

REGULATORY SERVICES COMMITTEE

23 October 2014

REPORT

Subject Heading:

**P1133.14 – Orchard Village, Rainham
(formerly The Mardyke Estate))**

**Variation of Condition 21 of P2058.08
to include D1 use.**

Application received 12/08/2014

Report Author and contact details:

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Policy context

**Local Development Framework
London Plan
National Planning Policy Framework**

Financial summary

None

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

SUMMARY

This application is to amend condition 21 of the original outline planning permission which specified and restricted the amount and nature of the commercial uses that were permitted. The condition omitted any D1 use which includes use as a health centre that was always intended to be incorporated within the Community Hub building (Block K). Block K is currently under construction as part of Phase 3 of the development and is intended to include such use. Without the amendment such use would not be in accordance with the planning permission so this application simply seeks to rectify that position. The Use Classes were also specified within the S106 Legal Agreement so Members authority for the necessary variation of the S106 agreement is also sought.

Staff therefore recommend that the original s106 legal agreement dated 3rd November 2009 (as previously varied on 5th December 2012) be varied as set out below in Recommendation A, and that the application to vary condition 21 be approved as per Recommendation B, subject to the re-imposition of conditions as relevant to the remainder of the development.

RECOMMENDATIONS

- A. That the S106 agreement dated 3rd November 2009 (as previously varied on 5th December 2012) be varied to include use within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) as one of the uses that the building defined as the “Community Hub” may be used for
- That the owner/developer pay the legal costs associated with the preparation of the Section 106 Deed of Variation irrespective of whether the Deed is completed or not.
 - All recitals, headings and clauses of the original agreement dated 3rd November 2009 shall remain unchanged unless there are consequential changes resulting from the above Head of Term.
- B. That the Committee resolve that the Head of Regulatory Services be authorised to enter into such legal agreement and upon completion of it, to grant planning permission subject to the following conditions.:
1. Time limit for commencement - The development to which this permission relates must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

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

2. Accordance with plans - All works for each part or phase of development shall be carried out in full accordance with the approved plans, drawings, particulars and specifications and any other plans and drawings particulars and specifications pursuant to any further approval of details as are approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted or those subsequently approved.

3. Submissions and approvals - Any application or submission for any other approval required by any condition attached to this permission shall be made in writing to the Local Planning Authority and any approval shall be given in writing. Any approved works shall be carried out and retained thereafter in accordance with that approval.

Reason: To ensure that the Development is satisfactorily implemented in accordance with any approvals.

4. Development Parameters - The development (including all reserved matters and other matters submitted for approval pursuant to the planning conditions) shall be carried out in accordance with the development parameters as detailed in the supporting document "Description of Development and Parameters" and Drawing No's:

A6283/2.1/001	Application Boundary
A6283/2.1/003	Proposed Levels
A6283/2.1/004	Development Area
A6283/2.1/005 rev A	Framework Plan
A6283/2.1/006 rev A	Heigh Parameters Above Ground Level
A6283/2.1/007 rev A	Proposed bus route
A6283/2.1/009 rev A	Land Use
A6283/2.1/011	Realignment of Bus Route.

No application for approval of reserved matters (or other matters submitted for approval pursuant to the planning conditions) which would entail any significant deviation from the parameters and plans shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason: To ensure that the development is carried out in accordance with the plans and parameters that form the basis for the consideration of the scheme.

5. Continuity of living conditions statement - Any application for reserved matters, or any phase thereof, shall be accompanied by a Continuity of Living Conditions Statement which shall set out the means by which the

living conditions on the estate shall be reasonably maintained during the relevant phase of the demolition and redevelopment. The statement shall include reference to decanting of residents, car and cycle parking, access to facilities and amenities, continuity of services, maintenance of bus routes and any necessary road closures or stopping up requirements.

Reason: To ensure the continuity of good quality living conditions for residents during the redevelopment in the interests of residential amenity.

6. Design statement - Any application for reserved matters, or any phase thereof, shall be accompanied by a comprehensive design statement which demonstrates how the development responds to the guidance set out in paragraph 35 of PPS1 and other good practice guides referred to at paragraph 37 of that document and the Housing Corporation Design and Quality Standards 2007.

Reason: To ensure the ongoing provision of high quality design.

7. Access statement - Prior to the commencement of phase 4 of the development, an access statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate that all parts of the development, including the car parks and all external public areas, shall be designed to be accessible for all, including people with disabilities. Such details to include:

How the layouts, including entrances, internal and external circulation spaces, car parking areas, 10% of residential accommodation, directional signs, lighting levels and other relevant facilities are accessible, adaptable or otherwise accommodate those with mobility difficulties and visual impairments.

Such provision to make the development fully accessible shall be carried out in accordance with the approved details and made available before each phase of the development is first occupied and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future residents and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policy 4B.5 of the London Plan.

8. Wheelchair accessibility and lifetime homes - Prior to the commencement of phase 4 of the development, a wheelchair accessibility and Lifetime Homes methodology statement shall be submitted to and agreed in writing by the Local Planning Authority. Such statement shall demonstrate how the relevant phase of the development will aim to achieve the London Plan and Havering Local Development Framework requirement that 10% of new housing to be designed to be wheelchair accessible or easily adaptable for such residents and that all new housing should be built to Lifetime Home standards. The development shall be carried out in accordance with the

approved details and made available before phase 4 of the development is first occupied and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers.

9. Sustainability statement - Prior to the commencement of phase 4 of the development, a sustainability statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development will meet the highest standards of sustainable design and construction to incorporate measures identified in Policy 4A.3 of the London Plan and shall be required to demonstrate that the development will achieve a Level 3 Code for Sustainable Homes rating, or better depending on the prevailing requirement at time of submission. The developer shall provide a copy of the final Building Research Establishment (BRE) certificate confirming that the development design achieves the minimum rating described. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement and if required by the Local Planning Authority, a Code for Sustainable Homes Post Construction Assessment shall be carried out on all or a sample of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Sustainable Design and Construction SPD Adopted April 2009 and London Plan policies set out in chapter 4A.

10. Energy statement - Prior to the commencement of phase 4 of the development, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall incorporate an energy demand assessment and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development which will displace at least 20% of carbon dioxide emissions, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development or relevant phase thereof. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Sustainable Design and Construction SPD Adopted April 2009 and London Plan policies set out in chapter 5.

11. Secured By design - Prior to the commencement of phase 4 of the development, a full and detailed application for the Secured by Design Scheme shall be submitted to the Local Planning Authority, setting out how the aforementioned are to be incorporated into that phase of the

development. Once approved, in consultation with the Havering Police Crime Prevention Design Advisor, the phase thereafter shall be carried out in accordance with the agreed details.

Reason: In the interest residential amenity and creating safer, sustainable communities, in accordance with Policies CP17 and DC63 of the LDF.

12. CCTV - Prior to the commencement of phase 4 of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and visitors, and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Designing Out Crime Officer. No part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of residential amenity and creating safer, sustainable communities, in accordance with Policies CP17 and DC63 of the LDF.

13. Sunlight and daylight - Prior to the commencement of phase 4 of the development, a sunlight/daylight assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority. The assessment will be required to demonstrate how each of the new dwelling units will achieve acceptable BRE levels within habitable rooms.

Reason: In the interest of the residential amenity of future occupants.

14. Unit Numbers - The number of residential units in the development hereby permitted shall not exceed 555 dwellings.

Reason: To ensure that the buildings, accesses and car parking provision can be accommodated on the site in a manner which respects the character and amenity of its surroundings and in the interests of highway safety.

15. Notification of demolition - Prior to the commencement of phase 4 of the development the applicant shall write to the Council advising them of the start date for works and the forecast length of the demolition process.

Reason: To ensure that the Council are able to monitor the development appropriately.

16. Commercial uses – Notwithstanding the description of development and the details contained in the “Description of Development and Parameters” submission, the permission hereby granted shall include for up to 900sqm of commercial floorspace which shall be for A1, A2, A3, A5 and/or D1 and/or D2 use only and shall not include A4 (Drinking establishment) use. Any A4 use would require separate consent.

Reason: In the interest of the residential amenity of future occupants.

17. Details of materials - Within 4 months of the start of demolition for phase 4 of the development, samples and details of all materials to be used in the

external construction of the buildings and surfacing of all external areas comprised in the that phase as set out in the agreed phasing strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

18. Boundary treatment - Within 4 months of the start of demolition for phase 4 of the development, details of the treatment proposed for those parts of the boundaries comprised in that part of the application site, including where appropriate, screen fencing and walling (adjacent to highways) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling within that phase of the development and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

19. Public area lighting - Within 4 months of the start of demolition for phase 4 of the development, a scheme for the lighting of all public areas of the site, including pedestrian routes within and at the entrances to that phase of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity. The agreed scheme shall be installed in full, prior to the first dwelling of that phase being occupied. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times.

Reason: In the interests of highway safety, public amenity and nature conservation.

20. Fire hydrants - Within 4 months of the start of demolition for phase 4 of the development, a scheme detailing the location and detail of fire hydrants on that phase of the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the buildings of phase 4, such hydrants as required for that phase of the development shall be installed and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for fire protection on the site.

21. Sound attenuation - The residential dwellings hereby permitted shall be constructed so as to provide sound attenuation of no less than 45dB(A) against internally generated airborne noise and 62dB(A) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

22. Plant and machinery - Within 4 months of the start of demolition for phase 4 of the development, a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

23. Extract ventilation - Before the relevant proposed commercial uses commence operation suitable equipment to remove and/or dispose odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the local 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.

24. Noise transmission control - Before the relevant proposed commercial uses commence operation a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter the equipment shall be properly maintained and operated during normal working hours.

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

25. Grease traps - Prior to the first occupation of any A3, or A5 unit, a grease trap shall be fitted to the drainage system in an appropriate position. Thereafter, the trap shall be permanently retained and maintained.

Reason: In the interest of amenity and to prevent blocking of the drainage system.

26. Hours of use - The opening hours of the commercial units hereby approved shall not be outside 0700 to 2300 Monday to Saturday and 0800 to 2300 on Sundays.

Reason: In order to ensure no undue harm to surrounding residential occupiers through noise disturbance, in accordance with Policy DC55 of the LDF.

27. Delivery hours - No deliveries to the commercial units hereby approved shall take place outside the hours of 0700 to 2000 Monday to Saturday and 0800 to 1400 on Sundays.

Reason: In order to ensure no undue harm to surrounding residential occupiers through noise disturbance, in accordance with Policy DC55 of the LDF.

28. Hard landscaping - Within 4 months of the start of demolition for phase 4 of the development, a scheme of hard landscaping for phase 4 of the development and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling within phase 4 of the development and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the scheme has adequate landscaping.

29. Soft landscaping - Prior to the occupation of the first unit within phase 4, a scheme of soft landscaping and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained, and any proposed topping or lopping, together with measures for the protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted and the approved scheme shall be undertaken in accordance with the timetable approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same place.

Reason: To ensure the scheme has adequate landscaping and to ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

30. Landscape management plan - For the development of phase 4 of the development a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscape areas, other than privately owned, domestic gardens, and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the first residential occupation of phase 4 of the development. The landscape management plan approved shall be carried out to the approved timescale and adhered to thereafter.

Reason: To protect/conservate the natural features and character of the area.

31. Ecological mitigation and management - Within 4 months of the start of demolition for phase 4 of the development an Ecological Mitigation and Management Plan shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include details of habitat and species enhancement measures, a timetable for its implementation and the methods of monitoring and management, to be incorporated into the development or the relevant phase thereof. The development or the relevant phase of the development shall thereafter be carried out in full accordance with the agreed scheme and retained thereafter.

Reason: To offset any loss of habitat and In the interests of providing a development attractive to wildlife and the creation of habitats and to identify opportunities for enhancement of biodiversity in line with the NPPF.

32. Parking provision - Prior to the occupation of the first residential unit within phase 4 of the development provision shall be made within the site for car parking at a level to be agreed by the Local Planning Authority, including car parking spaces for people with disabilities at a ratio of not less than 4% of overall provision. Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available within the site in the interests of highway safety.

33. Visibility splays - 2.1 metre by 2.1 metre pedestrian visibility splays shall be provided to the boundary of the public footway from any parking spaces or access points to parking areas prior to the first occupation of any dwelling served by that parking space or access point. There shall be no obstruction higher than 1.0 metre high within the visibility splay.

Reason: In the interest of pedestrian safety.

34. Cycle parking (residents) - Within 4 months of the start of demolition for phase 4 of the development, details to show how secure cycle parking is to be provided on site within phase 4 shall be submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of construction of the storage areas, making provision for one space per residential unit. Cycle storage facilities shall be provided in accordance with the approved details for the development or each phase thereof prior to the first occupation of the development or of that phase. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys.

35. Cycle parking (visitors) - - Prior to the occupation of the first residential unit within phase 4 of the development, details to show how secure cycle parking is to be provided on site for visitors within that phase shall be submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of construction of the storage areas, making provision overall for 56 spaces. Cycle storage facilities shall be provided in accordance with the approved details for phase 4 prior to the

first occupation of the development or of that phase. Such facilities shall be permanently retained and made available for visitors use thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys.

36. Delivery and servicing - Prior to the first occupation phase 4 of the development, details to show a delivery and servicing plan shall be submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of delivery and servicing. Delivery and Servicing facilities shall be provided in accordance with the approved details phase 4 prior to the first occupation that phase. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

37. Car parking management strategy - Within 4 months of the start of demolition for phase 4 of the development, details to show the car parking management strategy associated within that phase shall be submitted to the Local Planning Authority for approval in writing. The details shall include the details and measures to be used to manage the car parking areas. The car parking management strategy shall be provided in accordance with the approved details for the development or each phase thereof prior to the first occupation of the development or of that phase. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

38. Adopted highway standard - All roads to be adopted within the approved development shall be designed and constructed in accordance with current highway standards for adoptable highways, including footway provision, road width and road junction layout to the satisfaction of the Local Planning Authority and any route to be used by Buses shall be of minimum width 6.5 metres or as otherwise agreed by Havering Highways, and further widened in a manner to be agreed at bends prior to the commencement of development.

Reason: In the interests of highway safety.

39. Fire brigade access - Within 4 months of the start of demolition for phase 4 of the development, a scheme for the provision of adequate access for fire brigade purposes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. First residential occupation of phase 4 of the development shall not take place until the relevant phase of the approved scheme for fire brigade access has been implemented.

Reason: To ensure that adequate access for fire brigade purposes is made available in the interests of safety.

40. Bus stops - Before any of the building(s) hereby permitted are first occupied, a scheme detailing the number, layout and design of bus stops, associated shelters and kerbs within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to be fully available prior to the completion of the phase of construction which will provide the community hub and central square, or as otherwise provided for in the phasing strategy and shall be permanently retained thereafter.

Reason: To ensure that the level of provision, design, location and appearance of bus stops on the site is appropriate and that the development.

41. Safeguarding for two way bus operation – Notwithstanding the details shown for the bus route on Plan No A6283/2.1/007 rev A the realignment of Lowen Road shall safeguard an area or areas on the northern side of the road or other locations as may be agreed, for the future provision of bus stop/s in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that provision is made for future bus stops on the site in appropriate location/s.

42. Electric Charge Points - Prior to the occupation of the first unit for each phase, electric charging points shall be provided in the basement car park in accordance with details that have been previously submitted and approved in writing by the Local Planning Authority before the development commences.

Reason: In order to ensure that the development adequately incorporates measures to allow use of electric vehicles by occupiers.

43. Surface water drainage scheme - Prior to the commencement of development of phase 4 of the development, a surface water drainage scheme for phase 4, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development, or relevant phase thereof is completed.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason : To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

44. Infiltration - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning

Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect controlled waters from contamination.

45. Sewage impact study - Prior to the commencement phase 4 of the development, details of surface water source control measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out for phase 4 in accordance with approved details and retained thereafter.

Reason: To prevent increased risk of flooding and to improve water quality, and in order that the development accords with NPPF.

46. Archaeology - No development within phase 4 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 by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to protect the archaeological interest of the site.

47. Refuse storage - Prior to the first occupation of phase 4 of the development, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and locality general, and in the interests of sustainable waste management.

48. Re-use and recycling of demolition waste - Prior to the commencement of phase 4 of the development, a scheme for the re-use and recycling of materials arising from the demolition of buildings currently on the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed scheme prior to the first occupation of phase 4 of the development.

Reason: In the interests of sustainable waste management.

49. Construction methodology - Prior to the commencement of phase 4 of the development, including demolition, 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 that phase

of the development on the amenity of the public and nearby occupiers. The Construction Methodology statement/s shall include details of:

- a) Parking of vehicles of site personnel and visitors;
- b) Areas hardened to enable the loading and unloading of plant and materials;
- c) Storage of plant and materials, including stockpiles of crushed concrete;
- d) Dust management controls (using most practicable means) and monitoring proposals;
- e) Treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary;
- f) Details of access points to the site and routes within, the site for construction vehicles;
- g) The method of piling on site;
- h) Measures for minimising the impact of noise and, if appropriate, vibration arising from demolition and construction activities;
- i) Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and

The development or phase 4 shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and to ensure the works are carried out in such a way to avoid, remedy or mitigate adverse effects.

50. Piling details - Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent a pathway exposing groundwater to contamination.

51. Hours of construction - No construction works or construction related 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.

52. Wheel washing - Prior to commencement of phase 4 of the development, including demolition and site preparation, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during demolition, site preparation and construction works of the

development or relevant phase thereof shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site from the inception of any development activity including site preparation, demolition and throughout the course 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.

53. Contamination assessment and remediation scheme - Prior to the commencement of phase 4 of the development the following shall be carried out for that phase of the development:

a) A Phase I (Desktop Study) Report documenting the history of this 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 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.

c) 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.

d) 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

e) 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 further agreed contamination proposals.

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

Reason: To protect these engaged in construction and occupation of the development from potential contamination.

INFORMATIVES

1. 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. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
3. In aiming to satisfy conditions related to Safer Places, the Applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Please contact the Environment Management Team on 01707 632702 for further details.
5. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (eg. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Please contact the Regulatory Water Quality Team on 01707 632702 for further details.
6. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the Beam main river. Please contact John Thurlow on 01707 632403 for further details.

REPORT DETAIL

1.0 Site Description

- 1.1 This application relates specifically to the new community hub building which is currently under construction as Block K within Phase 3 of the redevelopment of the former Mardyke Estate, now known as Orchard Village.
- 1.2 The site is of a broadly rectangular shape located centrally within the estate with boundaries to the west with the Social Centre, to the south with the Energy Centre, with the realigned Lowen Road to the north and Perry Close and Newtons School to the east. The site was previously largely occupied by the now demolished 12 storey block, Perry House.

2.0 Description of Proposal:

- 2.1 This application is to amend condition 21 of the original outline planning permission which specified and restricted the amount and nature of the commercial uses that were permitted. The condition omitted any D1 use which includes use as a health centre that was always intended to be incorporated within the Community Hub building (Block K).
- 2.2 A corresponding variation to the S106 Agreement is also sought.

3. Relevant History

P2058.08 - Redevelopment to provide for up to 555 residential units, with associated car parking, alterations to existing access and provision of new landscape and amenity space, together with up to 900 sqm of class A1, A2, A3, A4, A5 and/or D2 accommodation and up to 600sqm of class B1(A) offices. Full permission is sought for the new estate road (the bus route).- outline application Approved.

P0356.09 - Demolition of 86 residential units (existing blocks 1 to 31 Chantry Way, 57 to 87 Lowen Road, 90 112 Walden Avenue, Chantry House and Walden Avenue car park) and erection of 121 new residential units in 3 blocks accessed from Lowen Road and/or Walden Avenue. Erection of an energy centre and formation of landscaped areas. Erection of 2 electrical substations. - Approved.

P0945.09 - Permission for temporary site accommodation in connection with the redevelopment of the Mardyke Estate to include :- Office units, canteen , drying room, toilets, material storage compound, hoarding, car parking, gates, plus temporary residents parking areas and crushed concrete storage - Approved

P1144.09 - Electricity Substation – Approved

P1542.09 - Reserved Matters application pursuant to P2058.08 Revised scheme for Block P - Erection of 13 units in one block, 3 No. 1 bed units, 2 No. 2 bed units, 3 No. 3 bed units and 5 No. 4 bed units – Approved

P1610.09 – Reserved matters application pursuant to P2058.08 for the demolition of 161 residential units (existing blocks 1-55 Lowen Road, 67-117 and 60-92 Lower Mardyke Avenue, Mardyke House and Templar House) and erection of 184 new residential units in 4 blocks accessed from Lower Mardyke Avenue/South Street and landscaped/parking areas. –Approved

P0959.12 - Reserved matters application pursuant to P2058.08 for the demolition of 190 residential units (33 to 125 Chantry Way, 26 to 88 Walden House, 2 to 40 Roman Close, Dearsley House, Roman House and Perry House) and erection of 124 new residential units in 5 blocks accessed from Lower Mardyke Avenue, South Street and Walden Avenue, together with a communal commercial hub and landscaped square, landscaping and parking areas. – Approved

P0047.14 - Reserved Matters application pursuant to P2058.08 for the demolition of 24 residential units and 5 commercial units (89-153 odd Lowen Road) and erection of 87 new residential units in 2 blocks, accessed from Lowen Road with landscape and parking areas. – Approved

P0279.14 - Reserved Matters Application for the erection of a three storey building (Block K) comprising of two retail units, medical centre and office accommodation accessed from Walden Avenue and Lowen Road - Approved

4. Consultations and Representations:

- 4.1 The proposals have been advertised as a major development by the display of site notices and by an advertisement in the Recorder. No letters of representation or have been received.

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 CP2 (Sustainable Communities) and CP8 (Community Facilities) of the Local Development Framework Core Strategy, DC26 (Location of Community Facilities) and DC33 (Car Parking), of Local Development Framework Development Control Policies Development Plan Document and London Plan policy 3.17 (health and social care facilities) are considered to be relevant together with the National Planning Policy Framework.

6.0 Planning Considerations

- 6.1 The principle of the phased in situ residential redevelopment of the Mardyke Estate was considered and accepted by the granting of outline planning

permission P2058.08. Phases 1 and 2 of the redevelopment are now complete and occupied, Phase 3 is currently under construction and the final Phase 4 has been granted reserved matters approval. However, an oversight in both the original description, the subsequent decision notice, Condition 21 and the S106 agreement has come to light whereby the list of uses for which the community hub building may be used omitted the correct D1 use class for the building to be legitimately used for health care purposes.

- 6.2 Currently a PCT facility is located within the ground floor of two converted residential units within one of the remaining original blocks on the estate and is scheduled for demolition prior to the commencement of Phase 4. The re-provision of a PCT facility within the community hub building (Block K) was always envisaged and promoted as a key component in assisting with the health and well-being of both existing and future residents.
- 6.3 The construction of Block K is now well advanced and the addition of a further storey to the building, increasing it from the 2 storey building granted reserved matters approval under the Phase 3 application P0959.12, to a 3 storey building, was approved under P0279.14. The further storey was principally required to address the space requirements of a new health centre. All reserved matters have therefore been approved.
- 6.4 However, the anomaly with condition 21 of the outline permission and the definition within the s106 agreement, both of which omit reference to D1 use, remains.
- 6.5 In order to rectify this it is recommended that the application be approved.

IMPLICATIONS AND RISKS

7. **Financial implications and risks:**

- 7.1 The financial implications in respect of the redevelopment of the Mardyke Estate were addressed in some detail in the report on the outline application under ref:P2058.08.

8. **Legal implications and risks:**

- 8.1 A S106 agreement relates to the outline permission. Staff resources will be required to produce the S106 variation.

9. **Human Resources implications and risks:**

- 9.1 None.

10. **Equalities implications and risks:**

- 10.1 None

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.