

MRPP

**MARTIN ROBESON
PLANNING PRACTICE**

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**STATEMENT OF COMMON
GROUND**

**Havering Borough Council
Planning Application Reference:
P1585.22**

**PINS Reference:
APP/B5480/W/23/3322009**

**11 STATION ROAD, UPMINSTER,
LONDON, RM14 2SJ**

7th November 2023

Introduction

This document comprises the Statement of Common Ground ('SoCG') between Eastern Ironworks Ltd ('the Appellant') and Havering Borough Council ('the Council').

The SoCG details the matters of fact and agreement on issues arising between the Appellant and the Council, as relevant to the consideration of the appeal.

The SoCG is based upon the proposed development as at the time of the Appellant's Final Comments which follows the Council's appeal Statement of Case.

The SoCG is prepared jointly and agreed by the two parties.

Signed on behalf of the Appellant:

Date:

Signed on behalf of the Council:

Date:

Background

1. The proposal was submitted to Havering Borough Council as a full planning application (P1585.22), and was validated on the 17th October 2022.
2. The description of development is as follows:

“Demolition of all buildings and redevelopment to provide a hotel (within Use Class C1) at ground floor and part three and part four storeys over; together with premises at ground floor for the display or retail sale of goods, other than hot food (Use Class E(a)); and/or for the sale of food and drink for consumption (mostly) on the premises (Use Class E(b)), and/or for the provision of financial services, professional services or other appropriate services in a commercial, business or service locality (Use Class E(c)).”

3. The application was refused by the Council on the 16th January 2023 for the following reasons:

1. *The proposed development by reason of its overall scale, bulk, height and design and proximity to the shared boundaries, would dominate the townscape with particular reference to the high quality adjacent buildings flanking the application site fronting Station Road. Further, the proposed rear block by reason of its site coverage and height, would result in a cramped form of development which would be out of character with the prevailing pattern of development in the hinterland surrounding area. The excessive height and bulk of the rear block would have an adverse impact on the light to habitable rooms and over-domineering impact when viewed from the properties 119-to 129 St. Mary's Lane and 1-9 Station Lane to the detriment of the occupiers. The proposal would therefore be contrary to Policy 7 and 26 of the Local Plan 2021, Policy D4 of London Plan 2021 and the policy advice given in the National Planning Policy Framework 2021.*

2. *The proposed development is considered to result in harm to highways safety and free flow of traffic, in light of insufficient information provided with respect to manoeuvrability of the service vehicle within the cul-de-sac to the rear as well as taxi drop off onto the main road to the front in close proximity to busy junction. In these regards the proposal would be contrary to the provisions of Policy 23 of the Local Plan.*
3. *Due to inability to secure contributions towards carbon reduction, the proposal fails to provide a sustainable development, contrary to the provisions of Policies 33 and 36 of the Local Plan and Policy S13 of the London Plan.*
4. *In the absence of an acceptable report, it is feared that the proposal would result in harm to air quality contrary to policy 33 of the Local Plan.*
5. *In the absence of a legal agreement to provide a training and recruitment scheme for the local workforce during the construction period, the proposal would be contrary to the provisions of Policy 22 of the Local Plan.*

Site Description

4. The Appeal Site ('Site') is located at 11 Station Road, Upminster, and is approximately 0.15ha in size.
5. The site is bounded by Station Road to the east, Wilson Close to the west, and the buildings of Essex House to the north, and 1-9 Station Road to the south.
6. With regard to the neighboring buildings, 1-9 Station Road is a 3-storey building with generous height ground floor retail space and a curved façade. Essex House is largely 4 storeys, with either end stepping down. Both buildings are of red brick with vertical concrete detailing.

7. The site does not lie within a Conservation Area and has a high Public Transport Accessibility Level (PTAL) of 5 against the base year, with a forecasted level (accounting for projected transport infrastructure delivered by 2031) of 6a.

Documents that Informed the Council's Decision

8. The plans and documents that informed the Council's refusal of the application are provided as a list (**see Appendix 1**).
9. The plans and documents submitted to the Council as part of the Appeal submission that were not previously seen as part of the original application are provided as a list at **Appendix 2**.
10. The following plans and documents were submitted to the Planning Inspectorate (and provided to the Council) alongside the Appellant's Final Comments:
- 21208-MA-XX-XX-DR-C-0005 – P06 (10m Rigid Loading Bay Tracking)
 - GLA SUDs Proforma
 - Proposed Footway Pedestrian Route Annotations
 - Photographs of Wilson Close (dated 06.10.23)

Relevant Planning History

11. Application for the change of use of an existing unit on the northern side of the frontage, from car sales, garage and servicing area (sui generis) to a retail / coffee shop (mixed A1 / A3 use) unit, including a new shopfront (Application Reference: P0773.11). Planning permission was granted subject to conditions.
12. A separate application for advertisement consent was also made (Application Reference: A0029.11) in tandem with the change of use application. Consent for this application was also granted.

13. Since 2011, this site has operated as a sui generis facility to repair and sell cars (Times Tees Cars), as a car wash service, and as a class E (b) cafeteria still occupied by Costa Coffee.

Development Plan Policies

14. The Development Plan comprises the London Plan (adopted March 2021) and the Havering Local Plan 2016-2031 (adopted November 2021).

15. The following development plan policies are the most important for the determination of this appeal:

- Havering Local Plan Policy 26 Urban Design
- Havering Local Plan Policy 7 Residential Design and Amenity
- London Plan Policy D4 Delivering Good Design
- Havering Local Plan Policy 23 Transport Connections
- London Plan Policy D3 Optimising site capacity through the design-led approach
- London Plan Policy SD6 Town centres and high streets
- Havering Local Plan Policy 13 Town centre development
- London Plan Policy E10 Visitor Infrastructure

Other Material Considerations

The National Planning Policy Framework (NPPF)

16. The National Planning Policy Framework (2023) should also be considered as material consideration in the determination of the appeal. The NPPF specifically promotes making 'effective use of land', emphasising the importance of previously developed land and under-utilised sites (paragraphs 119-125). Indeed, NPPF paragraph 121 requires local

planning authorities to “take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs”.

The state of the Emerging Local Plan

17. The Havering Local Plan 2016-2031 was adopted in November 2021 and remains the current key policy document for the borough. The Council has been working on updating the Local Plan evidence base to move forward with updating the Local Plan. There has been a Call for Sites and the sites are now being assessed and suitability for allocation being considered. The Regulation 18 consultation is expected early in 2024.

Matters Agreed

18. That Reasons for Refusal 3, 4 and 5 are not being pursued by the Council as part of the appeal as suitable Unilateral Undertakings have been submitted as part of the Appellant’s Final Comments.

19. That the London Plan supports greater density within identified town Centre’s and within areas of high accessibility (as measured by PTAL).

20. That a mixed-used scheme comprising commercial (Use Class E) units with hotel accommodation above would have a positive impact on the vitality of the town Centre.

21. That the principle of a hotel use on the site is acceptable and thus the proposal accords with Local Plan Policy 13.

22. That London Plan Policy E10 (Visitor Infrastructure) provides that in order to meet the London wide hotel demand, hotel development should be promoted within town centres where they are well-connected by public transport, particularly to central London; this criterion is undoubtedly met on this site.

23. That the proposal provided economic and environmental benefits in that it makes better use of an underutilised and suitable brownfield site.
24. London Plan Policy D4 and the London Plan Housing Supplementary Guidance allows for there to be context dependent adherence to the BRE Guidance and stipulates that flexibility should be applied when assessing daylight impacts in London in special circumstances.
25. That a completed GLA Proforma has been provided to satisfy requirements relating to the Drainage Strategy.
26. The proposal would comply with relevant development plan policies on Urban Greening.

Matters in Dispute

27. Whether the proposal's overall scale, bulk and height would dominate the townscape character of Station Road.
28. Whether the height and bulk of the proposed rear block would have an adverse impact and over-domineering effect on the character of the area to the rear of the site and on 119-to 129 St. Mary's Lane and 1-9 Station Lane.
29. Whether the proposed development results in an unacceptable loss of daylight and outlook and thus whether there is compliance with Local Plan Policy 7.
30. Whether taxi's dropping off along Station Road or the proposed taxi drop-off bay on Station Road would result in unacceptable highways safety concerns that would be contrary to the provisions of Policy 23 of the Local Plan.
31. Whether the proposal accords with the development plan when its policies are read as a whole. Whether the weight to be afforded to the benefits of the scheme, would outweigh any potential conflict with the Development Plan (i.e., the Design,

Daylight impact and Transport matters which are being disputed in the appeal).

32. Whether the appellant has provided suitable tracking diagrams that demonstrate how the refuse and servicing vehicles would be able to turn safely within Wilson Close.

Obligations and Conditions

33. In accordance with the GLA Assessment Guidance (2022), Policies 33 and 36 of the Havering Local Plan and Policy SI 2 of the London Plan, the Appellant has provided a Unilateral Undertaking to secure a contribution of £31,920 towards carbon reduction. A Unilateral Undertaking has also been provided to ensure that a suitable training and recruitment scheme is secured for the local workforce during the construction period of the development. If the Inspector does not accept that content of the Air Quality Assessment and Travel Plan are sufficient to meet the requirements of Local Plan Policy 33 and London Plan Policy SI2, a completed Unilateral Undertaking is provided to secure an offsetting payment of £51,422.
34. In the event that the appeal is allowed, the Council has provided a set of draft planning conditions. The appellant's response to that set of conditions was provided as part of the Appellant's Final Comments document.

APPENDIX 1

PLANNING APPEAL – STATION ROAD, UPMINSTER

LIST OF ALL PLANS, DRAWINGS AND DOCUMENTS UPON WHICH THE LPA MADE THEIR DECISION

- 3547_Drawing Issue Sheet
- 3547_PL(20)101 Site Ground Floor Plan @A3
- 3547_PL(20)102 Site First Floor Plan @A3
- 3547_PL(20)103 Site Second Floor Plan @A3
- 3547_PL(20)104 Site Third Floor Plan @A3
- 3547_PL(20)105 Site Fourth Floor Plan @A3
- 3547_PL(20)106 Site Roof Plan @A3
- 3547_PL(20)200 GA Ground Floor Plan @A3
- 3547_PL(20)201 GA First Floor Plan @A3
- 3547_PL(20)202 GA Second Floor Plan @A3
- 3547_PL(20)203 GA Third Floor Plan @A3
- 3547_PL(20)204 GA Fourth Floor Plan @A3
- 3547_PL(20)205 GA Roof Plan @A3
- 3547_PL(20)301 Context East and West Elevations as Proposed @A3
- 3547_PL(20)302 Context North and South Elevations as Proposed @A3
- 3547_PL(20)303 Context East and West Elevations as Existing @A3
- 3547_PL(20)304 Context North and South Elevations as Existing @A3
- 3547_PL(20)401 East and West Elevations @A3
- 3547_PL(20)402 North and South Elevations @A3
- 3547_PL(20)501 Sections @A3
- 3547_PL(20)601 Detail East Elevation and Section - Station Road @A3
- 3547_PL(20)602 Detail West Elevation and Section - Block B facing Wilson Close @A3
- 3547_PL(20)603 Detail South Elevation and Section - Wilson Close @A3
- 3547_PL(20)604 Detail South Elevation and Section - Glazed Link @A3
- 3547_PL(20)701 Typical Bedrooms Layout @A3
- 3547_PL(20)702 Non standard room layouts @A3
- 3547_PL(20)801 Ground Floor Landscape Plan @A3
- 3547_PL(20)802 First Floor Landscape Plan @A3

- 3547_PL(90)101 Location Plan as existing @A3
- 3547_PL(90)102 Survey and OS @A3
- Air Quality Assessment
- Application Form
- Arboricultural Impact Assessment
- Bat Survey Report
- Biodiversity Report
- CIL Form
- Construction Logistics Plan
- Cover Letter
- Design and Access Statement
- Energy Strategy
- Fire Strategy
- Ground Investigation Survey
- Hard and Soft Landscaping Plans
- Health Impact Assessment
- Hotel Travel Plan
- Noise Assessment Report
- Planning Statement
- Preliminary Drainage Strategy
- Preliminary Ecological Appraisal
- Site Waste Management Plan
- Sunlight and Daylight Assessment
- Transport Statement
- 3547_PL(20)803 Block Plan @A3
- Affordable Workspace Statement
- Application Form – Addendum
- Application Form – Amended
- Archaeological Desk Based Assessment
- Biodiversity Report
- Employment and Skills Plan
- Fire Safety Strategy Report
- Food and Beverage Management Plan and Ventilation & Extraction Plan
- Further Validation Requirements Cover Letter

- Parking Design Management Plan
- Safer Places Statement
- Sustainable Design and Construction Statement
- Energy Strategy
- Fire Strategy
- Ground Investigation Survey
- Hard and Soft Landscaping Plans
- Health Impact Assessment
- Hotel Travel Plan
- Noise Assessment Report
- Planning Statement
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- Fire Safety Strategy Report
- Food and Beverage Management Plan and Ventilation & Extraction Plan
- Further Validation Requirements Cover Letter
- Parking Design Management Plan
- Safer Places Statement
- Sustainable Design and Construction Statement

APPENDIX 2

PLANNING APPEAL – STATION ROAD, UPMINISTER

**LIST OF ALL PLANS, DRAWINGS AND DOCUMENTS SUBMITTED BUT NOT
PREVIOUSLY SEEN BY THE LPA**

- Architect's Response
- Daylight Consultant's Response
- Correspondence with the Council
- Extracts from GLA Working Paper on demand for visitor accommodation
- Revised Drainage Strategy
- Refuse Vehicle Tracker @A1
- Revised Transport Statement
- Taxi Bay Drop Off @A1
- Carbon Emissions Offset Contribution UU
- Updated Air Quality Assessment
- Air Quality Technical Note
- Air Quality Offsetting Payment UU
- Training and Recruitment Scheme UU

