



# REGULATORY SERVICES COMMITTEE

20 August 2015

# REPORT

**Subject Heading:**

P0827.15 – Vickers House, 365 South Street - Variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for phasing of development. (received 11/06/15)

**Ward:**

Brooklands

**Report Author and contact details:**

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**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	[x]
Residents will be proud to live in Havering	[x]

**SUMMARY**

The planning application relates to the variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for the phasing of the development. This application differs from the previous request for phasing under P1061.13 as it

would now move some of the elements originally shown as part of phase 1 to phase 2. Staff consider the proposed changes to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into Deed of Variation.

The application has been called-in to committee by Councillor Robert Benham due to the high number of planning application received for the subject site over the years. Concerns are also raised regarding the process being slowed down and continuing highway complaints being received.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering 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 30 March 2012 in respect of planning permission P1918.11 by varying the definition of Planning Permission which shall mean either planning permission P1918.11 as originally granted or planning permission P0827.15.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 30 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 30 March 2012 will remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed is completed.

That Staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

1. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans submitted as part of the previous approved application P1918.11 and the current proposal P0827.15.

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. Car parking - Before the building fronting Rom Valley Way hereby permitted is first occupied, the areas set aside for car parking as shown within the area

shaded blue on phasing plan SK.265C (phase 1) shall be laid out and surfaced to the satisfaction of the Local Planning Authority. Before the building fronting Rush Green Road hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded pink on phasing plan SK.265C (phase 2) 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.

3. Disabled parking - Before the building hereby permitted fronting Rom Valley Way is first occupied provision shall be made within the area shaded blue on phasing plan SK.265C (phase 1) for 1 no. disabled car parking space in accordance with the approved details. Before the building hereby permitted fronting Rush Green Road is first occupied provision shall be made within the area shaded pink on phasing plan SK.265C (phase 2) for 1 no. disabled car parking space in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate on-site parking is available for the disabled and to comply with the aims of Policy 6.13 of the London Plan.

4. Materials – The development hereby permitted shall be constructed with external materials as previously approved under application Q0034.13.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping – The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0295.12. All planting, seeding or turfing comprised within the area shaded blue on phasing plan SK.265C (phase 1) shall be carried out in the first planting season following completion of the building fronting Rom Valley Way and any trees or plants which within a period of 5 years from completion of this part 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. All planting, seeding or turfing comprised within the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in the first planting season following completion of the building fronting Rush Green Road and any trees or plants which within a period of 5 years from completion of this part 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: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

6. Boundary treatment - The development hereby permitted shall be constructed in accordance with the details of the boundary treatment as previously approved under application Q0294.12.

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.

7. Secure by Design - The development hereby permitted shall be implemented in accordance with principles and practices of the Secured by Design Scheme as previously approved under application Q0295.12.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

8. External lighting – All external lighting to the development hereby permitted shall be provided in accordance with the details as previously approved under Q0295.12. The approved scheme, in so far as it relates to the area shaded blue on phasing plan SK.265C (phase 1), shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rom Valley Way and retained thereafter to the satisfaction of the Local Planning Authority. The approved scheme, in so far as it relates to the area shaded pink on phasing plan SK.265C (phase 2), shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rush Green Road 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.

9. 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 construction related 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 LDF Development Control Policies Development Plan Document Policy DC61.

10. Wheel washing - The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under

application Q0294.12. The approved facilities shall be permanently retained and used at relevant entrances to the site 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.

11. Construction method statement - The development hereby permitted shall be implemented in accordance with the construction method statement as previously approved under application Q0294.12.

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

12. CCTV – Prior to first occupation of the development hereby permitted, CCTV shall be installed in accordance with details as previously approved under application Q0034.13 and thereafter, permanently retained and maintained.

Reason: In the interests of delivering a safer development, reflecting guidance set out in NPPF and Policy DC63 of the Core Strategy and Development Control Policies Submissions Development Plan Document.

13. Archaeology - The development hereby permitted shall be implemented in accordance with the Archaeological and Geoarchaeological investigation as previously approved under application Q0294.12

Reason: Important archaeological remains may exist on this site. The Local Planning Authority wishes to ensure that an investigation is carried out during the development's groundworks so that archaeological remains not protected by other measures are investigated and recorded, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

14. Native planting - Planting to the west of the river Rom, in the buffer zone between the river's edge and the Rom Valley Way shall be of locally native plant species only, of UK genetic origin.

Reason: The use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that these plants provide. Introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region.

15. Pedestrian link - Prior to the first occupation of units within the building fronting Rom Valley Way hereby permitted, the main vehicular access and the pedestrian and cycle paths shown as falling within the area shaded blue on phasing plan

SK.265C (phase1) shall be fully constructed and available for use. Prior to the first occupation of units within the building fronting Rush Green Road hereby permitted, the remaining pedestrian paths falling within the area shaded pink on phasing plan SK.265C (phase 2) shall be fully constructed and available for use.

Reason: In the interests of highway safety and to ensure connection with the public rights of way network.

16. Insulation - The buildings shall be so constructed as to provide sound attenuation of not less than 45dB(A) against internally generated airborne noise and 62dB(A) against impact noise.

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

17. Noise assessment - Before the building fronting Rom Valley Way hereby permitted is first occupied, the scheme for protecting occupants from road traffic noise shall be implemented in accordance with details approved under application Q0034.13 and thereafter, permanently retained and maintained. Before the building fronting Rush Green Road hereby permitted is first occupied, the scheme for protecting occupants from road traffic noise shall be implemented in accordance with details approved under application Q0034.13 and thereafter, permanently retained and maintained.

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

18. Code for sustainable homes: - The development hereby permitted shall be implemented in accordance with the sustainability statement as previously approved under application Q0034.13

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Planning Guidance on Sustainable Design and Construction and Policy 5.7 of the London Plan.

19. Minimising carbon emissions - In the case of the building fronting Rom Valley Way hereby approved, no units shall be occupied until the renewable energy generation system as approved under application Q0295.12 has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority. In the case of the building fronting Rush Green Road hereby approved, no units shall be occupied until the renewable energy generation system as approved under application Q0295.12 has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Planning Guidance on Sustainable Design and Construction and Policies 5.2 of the London Plan.

20. Drainage 1 - Surface water drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12. The works serving the area shaded blue on phasing plan SK.265C (phase 1) shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

Reason: To prevent the increase risk of flooding to the site itself and third parties.

21. Drainage 2 - Site drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12. The works serving the area shaded blue on phasing plan SK.265C (phase 1) shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

Reason: To prevent pollution of the water environment.

22. Drainage 3 - Notwithstanding the requirements of condition 22 above, the development hereby permitted shall be implemented in accordance with the details of appropriate measures to prevent pollution of groundwater and surface water as previously approved under application Q0294.12

Reason: To prevent pollution of the water environment

23. Restricted storage or deposition - No spoil or materials shall be deposited or stored on the part of the site lying within the area of land liable to flood during a 1:100 20% event.

Reason: To prevent the increase risk of flooding due to a reduction of flood storage capacity and impedance of flood flows.

24. Details of culvert access - The development hereby permitted shall be implemented in accordance with the details of the vehicle access ramp and turning area serving the River Rom culvert as previously approved under application Q0034.13

Reason: To retain access to the watercourse for the riparian owner or the Environment Agency to carry out maintenance and inspections and to prevent the increase risk of flooding to the impedance of flood flows.

25. Air quality report - The development hereby permitted shall be implemented in accordance with the details of the air quality as previously approved under application Q0034.13

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared air quality management area.

26. Flood risk assessment - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) issue 2 (Final), dated December 2011, reference number 5093660 compiled by Bureau Veritas and the following mitigation measures detailed within the FRA:

- Lowest finished floor level, ground floor parking area, are set at 8.85m above Ordnance Datum (AOD) (FRA section 7.1.2, page 14).
- Limiting the post development surface water run off from the site to a maximum of 5 litres per second (FRA section 8.2.4, page 16).
- Provision of a new access ramp from South Street to the River Rom flood relief channel FRA section 10.1.1, page 19).
- Balconies over hanging the easement/access ramp will have a minimum headroom clearance of 6.0m.

Reason: To reduce the risk of flooding to the proposed development, future occupants and third parties.

27. Water environment - 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. The development shall be carried out in accordance with the approval details.

Reason: To protect the water environment. The report provides no information on proposed drainage systems. The site could have existing contamination owing to the site history. No infiltration to ground should be used in contaminated soils. The perched water may be fairly shallow. Should soakaways be considered they should not intercept the water table and provide sufficient stand-off.

28. Piling - 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, 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 protect the water environment. It is not clear if piling will be used. It is also envisaged to potentially use Ground Source Heat Pumps. Information on historic use and made ground is limited, any proposals need to take into account of potential contamination through appropriate mitigation measures or risk assessment.

29. Stopping Up of Highway - The development hereby permitted shall be implemented in accordance with the details of the stopping up of that part of the application site which comprises adopted highway as previously approved under application Q0294.12



Reason: To fully consider the impact of the proposed development in respect of public highway.

30. Pedestrian access: The pedestrian access which connects South Street to Rush Green Road to the eastern edge of the site shall be retained and secured during construction as per details previously approved under application Q0294.12

Reason: In the interest of ensuring good design and public safety and to comply with Policies DC61 of the Core Strategy and Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. 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 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.
3. 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.
4. 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 (e.g. 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.
5. Under the terms of the Water Resources act 1991 and the Land Drainage Bylaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under or within 8 metres of the Rom main River.

6. The applicant is advised that there are public sewers crossing the site and no building works will be permitted within 3 metres of the sewers without prior consent of Thames Water.
7. Japanese knotweed is present along many sections of the Rom. This is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring. The site should be assessed for non-native invasive plants prior to development and if present method statements developed accordingly. Development shall proceed in accordance with the approved method statement.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The site is located to the west of the junction between Rom Valley Way and Rush Green Road and is trapezoidal in shape covering 0.6 hectares. The site is currently occupied by a newly built 8/9 storey flatted development known as Vickers House. The existing building on site is part one of an approved development for 2no. blocks of flats. A culvert of the River Rom is located to the west. The site is bound by Merritt House to the north, the Neopost building to the east, Rush Green Road to the south and Rom Valley Way to the west.
- 1.2 Vehicular access into the site is from South Street. There is an existing pedestrian way to the eastern boundary of the site linking South Street with Rush Green Road/Roneo Corner.

### **2. Description of Proposal**

- 2.1 The Section 73 application is for a minor material amendment to consent P1918.11 dated 30<sup>th</sup> March 2012 to allow phased occupation of the approved scheme by variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 so that the block fronting Rom Valley Way can be occupied prior to the completion of the block fronting Rush Green Road. No changes are proposed to the approved development.
- 2.2 The Section 73 application seeks to vary a number of planning conditions which, in their current form, would require completion of the entire development before either block can be occupied. As proposed to be revised the conditions would permit occupation of the block fronting Rom Valley Way (the 'Estuary block') before completion of the private block.

2.3 A previous application to vary the subject conditions was approved under P1061.13. The current application differs from the previous approval as follows:

- The landscaping strip along the eastern perimeter car park bays and pedestrian way now falls within phase 2 on drawing SK.265C.
- New external lighting within the above landscaping strip now falls within phase 2 on drawing SK.265C.
- Pedestrian way/cycle path resurfacing now falls within phase 2 on drawing SK.265C. Additional temporary lighting column to be provided to pedestrian way until permanent improvement works are completed.
- Surface water drainage in relation to improvement works to pedestrian way now falls within phase 2 on drawing SK.265C.

2.4 The proposed phasing scheme would include the full completion of the block fronting Rom Valley Way and all associated infrastructure including the culvert access and the main site access. The only section of the approved scheme that would not be completed at the date of occupation of this block would be the block fronting Rush Green Road ('the private block'), the South Street pedestrian link and some adjacent land and parking areas.

2.5 The existing and proposed conditions are listed below:

*Condition 3*

*Original wording* - 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.

*Proposed revised wording* - Before the building fronting Rom Valley Way hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded blue on phasing plan SK.265C shall be laid out and surfaced to the satisfaction of the Local Planning Authority. Before the building fronting Rush Green Road hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded pink on phasing plan SK.265C 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.

*Condition 4*

*Original wording* - Before the building(s) hereby permitted is first occupied provision shall be made within the site for 2 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

*Proposed revised wording* - Before the building hereby permitted fronting Rom Valley Way is first occupied provision shall be made within the area shaded blue on phasing plan SK.265C for 1 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

*Condition 6*

*Original wording* - 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. 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.

*Proposed revised wording* - 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. All planting, seeding or turfing comprised within the area shaded blue on phasing plan SK.265C shall be carried out in the first planting season following completion of the building fronting Rom Valley Way and any trees or plants which within a period of 5 years from completion of this part 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. All planting, seeding or turfing comprised within the area shaded pink on phasing plan SK.265C shall be carried out in the first planting season following completion of the building fronting Rush Green Road and any trees or plants which within a period of 5 years from completion of this part 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.

*Condition 9*

*Original wording* - Prior to the commencement of the development a scheme for the lighting of external areas of the development 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.

*Proposed revised wording* - Prior to the occupation of the development a scheme for the lighting of external areas of the development 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, in so far as it relates to the area shaded blue on phasing plan SK.265C, shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rom Valley Way and retained thereafter to the satisfaction of the Local Planning Authority. The approved scheme, in so far as it relates to the area shaded pink on phasing plan SK.265C, shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rush Green Road and retained thereafter to the satisfaction of the Local Planning Authority.

*Condition 14*

*Original wording* - Prior to the commencement of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and other users of the building and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a CCTV camera which provides coverage of the pedestrian footpath linking South Street and Rush Green Road. The system shall be provided in strict accordance with the agreed details, prior to the first occupation of any of residential units and thereafter, permanently retained and maintained.

*Proposed revised wording* - Prior to the occupation of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and other users of the building and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a CCTV camera which provides coverage of the pedestrian footpath linking South Street and Rush Green Road. That part of the system located within the area shaded blue on phasing plan SK.265C, shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units within the building fronting Rom Valley Way and thereafter, permanently retained and maintained. That part of the system located within the area shaded pink on phasing plan SK.265C, shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units within the building fronting Rush Green Road and thereafter, permanently retained and maintained.

*Condition 17*

*Original wording* - Prior to the first occupation of any part of the development hereby permitted, the main vehicular access and the pedestrian and cycle paths shall be fully constructed and available for use as shown on drawing PL.10.

*Proposed revised wording* - Prior to the first occupation of units within the building fronting Rom Valley Way hereby permitted, the main vehicular access and the pedestrian and cycle paths shown on drawing PL10 and falling within the area shaded blue on phasing plan SK.265C shall be fully constructed and available for use. Prior to the first occupation of units within the building fronting Rush Green Road hereby permitted, the

remaining the pedestrian paths shown on drawing PL10 and falling within the area shaded pink on phasing plan SK.265C shall be fully constructed and available for use.

*Condition 19*

*Original wording* - Prior to the commencement of the development hereby permitted, an assessment shall be undertaken of the impact of road noise emanating from Rush Green Road, Rom Valley Way and South Street, upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office Memorandum, 'Calculation of Road Traffic Noise', 1988. Reference should be made to the good standard to be found in the World Health Organisation Document No. 12 relating to community noise and BS8233:1999. 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. The scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units and thereafter, permanently retained and maintained.

*Proposed revised wording* - Prior to the commencement of the development hereby permitted, an assessment shall be undertaken of the impact of road noise emanating from Rush Green Road, Rom Valley Way and South Street, upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office Memorandum, 'Calculation of Road Traffic Noise', 1988. Reference should be made to the good standard to be found in the World Health Organisation Document No. 12 relating to community noise and BS8233:1999. 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. In the case of the building fronting Rom Valley Way hereby approved, the scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units within that building and thereafter, permanently retained and maintained. In the case of the building fronting Rush Green hereby approved, the scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units within that building and thereafter, permanently retained and maintained.

*Condition 21*

*Original wording* - No works in relation to the proposed development shall commence on site pursuant to the planning permission hereby granted until details of a renewable energy generation system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, has been submitted to and approved by the Local Planning Authority. The 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.

*Proposed revised wording* - No works in relation to the proposed development shall commence on site pursuant to the planning permission hereby granted until details of a renewable energy generation system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, has been submitted to and approved by the Local Planning Authority. In the case of the building fronting Rom Valley Way hereby approved, no units shall be occupied until the system has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority. In the case of the building fronting Rush Green Road hereby approved, no units shall be occupied until the system has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority.

*Condition 22*

*Original wording* - Surface water drainage works shall be carried out in strict accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be carried out in full prior to the first occupation of any part of the building.

*Proposed revised wording* - Surface water drainage works shall be carried out in strict accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works serving the area shaded blue on phasing plan SK.265C shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265C shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

*Condition 23*

*Original wording* - The construction of the site drainage system shall be carried out in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The system shall be installed in full prior to the first occupation of any part of the building

*Proposed revised wording* - The construction of the site drainage system shall be carried out in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The drainage system serving the area shaded blue on phasing plan SK.265C shall be installed in full prior to the first occupation of the building fronting Rom Valley Way. The drainage system serving the area shaded pink on phasing plan SK.265C shall be installed in full prior to the first occupation of the building fronting Rush Green Road.

### **3. Relevant History**

- 3.1 P1061.13 - Variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for phasing of development - Approved
- 3.2 P1918.11 - Construction of 2 no. part eight and part nine storey blocks containing a total of 141 flats; associated car, cycle and motor cycle parking; provision of relocated access from South Street; provision of landscaped pedestrian & cycle route linking South Street & Rush Green Road; formation of maintenance access ramp from South Street to the River Rom Culvert; part of the application site comprises adopted highway and would require a stopping up order under Section 247 of the Town and Country planning Act 1990 to facilitate the implementation of the development which will be considered separately - Approved
- 3.3 P1380.09 - Construction of 8 storey mixed use development containing 93 flats, healthcare facilities with offices, restaurant/cafe, associated highway alterations with new access, pedestrian & cycle route from South Street to Rush Green Road – approved. This permission was valid until 6th July 2013.
- 3.4 P0269.08 - Removal of condition 33 attached to planning consent P1397.07, so as to allow vehicles to turn right from and into South Street when accessing or egressing the site – Approved.
- 3.5 P1397.07 - Construction of 8 storey mixed use development containing 121 flats, Healthcare facilities with assoc. offices, restaurant/cafe, ancillary parking & servicing, stopping up of no longer required highway land, provision of relocated access from South St, landscaped pedestrian & cycle route from South St to Rush Green Rd, maintenance access ramp from South St to culvert and new landscaping to either side of culvert – approved.

### **4. Consultations/Representations**

- 4.1 Neighbouring notifications were sent to 627 neighbouring properties and 2 letters of objection were received raising objections relating to overcrowding in this location and security concerns as a result of varying the condition for access from South Street.

Officer response to objections raised:

- The current scheme is only for the variation of certain conditions. The acceptability of the site density was evaluated as part of the original approved scheme under P1918.11
- The current proposal would not alter the approved access arrangements.

- 4.2 Environmental Health has not raised any objection to the proposal.
- 4.3 The Designing out Crime Officer raises no objection to the proposal.



4.4 The Highway Authority has no objection in principle to the proposals however expressed concerns about the timing of the proposed phasing. The concern is that that phase 2 and in particular the link path might end up as an open-ended piece of work leaving it in a temporary state for a long time. It has been agreed with Highways that a timeframe would be determined as part of the Section 278 agreement. The agent has also confirmed in a letter the client's intent to undertake the pedestrian way works as soon as possible after phase 1 has been completed, and by the end of 2015 at the latest.

4.5 The Environment Agency has not raised an objection to the proposal.

## **5. Relevant Policies**

5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Design SPD is also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character) and 7.5 (Public Realm) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff Comments**

6.1 Staff consider the proposal to be acceptable as it would not result in any new development on site or any changes to the visual appearance of the approved proposal. The current proposal would only allow for the phasing of the development in order to complete part of it at a later stage. No other changes are proposed to the original scheme.

6.2 It should be noted that a previous application for the phasing of the development was previously considered acceptable at the Regulatory Services Committee meeting of 5 December 2013. The only difference to the previous scheme and the current one is in relation to the landscaping strip and resurfacing of the pedestrian way. The proposal would not affect the availability and continued use of the pedestrian access between South Street and Rush Green Road.

## **7. Conclusion**

- 7.1 In conclusion, the proposed changes to conditions, as stated earlier in this document, in order to phase the scheme approved under P1918.11 are considered to be acceptable. It is recommended that planning permission be granted, subject to the completion of the Deed of Variation.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

None

#### **Legal implications and risks:**

Legal resources will be required to prepare and complete the deed of variation.

#### **Human Resources implications and risks:**

None.

#### **Equalities implications and risks:**

None

### **BACKGROUND PAPERS**

Application forms and plans received on 11 June 2015.