Conceptual Model showing all the potential pollutant linkages and an assessment of risk to identified receptors;

and, if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation:

(c) A Remediation Scheme, which shall be fully implemented as approved. Any variation to the scheme shall be submitted to and approved in writing by the local planning authority in advance of works being undertaken. The development hereby permitted shall not be occupied until a Validation Report demonstrating that the Remediation Scheme has been fully implemented has been submitted to and approved in writing by the local planning authority.

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or is of a different type to those included in the contamination proposals, then revised remediation proposals shall be submitted to and approved in writing by the local planning authority and shall be carried out as approved.

If during development works contaminants are found in areas of the site previously expected to be clean, then their remediation shall be carried out in line with the agreed Remediation Scheme.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

20. *Retail floorspace* - No individual unit within the retail floor-space hereby permitted shall exceed 750sqm gross floor area.

Reason: In order to ensure that such uses are compatible with the core and fringe retail areas of the town centre, in accordance with Development Control Policies Development Plan Document Policy DC15.

21. *Non-retail floorspace* - At no time shall units in A4 and A5 use occupy more than 10% of the retail floor-space hereby permitted¹⁶, nor shall such units occupy more than 10% of the frontage of that retail floor-space.

Reason: In the interests of residential amenity, the function of the town centre, in accordance with Policies DC15 and DC 61 of the LDF.

22. *Window display* - Except for the police office shown on drawing No 2503/AP/10B, a window display shall be provided at all times in each of the ground-floor windows serving the retail floor-space hereby permitted.

Reason: In order to ensure that the development contributes to the creation of an active frontage within the town centre, in accordance with Development Control Policies Development Plan Document policy DC15 and ROMSSA1 of Romford Area Action Plan.

23. *Trading hours* - Each retail unit facing St Edward's Way shall have an entrance onto St Edward's Way which shall be open for public use during trading hours.

Reason: In order to ensure that this part of the development has an active frontage facing onto the public highway

24. *Opening hours* - Except for the police office shown on application drawing No 2503/AP/10B, no unit within the retail floor-space hereby permitted shall be open to customers outside the following hours: 0700 to midnight on Mondays to Saturdays, and 0800 to 2300 on Sundays.

Reason: To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

25. *Deliveries* - No deliveries to the hotel or to any unit within the retail floor-space hereby permitted to the north-east of the River Rom shall take place outside the hours of 0700 to 2200 on Mondays to Saturdays and 0800 to 1400 on Sundays.

Reason: To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

26. *Deliveries (southwest of Rom)* - None of the retail floor-space hereby permitted to the south-west of the River Rom shall be occupied until details of the hours during which deliveries to it may take place have been submitted to and approved in writing by the local planning authority. Thereafter deliveries shall not take place outside the hours specified in the details thus approved.

Reason: Insufficient information has been supplied with the application of the proposed delivery times for this part of the development. The agreement of delivery hours is considered necessary in order to protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

27. *Vehicle turntable* - The development hereby permitted shall not be occupied until details of the delivery vehicle turntable shown on application drawing No 2503/AP/10B and a scheme for its maintenance have been submitted to and approved in writing by the local planning authority, and the turntable has been installed in accordance with the approved details. The turntable shall thereafter be kept operational at all times when deliveries to the premises are permitted and shall be maintained in accordance with the approved maintenance scheme.

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

28. *Lifetime homes* - At least 35 of the residential units hereby permitted shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

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

- 29 *Travel Plan* - The development hereby permitted shall not be occupied until a travel plan covering both the proposed residential and commercial uses of the site has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to be put into place to encourage sustainable modes of travel to the site, such as walking, cycling, use of public transport and car sharing and shall include provisions for future monitoring and review. The travel plan shall be implemented in accordance with the details thus approved.

Reason: Insufficient information has been supplied with the application of the measures to be put in place to help reduce carbon dioxide emissions and provide alternatives to the car. The agreement of details prior to occupation will ensure that appropriate measures are in place in accordance with London Plan Policies 6.3, 6.13 and 7.14 and Development Control Policies Development Plan Document Policy CP10.

Informatives

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012
2. *Planning Obligations* - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. *Designing out crime* - In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises land between St Edwards Way and Angel Way previously occupied by the Decathlon retail warehouse and associated parking. The site amounts to 0.95 hectares and takes access from Angel Way via the North Street roundabout. The River Rom runs through the site in an open culvert. Ground works as part of the development of the site for residential and commercial purposes are currently underway

2. Description of Proposal

- 2.1 The development granted under P2246.07 comprises the complete redevelopment of the site on both sides of the River Rom to provide 350 new flats, a 63 bed hotel with ground floor mixed retail and other commercial units. The development will be accommodated in three groups of buildings, the largest on the St Edwards Way and Angel Way frontages (Phase 2C). This building is arranged around a central courtyard and includes a sixteen storey tower block close to the roundabout.
- 2.2 Basement car parking would be provided on a single level under the main buildings for both the flats and hotel. A turntable was approved to enable delivery vehicles to be turned within the site with access from Angel Way via the North Street roundabout. The two other buildings also have A1-A5 uses on the ground floor with residential above. These buildings are nine (Phase 2B) and five (Phase 2A) storeys high respectively.
- 2.3 This application is made under S73 of the Town and Country Planning Act 1990 and seeks a new planning permission for the development with amendments to the approved plans as minor material amendments.
- 2.4 The minor alterations proposed comprise:
- Reconfiguration of the basement car parking over two levels to provide 180 parking spaces, including 20 disabled as previously (Phase 2C);
 - Relocation of turntable and access ramp to basement on Angel Way frontage (Phase 2C);
 - Changes to internal ground floor layout to provide for residential storage (Phases 2A & 2B);
 - Minor external changes to meet Building Regulation, Secured by Design and Lifetime Homes requirements (Phases 2A & 2B);
 - Lift over-run above building (Phases 2A & 2B);
 - Increase in building height by under 0.5m to allow for thickness of roof insulation and compensatory increase in height of ground floor retail (Phases 2A).

- Omission of flues (Phase 2B);
- Roof parapet and guardings amended to meet Building Regulations (Phase 2B);
- Revisions to correct discrepancies between drawings (Phase 2B);
- Revised balcony detail(Phase 2B);
- Relocation of support columns to address structural integrity (Phases 2A & 2B).

3.0 **Relevant History**

- 3.1 P2246.07 - New mixed use development of 350 residential units, 63 bed Hotel, ground floor mixed retail, basement car parking and new public square - approved on appeal.
- 3.2 P0574.14 - Extension of Time limit of P2246.07 - withdrawn.
- 3.3 N0047.14 - Include phasing plan to the list of approved documents (GML drawing 2503/PH01A) and vary the wording of conditions 2, 3, 7, 11, 12, 16, 17, 18, 29, to enable the discharge of these conditions in phases (parts) - approved.
- 3.4 N0024.15 - Non material amendment to P2246.07 - To include a condition listing the approved drawings as the enclosed list of drawings - approved.

4. **Consultations/Representations**

- 4.1 The application was advertised by way of site notices and one representation has been received. This raises objections on the grounds of design and car parking provision.
- 4.2 London Fire Brigade Water Team - no objections.
- 4.3 Thames Water - no objections.
- 4.4 The Metropolitan Police Designing Out Crime Officer - changes should be made to details submitted by way of condition discharge.
- 4.5 Essex and Suffolk Water - no objections.
- 4.6 Public Protection - no objections, request conditions covering, air quality, land contamination, construction, noise during works and noise insulation.
- 4.7 Streetcare (Highways) - no objections.
- 4.8 Environment Agency - no comments.
- 4.9 Greater London Authority - no comments.

5. **Relevant Policies**

- 5.1 LDF Core Strategy and Development Control Policies Development Plan Document:- CP1 (Housing Supply); CP2 (Sustainable Communities); CP3 (Places to Work); CP4 (Town Centres); CP10 (Sustainable Transport); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC14 (Hotels); DC15 (Locating Retail and Service Development), DC21 (Major Development and Open Space, Recreation and Leisure), DC23 (Food, Drink and the Evening Economy), DC25 (Public Art), DC26 (Location of Community Facilities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Management), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC57 (River Restoration), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC66 (Tall Buildings and Structures) and DC72 (Planning Obligations).
- 5.2 Romford Area Action Plan:- Site specific allocation ROMSSA1 (Angel Way), ROM4 (Pedestrian Links), ROM 8 (Day and Evening Economy), ROM11 (Retail Fringe), ROM14 (Housing Supply), ROM17 (Greening Romford), ROM18 (River Rom), ROM19 (Tall Buildings), ROM20 (Urban Design), ROM21 (Public Spaces).
- 5.3 London Plan:- 2.15 (Town Centres); 3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.5 Quality design of housing development; 3.8 (Housing choice); 4.7 (Retail and town centre development); 5.3 (Sustainable design and construction); 5.12 (Flood risk management); 7.3 (Designing out crime); 8.3 (Community infrastructure Levy).
- 5.5 Government Guidance: - National Planning Policy Framework and National Planning Practice Guidance

6. **Staff Comments**

Principle of the development

- 6.1 The principle of residential and commercial development on the site is established by Policy ROMSSA1 of the Romford Area Action Plan. The scale and form of the redevelopment has already been approved through the grant of planning permission under P2246.07. The issues for consideration are whether the proposed changes to the approved plans would be acceptable as minor material amendments to the plans already approved.

Impact of the proposed changes

- 6.2 The proposed changes would be minor and relate mainly to the internal layout and elevation changes. The overall appearance of the development would remain essentially the same as already approved and the changes would not have any significant visual impact. The main change would be to the basement

car parking which would be extended over two levels, and the relocation of the turntable and access ramp. These would be material but in the context of the overall scheme staff consider that they are minor. The changes to the car parking would provide the same number of spaces and would not be visible from outside of the site. The relocation of the ramp and turntable would be visible, but the overall impact would not be significant. There are no objections to the changes on highway grounds. The proposed changes would not have any significant additional impacts on adjoining occupiers.

- 6.3 The elevational and other changes are shown on revised plans which would be substituted for the existing approved plans listed under N0024.15. These changes are considered to be minor and would not significantly change the overall appearance of the development and not result in any significant additional impacts on adjoining occupiers. The internal changes would be minor and enable a more efficient use of the floorspace.

Other conditions

- 6.4 The development has already commenced so there is no requirement for a commencement condition. Some of the original conditions have been discharged, such as archaeology, and are no longer required, others have been part discharged subject to implementation so are recommended to be retained. The phasing conditions approved under N0047.14 have also been included.
- 6.5 Some of the other conditions have been updated, including reasons in accordance with recent legislation changes.

Planning obligations and Mayoral CIL implications

- 6.6 The original planning permission was granted prior to the introduction of Mayoral CIL so as this is an application under S73 the development is not liable for any CIL payment.
- 6.7 The application includes new residential accommodation which will have an impact on the demand for school spaces within Havering. The existing planning obligation already includes an education contribution the payment of which is currently phased and split between primary and secondary education. However, current policy no longer splits contributions and it is recommended that the new obligation does not make a distinction between primary and secondary, whilst retaining the phasing of payments in view of the number of residential units. The overall sum has been increased in line with indexation since the original obligation.
- 6.7 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:-
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

- 6.8 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. These include contributions towards town centre improvements (Policy CP4) and road and transport improvements (Policy DC32). Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.9 The obligations within the 2009 unilateral undertaking are considered necessary to make the development acceptable in planning terms and would comply with Regulation 122. The contributions have all been increased in line with indexation since the 2009 undertaking.
- 6.10 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation.
- 6.11 With regards to affordable housing at the 15th June 2015 meeting of the committee members agreed to a variation of the original obligation. In view of the conclusions of a viability appraisal which had been independently assessed it was agreed to reduce the provision to 31 units (8.9%) from the original 87 units (25%). A variation to the original S106 planning obligation is currently being completed. The terms of this variation would be included in the new S106 agreement.

7. **Conclusions**

- 7.1 The principle of the redevelopment of the site for residential and commercial uses is set out in the Romford Area Action Plan. The scale and scope of the redevelopment was approved through planning permission P2246.07. This application is for the same development, but with some minor, but material changes to the approved drawings.
- 7.2 The proposed changes would not result in any additional significant impact on the area or on the amenities of adjoining occupiers.
- 7.3 The proposed changes would, therefore, be in accordance with the relevant development plan policies and subject to the prior completion of a planning obligation to secure contributions as set out in the recommendation, the proposals are considered acceptable and the grant of a revised planning permission is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources will be required for the drafting of a planning obligation. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form and plans received on 17-06- 2015

REGULATORY SERVICES COMMITTEE

22 October 2015

REPORT

Subject Heading:

P1131.15 – Former Harold Wood Hospital, Gubbins Lane, Harold Wood (Date received 11/08/2015, revised plans received 6/10/2015))

Proposal

Reserved matters application for the approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 2A of the former Harold Wood Hospital, for the development of 109 residential dwellings, plus associated infrastructure and car parking.

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

SUMMARY

Since outline planning permission for the redevelopment of the former Harold Wood Hospital was granted under ref P0702.08 Members have considered full applications for the construction of the spine road and Phases 1A and 1B and reserved matters applications for Phase 3A, 3B, 5, 4A and 4B of the residential development. This reserved matters application is for the next penultimate phase of development, Phase 2A which proposes 109 residential dwellings, plus associated infrastructure and car parking.

Staff consider that the development would be sufficiently in line with the parameters agreed for the redevelopment by the outline planning permission which is required by condition. The development is further considered to be acceptable in all other respects.

It is concluded that the reserved matters application should be approved.

RECOMMENDATIONS

That the Committee resolve that reserved matters permission be granted subject to the following condition:

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

Reason:-

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

2. Prior to the first occupation of the development a car parking management scheme for Phase 2a shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of car parking allocation and the measures to be used to manage the car parking areas. The scheme shall be implemented in accordance with the approved details prior to the first residential occupation of this phase of the development and such measures shall be maintained and retained permanently thereafter.

Reason:-

Insufficient information has been supplied with the application to judge arrangements for the management of parking. Submission of a scheme prior to occupation will ensure that there is no confusion about the allocation and management of parking facilities in the interests of highway safety.

INFORMATIVES

1. Following a change in government legislation a fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012..

REPORT DETAIL

1.0 Site Description

- 1.1 The former Harold Wood Hospital is located on the western side of Gubbins Lane approximately 500m (¼ mile) south of the junction with Colchester Road (A12), and opposite Station Road and Harold Wood mainline railway station.
- 1.2 The former hospital site is of irregular shape and covers an overall area of approximately 14.58 hectares, including the retained uses. This application relates to two areas totalling 0.99 hectares towards the eastern end of the site. The northern part of the site is located to the north of the Spine Road (St. Clements Avenue) and to the east of the first northern spur road (Wessex Lane) and extends up to Gubbins Lane. To the north of the site lie an existing car workshop, land to the rear of Harold Wood Methodist Church and the rear driveway and gardens to 1 to 7 The Drive. The southern part of the site is located to the south west of The Grange Listed Building and is bordered by Phase 4B which is currently under construction to the west, the railway to the south east and the site of the future final phase 2B to the east. The red line site plan for the southern part of the site also incorporates an area of road in front of The Grange.
- 1.3 There is one existing mature tree within the northern part of the site and a number of existing mature trees, including an avenue of Lime trees, within

the southern part of the site, all of which are the subject of a Tree Preservation Order and are to be retained.

- 1.4 Vehicular access to the northern site will be from Wessex Lane adjacent to the northern boundary. The southern section would be accessed from both Road 9 to the west within Phase 4B and the access road in front of the Grange which it is proposed to extend south westwards to give vehicular access to the rear of Block G.

2.0 **Description of Proposal:**

- 2.1 The proposal is a reserved matters application for siting, design, external appearance and landscaping pursuant to outline planning permission P0702.08 in relation to Phase 2A of the redevelopment of the former Harold Wood Hospital site. This would consist of 109 dwellings within 3 No. apartment blocks. Block B providing 14 no. 1 bedroom, 27 no. 2 bedroom and 7 no. 3 bedroom flats, Block G providing 22 no. 1 bedroom and 21 no. 2 bedroom flats, and Block H providing 5 no. 1 bedroom and 13 no. 2 bedroom flats.

Siting and Scale

- 2.2 Block B is proposed as a predominantly 4 storey block reducing to 3 storeys towards its northern edge to a maximum height of 14.2m designed as a three sided J shape and positioned on the north eastern side of the junction of St Clements Avenue (Spine Road) with Wessex Lane (Road 14). Key outward elevations face St Clements Avenue to the south east, the junction to the south west and Wessex Lane to the west. . The longest 53m elevation faces St. Clements Avenue. The height is staggered slightly to accommodate the sloping land. An area of open space and a preserved Willow tree would be retained adjacent to the St Clements Avenue / Wessex Lane junction. On its northern side a gated courtyard area of parking, undercroft parking spaces, together with the bin and cycle stores are proposed.
- 2.3 Blocks G is located adjacent and at an angle to the south eastern boundary with the railway. The 4 storey block is L-shaped with its longer 47m north west elevation facing onto road 9 and Phase 4B and the shorter 34.5m north east elevation facing towards Block H, The Grange and the avenue of Lime trees. On its southern side the internal elevations enclose a parking courtyard and undercroft parking spaces.
- 2.4 Block H is rectangular (37m x 14.5m) and located to the north east of Block G on the same alignment as Block G to road 9 and Phase 4B and with the avenue of preserved Lime trees to the south east

Access and Parking

- 2.5 Vehicular access into the site would be from the east side Wessex Lane adjacent to the northern boundary of the site for Block B. Block G would be accessed from both sides via road 9 and an extension to road 15 in front of

The Grange which will give access to the parking courtyard. Block H would be accessed entirely from road 9 by vehicles but with ground floor pedestrian access on either side.

- 2.6 A total of 101 parking spaces are proposed within the phase inclusive of 2 visitor spaces and potentially 7 spaces for a future block with phase 2B. Parking spaces would be provided in the form of a mixture of street side, undercroft and courtyard parking giving an overall parking ratio of 0.84 spaces per unit for the phase. A minimum of one cycle storage space per unit would be provided either by way of secure communal ground floor areas within the Block G, and H or within secure external stores in the case of Block B.
- 2.7 The area of road in front of The Grange is incorporated into this reserved matters application for contractual reasons relating to the sale of The Grange to the company which is implementing the approved conversion. The road is to be constructed in block pavior finish.

Design and External Appearance

- 2.8 Block B would provide 48 units comprising of 14 no. 1 bedroom, 27 no. 2 bedroom and 7 no. 3 bedroom apartments of which the 4 units at the eastern end of the block (one on each floor) would be wheelchair accessible. 6 of the ground floor units would be accessed from the street side of the development and the others either from access cores or the rear parking courtyard. All ground floor units would be provided with their own semi-private terrace and defensive planting, with each apartment on other floors having its own balcony.
- 2.9 The design approach for Block B responds to the prominent location on the area of land to the north of St Clements Avenue and to the east of Wessex Lane in the area currently occupied by the sales building with a 3-sided frontage which addresses the corner location. The frontage is articulated by a consistent vertical rhythm of windows, a constant grey brick ground floor with alternating vertical sections of white render and red brick. Balconies are expressed either as stacked columns or where balconies are conjoined at the eastern and western corners by framing with copper effect cladding. Copper effect cladding is also used to define the entrances to the front and rear of the block.
- 2.10 Block G would provide 43 units comprising 22 no. 1 bedroom and 21 no. 2 bedroom apartments incorporating 4 no. 1 bedroom units on the ground floor which would be wheelchair accessible. All ground floor units would be provided with their own semi-private terrace plus defensive planting, with each apartment on other floors having its own balcony. The design follows the same design principles as Block B with a grey brick ground floor, alternating use of white render and red brick, columns of balconies with the wrap around balcony on the northern external corner framed by copper effect cladding along with the entrance canopies.

- 2.11 Block H would provide 18 units comprising 5 no. 1 bedroom and 13 no. 2 bedroom flats incorporating 1 no. 1 bedroom and 2 no. 2 bedroom units on the ground floor which would be wheelchair accessible. All ground floor units would be provided with their own semi-private terrace plus defensive planting, with each apartment on other floors having its own balcony. The Block H design at three storeys is intended to relate in height terms to The Grange. The amended design incorporates a central entrance on the western side. The rhythm of windows and columns of balconies is repeated in the same manner as other blocks but a simplified palette consisting of white render and copper effect cladding is proposed.

Landscaping and Amenity Space

- 2.12 The application includes detailed proposals for the hard and soft landscaping, including the retention of a number of significant trees, which are intended to fulfil the requirements of the relevant conditions of the outline permission for this phase of the development. This includes a secondary area of public open space in the location of the avenue of Lime trees in-between blocks G, H and The Grange. Various biodiversity measures including bird and bat boxes, wildflower planting and log piles are shown to be incorporated into the development. Details of all surface treatments are also included.
- 2.13 All blocks would be provided with semi-private terraces at ground floor or balconies on upper floors.

3. Relevant History

P0704.01 - Residential development (Outline) - Resolved by Committee to be approved subject to the prior completion of a Section 106 Agreement. (10.56ha site similar to the current application site)

P0141.06 - Residential development of up to 480 dwellings (outline) – Refused (appeal withdrawn)

P1232.06 – Residential development of up to 423 dwellings (outline) – Approved

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

P1703.10 - Construction of Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital - Approved

P0230.11 - Construction of Phase B of a Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital – Approved

P0004.11 - Phase 1A of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping – Approved

D0122.11 - Demolition of the former Harold Wood Hospital, Gubbins Lane.- Prior Approval Granted

P1002.11 - Phase 1B of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 68 residential units and associated infrastructure and landscaping – Approved

P0243.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3B of the former Harold Wood Hospital, for the development of 74 residential apartments, plus associated infrastructure and car parking – Approved

P0412.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 5 of the former Harold Wood Hospital, for the development of 105 dwellings, plus associated infrastructure and car parking.– Approved

P0346.13 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3A of the former Harold Wood Hospital, for the development of 144 residential dwellings, plus associated infrastructure and car parking. - Approved

P1295.13 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4A of the former Harold Wood Hospital, for the development of 55 residential dwellings, plus associated infrastructure, open space and car parking.- Approved

P1594.14 – Reserved matters application for the approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4B of the former Harold Wood Hospital, for the development of 84 residential dwellings, plus associated infrastructure, open space and car parking. - Approved

4. Consultations and Representations:

4.1 Consultees and 232 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press.

4.2 Eleven letters of representation have been received. Objections are raised to:

- The density of development proposed amounts to overdevelopment which it is suggested is out of keeping with the rest of the development.
- Overlooking and loss of privacy for units within Phase 1a notably those properties in St Clements Avenue and Wessex Lane closest to the proposed Block B;
- Inadequate parking, in particular for Block B, which will lead to increased on street parking especially in Wessex Lane which is private and not subject to parking restrictions.
- Lack of visitor space parking.
- Too many units will be served from Wessex Lane which was not intended for such purposes.
- Additional traffic will cause congestion at the junction with Gubbins Lane and highway safety issues.
- Additional noise and pollution from traffic and entrance gate.
- Loss of light as a result of four storey development.
- Four storeys will be out of keeping with the rest of the development.
- Purchasers of properties were not told about future phases and were given assurances that nothing would exceed three storeys.
- Adverse effect upon the setting of The Grange listed building.
- Adverse effect upon preserved trees.
- Loss of green space.
- Proposal is not in keeping with the developers objective of creating a “wooded development”.
- More time should be allocated for neighbours to respond due to delays in people receiving their letters.

Consultee Responses

Borough Designing Out Crime Advisor – Advises that there have been pre-application discussions and that the application shows that crime prevention measures have been considered in the design of the proposed development. No objections are raised subject to the development being carried out in accordance with the relevant conditions of the original outline consent.

Environment Agency – No objections subject to there being no impact upon the developer’s ability to meet the requirements of the surface water drainage condition on the Outline consent in accordance with the approved Flood Risk Assessment. (FRA)

Natural England – No comments. The Council’s obligation to assess and consider the possible impacts arising from the development and to seek biodiversity enhancement is reiterated.

Thames Water - no observations.

Essex and Suffolk Water – No objections

Streetcare – No objections

LBH Waste and Refuse – Sought clarification of width of entrance to Block B and distance from bin store.

LBH Environmental Health – Requested conditions related to a construction management plan, enhanced sound insulation, noise levels in rooms and contamination.

Network Rail – Advise of the restrictions and safeguards that the developers need to adhere to in relation to the adjacent Network Rail land.

5 Relevant Policies

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP15 (Environmental Management) and CP17 (Design) of the Local Development Framework Core Strategy are considered relevant.
- 5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees), DC61 (Urban Design), DC63 (Delivering Safer Places), of the Local Development Framework Development Control Policies Development Plan Document and Policy SSA1 (Harold Wood Hospital) of the Local Development Framework Site Specific Allocations Development Plan Document are also considered to be relevant. Various Supplementary Planning Documents of the LDF are also relevant.
- 5.4 London Plan policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 7.19 (biodiversity and access to nature) are considered to apply. There is also a range of Supplementary Planning

Guidance to the London Plan. including 'Providing for Children and Young People's Play and Informal Recreation' that are considered to be relevant.

5.5 The National Planning Policy Framework is a further material consideration.

6.0 **Planning Considerations**

6.0.1 The principle of the residential redevelopment of the Harold Wood Hospital sites has been established by the outline planning permission P0702.08. Many of the environmental issues arising from the principle of residential development, such as land contamination, archaeology and ecology have all previously been considered by the outline application. These matters are all dealt with in detail by the planning conditions forming part of the outline permission.

6.0.2 This is the eighth application for full permission or reserved matters approval which has been submitted and if approved, would bring the total number of units with detailed permission to 674 representing 83% of the total 810 units for which planning permission was granted.

6.0.3 The main issues arising from this application for reserved matters approval are therefore considered to be the extent to which the detailed proposals accord with the parameters and principles established by the outline permission; housing density, tenure and design, site layout including proposals for hard and soft landscaping of the site, massing and street scene implications, impact upon residential amenity, highways, parking and accessibility and sustainability.

6.1 **Principle of Development**

6.1.1 The outline planning application was submitted with an indicative masterplan and a number of development parameters and parameter plans as the means by which the design concepts for the redevelopment of the site would be translated into a framework for the future submission of reserved matters. The parameter plans showed the land uses, development, landscape strategy, access and movement, density and building height across the site to demonstrate how new development will work within the site and how it would relate to neighbouring development. The illustrative masterplan demonstrated one way in which this could be translated and forms the basis on which this reserved matters application has been submitted.

6.1.2 The outline permission included a condition (Condition 7) which required that the development should be carried out in accordance with the parameter plans and in general accordance with the corresponding strategies within the Design and Access Statement and other documents. The condition also states that any deviation from these can only be made if it is agreed by the Local Planning Authority that such deviation would not give rise to any adverse environmental effects which would have otherwise required mitigation. The parameters therefore act as a check to ensure that reserved matters follow principles established by the outline permission and

a benchmark against which to assess subsequent reserved matters submissions.

6.2 Density, Siting and Layout

- 6.2.1 The overall density approved in principle at Outline stage provided for an average of 64 dwellings per hectare (dph) across the whole development site. The density was designed to vary according to the location within the site to reflect the nature of surrounding development and the proximity to public transport. These density areas were identified as Blocks. Phase 2A is located partly within density Block A and partly within density Block E in the Density Strategy parameter plan where densities of up to 42 dph and 97 dph respectively have in principle consent.
- 6.2.2 To calculate the density of Block A it is necessary to combine the units currently proposed in residential block B (48 no. units) with those that have already been built within that density block i.e. Phase 1A (20 no. units) plus one unit from Phase 1B (Plot 39). With an area of 1.604 Ha, this gives a total density for Block A of 43 dph.
- 6.2.3 Within density Block E Phase 2a Blocks G and H propose 61 units and the approved conversion of The Grange and associated new build adds a further 15 units. The remaining phase of development Phase 2B will all be located within density block E and a maximum of 121 units could be provided in this final phase under the 810 units granted outline permission. This would give a total number of units within density block E of 197 units. Density block E has an area of 2.278 Ha which would give a maximum density of 86.5 dph.
- 6.2.4 Whilst the density for block A is marginally in excess of the block A density parameter the density for block E is well within the approved density parameter. Furthermore, the overall maximum density of the development, even taking into account the next yet to be submitted phase, is 62 dph and therefore remains below the overall permitted density of 64 dph for the entire development. The proposed densities are therefore considered to be acceptable and in accordance with the Outline consent.
- 6.2.5 The approved Building Height Strategy Parameter Plan identified the site of Phase 2A as being part 3 storey (9 to 12m in height) and part 4 storey (12 to 15m in height). Blocks G and H are located entirely within their respective 4 and 3 storey height zones with maximum heights within the permitted limits. Apartment Block B reduces to 3 storey where indicated by the height parameter plan but encroaches beyond the four storey development zone into areas identified as public open space at either end of the primary St Clements Avenue frontage. The extent of these encroachments is 3.5m at the eastern end and 14m at the western end, the latter resulting in a reduction in open space of some 200 sqm. This also represents a deviation from the land use strategy parameter plan approved under the Outline consent.

- 6.2.6 The judgment to be made is whether these encroachments will give rise to any significant impacts that were not envisaged as part of the outline application and whether these would require any mitigation which was not considered as part of the previous Environmental Impact Assessment.
- 6.2.7 The reduction in the area of open space results from Block B having been pushed away from the northern site boundary as far as is possible in order to maximize the amount of courtyard to the rear. In terms of the overall level of public open space being provided throughout the scheme (2.45 Ha) the magnitude of the change as a result of the reduction proposed (0.02 Ha) or less than 1% and is not considered to be significant. Moreover, in the indicative masterplan much of the area was indicated as a pond. It is still intended to provide a dual water feature within the final phase, but the result of the change is that a greater proportion of this particular area would be available for informal public use than might have been the case had the masterplan been adhered to more closely.
- 6.2.8 In terms of whether any impacts arise from the encroachments, it logically follows that if the magnitude of the change is not considered to be significant, that the any resulting environmental issues arising are similarly not considered material as they would not give rise to adverse environmental impacts requiring mitigation measure to ameliorate their effects. On that basis staff are satisfied that there is no conflict with the condition which requires the development to be carried out in accordance with the parameter plans as set out in paragraph 6.1.2.
- 6.2.9 There is also a deviation from the Access and Movement Strategy Parameter Plans which showed the Secondary road (Road 6) as a loop road which did not extend significantly beyond The Grange. Under the current proposals this road extends towards the railway boundary of the site as a no through road serving the rear parking courtyard for Block G. However, on the same basis as that set out in para 6.2.8 above, staff are satisfied that there is no conflict with the condition which requires the development to be carried out in accordance with the parameter plans as set out in paragraph 6.1.2.
- 6.2.10 In terms of layout the scheme has been derived from a detailed testing of the illustrative layout used for the outline application. The scheme has been developed playing close attention to the site topography, movement and access desire lines, relationship to other parts of the redevelopment and neighbouring development, maximisation of landscaping and the desire to minimise the impact of the parking and maximise the overlooking of any parking and open space.
- 6.2.11 The proposed apartment blocks will help create a sense of enclosure, strong active street frontages and provide additional natural surveillance for the public open space alongside the spine road in front of The Grange. Block B will provide an architectural landmark flanking the northern side of the spine road (St Clements Way) but set back 45m from the Gubbins Lane entrance. This will in the future be viewed across the proposed open space and landscaped area on the southern side of the spine road which is to be

provided as part of the final phase of development. The layout closely follows that shown on the original masterplan and is considered to be acceptable.

6.3 Design, Residential Quality and Open Space

6.3.1 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site.

6.3.2 The design of Blocks B, G and H maximise the number of ground floor entrances which in combination with the housing frontages onto the spine road and side roads will provide a functional and lively streetscene.

6.3.3 The design of Blocks B, G and H incorporate some design features that are recurrent with earlier phases, including roof edge detailing, grouping of balconies, cladding and distinctive material changes. Staff are satisfied that they continue the theme and character established by the earlier approved phases and offer suitably distinctive and high quality architecture with attention to detail and context whilst creating an attractive place where people will want to live.

6.3.4 The scheme will provide accommodation built to Lifetime Homes requirements throughout and also incorporates eleven units which are designed to be wheelchair accessible from the outset. The development is therefore in accordance with Policy DC7.

6.3.5 The design of all Blocks will offer acceptable levels of daylighting and sunlight for future occupants. Whilst there is no communal amenity area for the blocks staff are satisfied that this is adequately offset by the availability of balconies of a depth and area which comply with the guidance contained in the Residential Design SPD together with semi-private terraces at ground floor. In addition the close proximity of the central open space and other secondary open spaces throughout the development together with the setting provided by the tree lined spine road and other ecological features of the development will enhance amenity for future residents.

6.3.6 This phase of the development incorporates secondary areas of public open space to the east and west of Block B together with the space to the south east of Block H /south west of The Grange which is characterised by the historic avenue of Lime trees. These areas all accord with the parameters plans which formed part of the outline consent and will provide an attractive setting for the Blocks.

6.4 Landscape Strategy and Biodiversity Enhancement

6.4.1 The Landscape Strategy and specification submitted with the application demonstrates a commitment to providing a high quality residential

environment, both in terms of the streetscape and hard landscaping and the soft landscaping proposed. The road in front of The Grange is to be block paved as will all parking courtyards, with conservation kerbs used for all adoptable highways. A number of significant trees are to be retained within the open spaces with the roads and development kept clear of the tree root zone which would be fenced for protection during construction to ensure their successful retention and integration into the development. This would include those newly planted trees on the strip of land to the north of junction of St Clements Avenue with Gubbins Lane. Extensive planting of trees and shrubs within open spaces, within the courtyards and along the southern boundary and new roads is proposed which will enhance the biodiversity potential of the site and provide an attractive street scene and setting for the development

- 6.4.2 The area that Block B will occupy is the current location of the marketing suite, associated parking and additional landscaping and planting. Objections have been raised to the loss of this area. However, the area was identified as a development zone in the outline planning application and no objection is therefore raised to its loss.
- 6.4.3 Hedging is proposed in many areas of the site with the dual function of giving definition between public, semi- public and private areas of the site, defining the edges and giving structure to the public open space as well as providing an attractive feature in the street scene.
- 6.4.4 As well as the planting of native trees and shrubs on the site the buildings will also incorporate integrated bird and bat boxes. This together with further ecological enhancement measures within other phases of the development adjacent to the railway SINC and the creation of “Green Links” to it would be in accordance with the parameters set for the development and in compliance with Policy DC59.

6.5 **Impact on Adjoining Sites and Residential Amenity**

- 6.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss, over dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing. Loss of sunlight / daylight, overlooking or loss of privacy to existing properties.
- 6.5.2 The rear of closest residential properties to the north of the site in The Drive are 50m from the site boundary and over 60m away from the closest window serving a habitable room in Block B. At such distance no material harm to residential amenity will arise. The main consideration therefore arises from the relationship between the proposed blocks and properties that are already occupied in Phase 1A or under construction in Phase 4B.
- 6.5.3 The proposed relationship of Block B to the rear gardens of properties in St Clements Way and Wessex Lane has been raised by several objectors. At

its closest point the flank of Block B, which incorporates a number of habitable room windows and balconies, would be 20m away, across Wessex Lane, from the rear of the closest property in St Clements Way and 18m from the rear of the closest property in Wessex Lane. There is a 2m flank wall to the garden boundaries of these properties with Wessex Lane, but it is acknowledged that a degree of overlooking will occur. Members will have to take a view on this. However, the layout and relationship for Block B now proposed closely follows the approved building height parameters drawing as well as reflecting the layout shown on the “indicative masterplan”. The relationships proposed are considered to be similar to others that exist elsewhere on the development and staff consider that the degree of separation proposed is sufficient to ensure that the residential amenity of existing neighbouring occupiers of Kings Park will not be adversely affected to the degree that would warrant refusal of permission.

- 6.5.4 The relationship of Block B to the approved, but as yet unimplemented development at 65 Gubbins Lane is a further consideration, although the potential proximity of the 4 storey development on the hospital site was agreed prior to permission being granted for any development at 65 Gubbins Lane. P0585.12 was granted permission for a terrace of 4 no. houses with their rear facing westwards towards the eastern boundary of the application site where the eastern end of Block B is proposed. At its closest point Block B would be 10.5m from the rear of the proposed houses. However, although Block B will undoubtedly be a quite dominant building to the rear, it will not enclose the rear garden and an open view will be maintained across the majority of the rear boundary. There are no windows or balconies proposed that will give rise to any unacceptable potential loss of privacy or amenity and it is considered that acceptable living conditions for the future occupiers of the 65 Gubbins Lane scheme would be maintained.
- 6.5.5 A similar relationship will occur between the north west elevation of Blocks G and H and the closest approved houses in Phase 4B where a separation distance of 18m to 20m will result. Staff are satisfied that the same analysis as contained in the previous paragraph applies and that the proposed relationships would not result in an unacceptable living environment for future occupants.
- 6.5.6 The application site is not within a conservation area but The Grange is a Grade II Listed Building located in-between the two parts of the application site and therefore has the potential to impact upon the setting of The Grange. Policy DC67 requires that planning permission should only be granted where the setting of a Listed Building is not adversely affected.
- 6.5.7 The closest element of the proposals is the northern edge of Block H which is 30m from the southern end of The Grange, This location and the scale of the proposed block is as set out in the parameters drawings approved as part of the outline permission. The setting of The Grange has changed significantly over time, not the least of which was during the site’s long use as a hospital, albeit prior to the listing of The Grange, when many buildings were built around it. However, during that time the most enduring features

important to the setting of The Grange have been maintained, those being the open space and avenue of Lime trees to the south west and the open grassed area in front of its main eastern elevation. The avenue of Lime trees is retained as part of the current phase and the open grassed area will form an important element of the final phase, Staff consider that the proposed development will not detract from the setting of the listed building and that the scale will provide suitable framing for the grandeur of The Grange.

6.6 Transportation, Highways and Parking

- 6.6.1 The scheme incorporates new access roads which are designed to an acceptable standard with adequate space for turning and servicing and no objections are raised by Streetcare subject to all roads being a minimum of 5.5m in width.
- 6.6.2 The level of parking would allow for an overall ratio of virtually 0.84 parking spaces per unit for Phase 2A. The lowest ratio would occur for Block B with 33 spaces provided for 48 flats giving a ratio of 0.69 spaces per unit. In reality some flats would be sold with one allocated parking space and others without.
- 6.6.3 It is not considered unreasonable, and was always envisaged, that the parking provision for the part of the site closest to the station and with the highest Public Transport Accessibility Level (PTAL) might deliver less than 1 for 1 parking. The level of parking proposed within this phase is such that the overall level of parking provision, if this phase is approved, for the permitted phases would maintain a ratio in excess of 1:1, which is the overall minimum level of parking that could reasonably be accepted for the site as a whole. The parking requirement for the site as whole set out in Site Specific Policy SSA1 is expressed as a maximum rather than a minimum requirement i.e. a maximum of 1 – 1.5 spaces per unit. The parameters of the outline permission requires that the overall level of provision on the site should fall within this range with a maximum of 1.5 spaces per unit.
- 6.6.4 Careful consideration of the final phase will be required to ensure that an overall satisfactory level of parking is maintained. However, on the basis that both the overall level of parking and that for this individual phase are in accordance with Policy SSA1 and the parameters of the outline permission, no objections are raised. Nevertheless, there will be a significant onus on the Management Company ensure that the parking on this part of the site is properly allocated and a condition is proposed requiring a car parking management strategy to be submitted.
- 6.6.5 The parking is provided in a manner which does not unduly impinge upon the appearance of the development and will enable the provision of on street planting and landscaping. All potential wheelchair adapted ground floor units would have an identified parking space located as close as is reasonably practical to the respective units.

6.6.6 In terms of overall impact upon the highway network this was fully evaluated at Outline stage when it was agreed that the proposed residential development would generate less traffic overall than the previous hospital use. It was acknowledged that there would be different peak hour flows, but with funding agreed through the S106 agreement mitigation measures are to be implemented to the traffic lights at the A12, together with improvements to the junction with Gubbins Lane which have already taken place and contributions towards improvements to the transport facilities at Harold Wood Station and crossing facilities on Gubbins Lane. The whole of this phase will be accessed from Gubbins Lane which served as the original access to the former hospital and no objections are raised.

6.7 Housing

6.7.1 The proposed housing within phase 2A of the redevelopment would be developed entirely as private housing as the full quota of affordable housing required by the S106 on the basis of the current financial viability of the scheme has already been approved within earlier phases of the development. The housing offers flatted apartments which in combination with the variety of flats and houses within other phases of the development will provide for the full range of housing need for the Borough in accordance with the policy requirements of Policy DC2 and the indicative mix identified in the outline scheme.

6.8 Sustainability

6.8.1 The outline permission included conditions requiring the installation of photovoltaic panels and renewable energy systems in accordance with the approved Energy Strategy. In addition to the energy efficiency measures to be employed in the buildings and in its construction, all dwellings will be provided with high efficiency condensing boilers. A total of 152m² roof mounted photovoltaic panels will be provided over all three blocks to both assist in achieving the required Code level and to provide renewable energy for communal systems. All the dwellings within Phase 4B are proposed to be private and are therefore required to achieve Code for Sustainable Homes (Code) Level 3 as standard. The combination of efficiency improvements to reduce the carbon emissions of Phase 2A plus the renewable energy to be provided means that an overall carbon saving of 30% over that required by the Building Regulations 2006 will be achieved. Staff are satisfied that the combination of measures will be sufficient to satisfy the requirements of the conditions and the related policies that these stem from.

6.9 Conclusions

6.9.1 Having regard to the above it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.2 to 5.4.

6.9.2 Staff consider that this reserved matters application for the eighth phase (Phase 2A) of the redevelopment of the former Harold Wood Hospital site will continue to display the benchmark of the quality established by the

previous phases, both in terms of the residential accommodation and environment. This is in line with the illustrative master plan and the Design and Access Statement for the outline application. The scheme promises to deliver a sustainable, safe and attractive development for new residents in a form that maintains the residential amenity of existing residents.

- 6.9.3 It is recommended that the reserved matters application for Phase 2A of the development be approved

IMPLICATIONS AND RISKS

Financial implications and risks:

None arising.

Legal implications and risks:

None arising

Human Resources implications and risks:

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

Equalities implications and risks:

This phase of the development incorporates specifically designed accommodation for wheelchair users as well as meeting the requirement at the time that the outline permission was granted for all new dwellings to meet the Lifetime Homes standard. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.