

 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Strategic Planning Committee</b></p> <p><b>19 September 2024</b></p>
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**Application Reference:**

**P1533.23**

**Location:**

Former Miniature Golf Club, Hall Lane  
Upminster

**Ward**

**Cranham**

**Description:**

Variation of Condition No. 1 (Accordance with plans) of reserved matters approval ref: P0112.22 dated 19/10/2022 to substitute the approved plans. (Application for reserved matters seeking approval of appearance, landscaping, layout and scale pursuant to Condition 1 (replacing drawing numbers) of Outline Planning Permission (P0248.19) dated 16 September 2021 for the demolition of all buildings and structures on site, and redevelopment of the site providing up to 37 residential dwellings, creation of a new highway access, public open space and landscaping and related infrastructure. Details are provided to satisfy Conditions 12, 13, 14, 15, 16, 26 and 30 of the Outline Planning Permission.)

**Case Officer:**

**Habib Neshat**

**Reason for Report to Committee:**

The application has been deferred from the previous Strategic Planning Committee, 18<sup>th</sup> July 2024, pending additional information.

## **1 BACKGROUND**

- 1.1 An outline planning application was approved by Havering's Strategic Planning Committee (SPC) in July 2020 subject to conditions and a section 106 legal agreement to change the use of land and to develop the site to provide 37 dwelling. At the reserved matters stage, the scheme was revised to incorporate 35 dwellings, approved by the SPC in October 2022.
- 1.2 The approved scheme incorporates 35 dwellings that are set along a centrally located access road with areas of public open space at either end of the site.
- 1.3 This application was presented to SPC Members on 18<sup>th</sup> July 2024. Following representation from the ward councillors and deliberation by members where the following concerns were raised:
  - Whether the removal of a formal play area from the site would be harmful to the play provision in the locality;
  - Whether the proposed £55,000 financial contribution would be sufficient to provide for similar facilities in an alternative location;
  - Where would be the most suitable alternative location to provide the formal play facilities
  - Timetable for providing the play equipment on another site.

In the light of these concerns, Members took the decision to defer the application pending further information to be provided by the officers on the above points.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 It is considered that the management and the maintenance of the amenity spaces by a management company would be a much more effective and efficient way of maintaining the open amenity space within the site. The proposed informal play space would also allow a range of recreational and play opportunity suitable for a range of age groups. It is also considered the provision of formal play facilities in a more accessible place such as a local park would be preferable. Subject to appropriate conditions and terms of the lease the council would be able to ensure public access to the amenity spaces would be maintained.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to approve reserved matters subject to:

The completion of a Deed of Variation to the original legal agreement to secure the following planning obligations: “

- Off-site affordable housing provision
- Carbon Offset payment
- Financial contribution of £120,000 for improvements to Upminster Hall Playing Fields

- Public access rights to open space provided within the development
- Satisfactory maintenance of all open space and other common areas within the development including any facilities/furniture provided as part of the common/public areas.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

And In addition to the above,  
The provision of additional £66,000 financial contribution to the enhancement of the local public amenity space.

### **Legal Costs, Administration and Monitoring**

A financial contribution (to be agreed) to be paid by the developer to the Council to reimburse the Council's legal costs associated with the preparation of the planning obligation and a further financial obligation (to be agreed) to be paid to reimburse the Council's administrative costs associated with monitoring compliance with the obligation terms.

- 3.2 That the Director of Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 31<sup>st</sup> December 2024 the Director of Planning is delegated authority to refuse planning permission or extend the timeframe to complete the legal agreement and grant approval.
- 3.3 That Director of Planning has delegated authority to issue approval of reserved matters subject to the completion of the legal agreement and conditions to secure the following matters:

#### **Conditions**

1. In accordance with approved plans (condition to make specific reference to plans number as a result of this application),
2. Removal of permitted development rights under Part 2 Class A (controlling means of enclosure).

#### **4. Site and background**

- 4.1 The site and surroundings have been described in the previous committee report attached.

#### **5 PROPOSAL AND LOCATION DETAILS**

- 5.1 The proposed amendment to the scheme only relates to the public amenity spaces as follows;

1. The replacement of the formal play space to the front of the site with an informal play space.
2. The transfer of the responsibility of the management, maintenance of the public open spaces from the Council to the developers.

## **6. Planning History**

- 6.1 Please refer to attached committee report.

## **7 CONSULTATION RESPONSE**

### **LOCAL REPRESENTATION**

- 7.1 Please refer to the attached committee report.

## **8 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main issues have already been discussed in the previous committee report. The officers' conclusion has been that the proposed management plan is an efficient and appropriate manner to maintain the approved public amenity space.
- 8.2 Officers have liaised with the Council's Park Management team, who advised that the formal play provision previously proposed is not essential at this location, given there is publicly accessible play provision at the Upminster Hall Playing Field which is just up the road (some 270m away).
- 8.3 It should be noted that there is already a financial contribution from this development (£120,000) which will be used at the Hall Lane playing field. It was suggested by the Parks Team therefore, that it would be better to use the proposed additional financial contribution elsewhere for the provision of play equipment at the Cranham Brickfields playing fields, which is a mile to the east of the application site. The Parks manager advised that the proposed costing of the play provision was reasonable.
- 8.4 With respect to the amount of the additional financial contribution, the applicant had offered £55,000. This figure previously presented to SPC was based on the cost of providing play provision on the site, minus (£11,000) the cost of the proposed informal play area within the application site.
- 8.5 The applicant has now increased the financial contribution offer to £66,000 and maintained their commitment to the provision of the informal play facilities on site.
- 8.5 With respect to time for the delivery of the alternative provision, once the financial contribution becomes available it will take approximately 6 months for works to be completed.

- 8.6 The Parks manager also pointed out that should this application not be approved, then the responsibility of the management and maintenance of the entire public amenity space would be met by the council, with the management and maintenance costing approximately £80,000pa. If this revenue was not available within the Council's budget then parks management will be unable to manage this site.

### **Highways and Environmental and Climate Change Implications**

- 8.7 Please refer to attached Committee Report.

### **Financial and Other Mitigation**

- 8.8 Please see attached report.

## **9. Equalities**

- 9.1 This issue has also already been considered in the attached committee report.

### **Conclusions**

- 10.1 All other relevant policies and considerations have been taken into account. Reserved Matters should be approved for the reasons set out above. The details of the decision are set out in the recommendation section.