



Haverling

LONDON BOROUGH

STRATEGIC PLANNING COMMITTEE AGENDA

7.00 pm

Thursday
19 September 2024

Council Chamber,
Town Hall, Main Road,
Romford RM1 3BD

Members 6 Quorum 3

COUNCILLORS:

**Conservative Group
(2)**

Ray Best
Timothy Ryan

**Haverling Residents' Group
(3)**

Reg Whitney (Chairman)
Bryan Vincent (Vice-Chair)
John Crowder

**Labour Group
(1)**

Jane Keane

For information about the meeting please contact:

**Taiwo Adeoye 01708 433079
taiwo.adeoye@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100
before Tuesday 17 September 2024**

Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.

Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.

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

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

Reporting means: -

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

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

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

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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIR'S ANNOUNCEMENTS

The Chairman will make his announcements.

Applications for Decision

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

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

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

4 MINUTES (Pages 7 - 10)

To approve as a correct record, the minutes of the meeting of the Committee held on 18 July 2024 and to authorise the Chair to sign them.

5 APPLICATIONS FOR DECISION (Pages 11 - 14)

Report attached.

6 P1533.23 - FORMER MINIATURE GOLF CLUB, HALL LANE, CRANHAM, UPMINSTER (Pages 15 - 30)

Report attached.

7 ITEMS FOR INFORMATION

Items for Information

Introduction

1. This part of the agenda is for the committee to receive reports and other items for information purposes only.
2. The items on this part of the agenda will not normally be debated and any questions of clarification need to be agreed with the chair.
3. The following information and advice only applies to reports in this part of the agenda.

Public speaking

4. The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Applications for Decision" parts of the agenda. Therefore, reports on this part of the agenda do not attract public speaking rights.

Late information

5. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

Recommendation

6. The Committee is not required to make any decisions with respect to the reports on this part of the agenda. The reports are presented for information only.

8 PLANNING QUARTERLY PERFORMANCE UPDATE (Pages 31 - 38)

Report attached.

Zena Smith
Head of Committee and Election
Services

This page is intentionally left blank

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
STRATEGIC PLANNING COMMITTEE
Council Chamber, Town Hall, Main Road, Romford RM1 3BD
18 July 2024 (7.00 - 8.05 pm)**

Present:

COUNCILLORS

Conservative Group	Ray Best and Dilip Patel
Havering Residents' Group	Reg Whitney (Chairman), Bryan Vincent (Vice-Chair) and +Laurance Garrard
Labour Group	Jane Keane

4 CHAIRMAN'S ANNOUNCEMENTS

The Chair made his announcements, including the fire evacuation procedure.

The Chair reminded members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

The Chair also reminded members of the public that whilst decisions may not always be popular, they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

5 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Apologies received from Councillor John Crowder (Councillor Laurance Garrard attended on his behalf)

6 DISCLOSURE OF INTERESTS

Councillor Jane Keane disclosed a Non-Pecuniary Interest - by virtue of being a newly appointed trustee on the Lucas Children's Playsite Trust. On the advice of the Legal Advisor, this does not preclude Councillor Keane from voting on any meeting decisions put forward.

7 **MINUTES**

The minutes of the meeting held on 23 May 2024 were agreed as a correct record and will be signed by the Chair.

8 **P1533.23 - FORMER MINIATURE GOLF CLUB, HALL LANE, UPMINSTER**

The Committee received an application to vary condition No. 1 (Accordance with plans) of reserved matters approval ref: P0112.22 dated 19/10/2022 and to substitute the approved plans. The application for reserved matters sought 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.

The report outlined that planning application was approved by the committee 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 Strategic Planning Committee in October 2022.

The application had been called-in by Ward Councillors. With its agreement Councillor John Tyler addressed the Committee and raised concerns over the current proposal and sought further discussions to take place over the £55,000 offered to further enhance play facilities in the local area, the refusal of the leasing of the land and a revisit of the natural 'play' offer.

The report recommended approval of the reserved matters subject to the completion of a Deed of Variation to the original legal agreement to secure the planning obligations.

Following debate, it was **RESOLVED** to **DEFER** in order for officers to seek further clarification from the applicant on the following:

1. Identify the location where the financial contribution would be spent.
2. Provide fuller details of what the contribution would fund.
3. Consider an enhanced increase to the contribution.
4. Details of what the cost of the equipment would have been if it was installed on the site.
5. What it would cost at the new location and where that site would be.

The motion for deferral was raised by Councillor Best and was seconded by Councillor Patel.

The vote for the proposal was carried by 5 votes to 1 against. Councillor Laurence Garrard voted against the motion.

Chairman

This page is intentionally left blank

Agenda Item 5

Applications for Decision

Introduction

1. In this part of the agenda are reports on Strategic Planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

Advice to Members

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
 - London Plan Adopted March 2021
 - Havering Local Plan 2016 – 2031(2021)
 - Site Specific Allocations (2008)
 - Site Specific Allocations in the Romford Area Action Plan (2008)
 - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special

attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
 - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by Highways Legislation.
 - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the Party Wall Act.
 - Covenants and private rights over land are enforced separately from planning and should not be considered.

Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

Public speaking and running order

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
 - b. Registered Objector(s) speaking slot (5 minutes)
 - c. Responding Applicant speaking slot (5 minutes)
 - d. Ward Councillor(s) speaking slots (5 minutes)
 - e. Officer presentation of the material planning considerations
 - f. Committee questions and debate
 - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
 - b. Committee questions and debate
 - c. Committee decision

Late information

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

Recommendation

18. The Committee to take any decisions recommended in the attached report(s).

This page is intentionally left blank

 <p>Havering LONDON BOROUGH</p>	<p>Strategic Planning Committee</p> <p>19 September 2024</p>
---	--

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, 18th 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 18th 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 31st 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.

This page is intentionally left blank

Appendix



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:	A Councillor call-in has been received which accords with the Committee Consideration Criteria Members of the Strategic Planning Committee have approved the outline and the reserved matters applications, hence the application for the variation is brought to the attention of the same committee.

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.

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.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of

completion of the Section 106 agreement to the date of receipt by the Council.

And In addition to the above,
The provision of additional £55,000 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 31st October 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 the planning permission 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 is located on the east side of Hall Lane, approximately 3.5 hectares in size. Until a few years ago the site comprised a pitch and putt and miniature golf course, incorporating a kiosk building. The site is largely enclosed by the rear gardens of the dwellings in Hall Lane, The Fairway, Holden Way and Ingrebourne Gardens.

4.2 The development is currently underway to implement the planning permission. The approved scheme incorporates vehicular and pedestrian access that cuts through the middle of the site with the majority of the houses facing the access. The scheme has retained a significant number of trees, with the more mature trees now subject to Tree Preservation Order.

- 4.3 The approved amenity space to the front of the development, in part incorporated a formal playground facilities. Under the current scheme, all amenity spaces would be owned, managed and maintained at the council's cost.

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 The following planning decisions are relevant to the application:

1. P0248.19: Outline planning application 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. – Approval with conditions and S106 legal agreement 16th September 2021.
2. P0112.22: Reserved matters application (35 dwelling) has been approved, for the appearance, landscaping, layout and scale pursuant to Condition 1 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.
3. P0552.23 application refused to “vary condition 1 of the reserved matters approval in order to amend the boundaries of plots 32, 34 and 35 so as to create a new plot 36 adjacent to plot 32. The subsequent appeal to this decision was dismissed on 14th June, 2024.”

7 CONSULTATION RESPONSE

LOCAL REPRESENTATION

- 7.1 A total of 90 neighbouring properties were notified about the application and invited to comment.

7.2 4 representations have been received from the neighbours, raising the following concerns;

- The site has been substantially developed already. By not leaving a drainage area of public space it will lead to flooding. In addition too much traffic straight onto Hall Lane.
- Over developed and not the original agreement. Unfair to remove more green space that is desperately needed for drainage it will result in land issues
- Play space was originally agreed and should be retained
- Concern with parking and traffic,
- This is money saving exercise
- There should be no building to the front
- The amenity space may be gated off and may not be available for the public

Supporting comments

- One letter of support has been provided, explaining “We support these proposals which we think will be beneficial, particularly the maintenance proposals which will save Council taxpayers money.”

Non-material representations

7.3 A number of issues raised by the objectors, which refer to, impact on highways condition, loss of drainage and the loss of greenery. These are not relevant to the scheme, as the principle of the development has been agreed and the proposal would not result in the loss of drainage or greenery. With respect to other issues, in particular the fear of loss of public amenity space to the public, or the impact of loss of playground facilities, are expressed in the material planning consideration section below.

Internal consultees;

Public Realm Manager: the proposal would be agreeable so long as it covers 100% of the management/maintenance costs. The proposed play facilities would be best located at an alternative site with greater public accessibility such as a local park.

Property Services: granting a lease on peppercorn rent would likely to be the best approach, with the developer covering entirely all the maintenance costs of the amenity space. Further, the developer would need to pay our legal and surveyor costs for negotiating a lease if that option should be exercised.

Cranham Ward Councillors would like to make the following observations in relation to this application:

The land was agreed to be maintained as a public open space. The applicants' proposal for us to enter into a lease agreement has the potential for additional requests to be submitted, including the addition of a gate at the front of the site and the powers and accessibility denied to the general public. We therefore do not approve of a lease agreement, resulting in the public space being Council maintained.

The current proposal for natural play, has failed to maximise on natural play profiling. In its place they are providing a garden, with emphasis on planting, wild flowers, bee friendly planting. Whilst this is admiral, it has limited natural 'play' opportunities for children in accordance with planning consent and the idea of natural play:

- *Rocks and boulders*
- *Trees and tree stumps*
- *Loose materials*
- *Digging spaces*
- *Water features*
- *Natural shelters*
- *Small hills, mounds or berms*
- *Sensory gardens*

In relation to the £55k being offered, and the transfer of formalised play opportunities to the Hall Lane Playing Fields, we want proactive negotiations undertaken with the relevant council officers. We need to secure the best offer for the benefit of the children within the Cranham/Upminster Wards and it is currently unclear as how this figure has been arrived at.

Therefore on these grounds we oppose the current application as currently presented and request the application be called in, only if officers are mindful to grant approval. Our preference is for further discussions to take place over the £55k, the refusal of the leasing of the land and a revisit of the natural 'play' offer.

8 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The principle of the development has already been agreed for the redevelopment of the site to provide 35 dwelling including associated access and significant degree of accessible public amenity space. Further, conditions with respect to original outline planning permission at reserved matter stage including; 12 (Car Parking), 13 (Site Levels), 14 (Refuse and Recycling), 15

(Cycle Storage), 16 (Road/Carriageway/Footway Details), 26 (Boundary Treatments) and 30 (Drainage Strategy) have been discharged.

- 8.2 The proposal would not affect the design, layout or the total number of the dwellings, the drainage strategy or the boundary of the plot, the footprint or height. In particular the proposal would maintain the amount of the public amenity space in terms of area approved.
- 8.3 The proposal in details include;

1. Physical changes to the open space

The proposal would replace the formal play space to the front of the site with an informal play space. In the current scheme the formal play space would include playground facilities, whereas the informal play space would incorporate large glacial play boulders, grass mounds, seating and ornamental planting as the main feature. The applicant has also pledged to contribute a further £55,000 over and above the agreed £120,000 to further enhancement of play facilities in the local area.

2. Management of the Open Space

The proposal is the developers to take responsibility for the management of the public open spaces and meet the cost of the maintenance through setting up a responsible company which would place a service charge on the residents for the maintenance of the works estimated circa £80,000 per annum. In order to achieve this, the council would give a long lease, with restrictive terms, to the developers but retains its freehold interest.

- 8.4 With respect to the proposed physical alteration, it is considered the provision of the play facilities in a more accessible location, such as a public park would be a better strategy to meet the needs and the aspirations of the local neighbourhood. This has been confirmed by the Council's Manager of public realm. The decision on where the play facilities would be provided would be made by the public realm team. The fund would however be expected to be used within the close proximity to the development site.
- 8.5 The proposed informal play space would allow a better range of recreation and play opportunity for a greater range of ages and ability.
- 8.6 It is important to stress that the open space will remain open to the general public as has always been intended. This would be secured through the terms of the lease and clauses in s.106. Further, a condition is recommended that there shall be no more boundary enclosure or gates other than those already approved.
- 8.7 The management of the public open amenity spaces by a private company would be an appropriate approach in this instance. The proposal to meet the cost of the maintenance of the amenity space through a service charge would achieve a more efficient and effective maintenance of the space in line with the aspiration for the development.

Highways

- 8.8 It is considered the proposed variation would have no additional consequences on the highways condition over and above what has already been approved.

Environmental and Climate Change Implications

- 8.9 It is considered the proposed variation would have no additional bearing upon on the Environmental and Climate Change Implications over and above what has already been approved.

Financial and Other Mitigation

- 8.10 A full s106 agreement was secured as part of the outline planning permission. The present reserved matters application was also controlled by the s106 agreement, and none were amended or varied by the reserved matter submission. In summary the following obligations have been secured:

- 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.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- In addition to the above, the provision of further £55,000 financial contribution to the enhancement of the local public amenity space.

The proposal would attract the following Community Infrastructure Levy contributions:

- £ 1,385,848.48 LB Havering CIL
- £ 277,169.69 Mayoral CIL towards Crossrail

Given the development has already started all CIL payment to the sum of £1,663,018.18 has already been paid by the developer and received in full.

Other financial implication;

8.11 The proposal would also result in the saving of approximately £80,000 maintenance cost annually.

9. Equalities

9.1 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

9.2 For the purposes of this obligation the term “protected characteristic” includes:
- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

9.3 Policy CG1 of the London Plan also seeks to support and promote the creation of an inclusive city to address inequality. In view of the stakeholders affected by the development proposals, the most significant impacts in this case relate to the protected characteristics of age, disability and gender. It is considered that there would be no communities falling under the list of “protected characteristics” that would be significantly or unduly harmed by the proposals.

9.4 Therefore in recommending the application for approval, officers have had regard to the requirements of the aforementioned section and Act and have concluded that a decision to grant consent for this proposed development would comply with the Council’s statutory duty under this important legislation. In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

Conclusions

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

This page is intentionally left blank



Subject: Planning Performance Update Report.

Report Authors: Simon Thelwell, Head of Strategic Development

1 BACKGROUND

- 1.1 This report produces a summary of performance on planning applications/appeals and planning enforcement for the year April 2023 to March 2024 and the quarter, April to July 2024.
- 1.2 Details of any planning appeal decisions in the periods where committee resolved to refuse planning permission contrary to officer recommendation are also given.
- 1.3 The Government has set performance targets for Local Planning Authorities, both in terms of speed of decision and quality of decision. Failure to meet the targets set could result in the Council being designated with applicants for planning permission being able to choose not to use the Council for determining the application

2 RECOMMENDATION

That the report be noted.

3 QUALITY OF PLANNING DECISIONS

- 3.1 In accordance with the published government standards, quality performance with regard to Major (10 or more residential units proposed or 1000+ sq m new floorspace or site area greater than 0.5 hectares), County Matter (proposals involving minerals extraction or waste development) and Non-Major

applications are assessed separately. If more than 10% of the total decisions in each category over the stated period were allowed on appeal, the threshold for designation would be exceeded. Due to the fact that 10% of the number of non-major decisions made exceeds the total number of appeals, there is no chance of designation so the performance against the non-major target will not be published in this report, although it will still be monitored by officers.

3.2 In October 2022, the DLUHC (now MHCLG) announced that there would be two periods of assessment for the purposes of designation:

- decisions between 1 April 2020 and 31 March 2022, with subsequent appeal decisions to December 2022.

- decisions between 1 April 2021 and 31 March 2023, with subsequent appeal decisions to December 2023.

3.3 Both these periods have passed, with no risk of designation for Havering. It is considered that the monitoring of the following periods (April 2022 – March 2024 and April 2023 – March 2025) should continue subject to any further confirmation from MHCLG on future performance measures.

3.4 The final figures for April 2022 to March 2024 are:

Total number of planning decisions over period: 52

Number of appeals allowed: 2

% of appeals allowed: 3.85%

Appeals still to be determined: 2

Refusals which could still be appealed: 0

County Matter Applications:

Total number of planning decisions over period: 8

Number of appeals allowed: 0

% of appeals allowed: 0%

Appeals still to be determined: 0

Refusals which could still be appealed: 0

3.5 Based on the above, there is no risk of designation for this period.

3.6 The current figures for April 2023 to March 2025 (to date) are:

Total number of planning decisions over period: 35

Number of appeals allowed: 2

% of appeals allowed: 5.7%

Appeals still to be determined: 2

Refusals which could still be appealed: 1

County Matter Applications:

Total number of planning decisions over period: 3
Number of appeals allowed: 0
% of appeals allowed: 0%
Appeals still to be determined: 0
Refusals which could still be appealed: 0

- 3.7 Due to the small number of decisions that we take that are majors or county matters, any adverse appeal decision can have a significant effect on the figure. Based on the above, it is considered that at this time there is a risk of designation. The figure will continue to be carefully monitored.
- 3.8 As part of the quarterly monitoring, it is considered useful to provide details of the performance of appeals generally and summarise any appeal decisions received where the Strategic Planning Committee/Planning Committee resolved to refuse planning permission contrary to officer recommendation. This is provided in the tables below.

Appeal Decisions Apr 2023-Mar 2024

Total Number of Appeal Decisions - 138
Appeals Allowed - 46
Appeals Dismissed - 92
% Appeals Allowed - 33%

Officer Comment – The average for the year is 33% appeals allowed. In terms of benchmarking, the national average for the same period was 30.7%, with the London average being 33%. Appeal decisions are carefully monitored for any particular trends with appropriate advice to officers, as necessary.

Appeal Decisions Apr 2024-Jun 2025

Total Number of Appeal Decisions - 43
Appeals Allowed - 11
Appeals Dismissed - 32
% Appeals Allowed - 25.6%

Adverse Costs Decisions –

Details of Costs Awards –

04/09/23 - Land at Suttons Business Park, Rainham – This was an enforcement notice appeal alleging change of use of a car park to industrial and storage. The Inspector considered that the enforcement action was based on a misinterpretation of the planning unit and whether there was a material change of use. The car park was part of the industrial unit and there was not a change of use. The enforcement notice was defective and should not have been served in the form it was drafted.

18/03/24 - 10 Victory Road, Rainham – This was an enforcement notice appeal alleging the construction of a new outbuilding. Post-service of the notice, the Council considered that the development was an extension of the outbuilding rather than a completely new building. The Inspector considered the notice to be defective in this regard and a more diligent investigation should have been carried out.

26/04/24 - 11 Kenley Gardens, Hornchurch – This was an appeal against the refusal of reserved matters for development of a new house following the grant of outline permission, Permission was refused on grounds of inadequate tree protection measures. However, such details were not necessary for the reserved matters application and it was unreasonable to refuse permission for this reason.

Appeal Decisions where Committee Decision Contrary to Officer**Recommendation**

Total Number of Appeal Decisions - 0
Appeals Allowed - 0
Appeals Dismissed - 0
% Appeals Allowed - 0%

Appeal Decisions Jul-Sep 2022

Decision by Committee Contrary to Officer Recommendation

Date of Committee	Application Details	Summary Reason for Refusal	Appeal Decision	Summary of Inspectors Findings
N/A	N/A	N/A	N/A	N/A

4 SPEED OF PLANNING DECISIONS

4.1 In accordance with the published government standards, speed of decision applies to all major and non-major development applications, with the threshold for designation set as follows:

Speed of Major Development (and County Matters) – 60% of decisions within timescale (13 or 16 weeks or such longer time agreed with the applicant)

Speed of Non-Major Development - 70% of decisions within timescale (8 weeks or such longer time agreed with the applicant)

4.2 In October 2022 DLUHC announced that there would be two periods assessed for the purposes of designation:

- Decisions made between October 2020 and September 2022
- Decisions made between October 2021 and September 2023

4.3 As for quality, it is considered appropriate to continue monitoring for the two-year periods that follow.

Performance to date on these is as follows:

October 2022 to September 2024 (to date)

Major Development (47 out of 47) –	100% in time
County Matter (6 out of 7) –	85.7% in time
Non-Major Decisions – (4198 out of 43621	96.2% in time

October 2023 to September 2025 (to date)

Major Development (214 out of 215–	100% in time
County Matter (2 out of 2) –	100% in time
Non-Major Decisions – (1981 out of 2056)	96.3% in time

4.4 The Council is currently not at risk of designation due to speed of decisions. The figure for future periods will continue to be monitored.

4.5 It is considered useful to provide some comparison on speed of decision on Major and Non-Major decisions with other London Boroughs. Obtaining directly comparable benchmarking data for the above period is not possible. However, comparison data on speed of decision for the 2 years ending March 2024 is available and set out below. Performance in Havering is good compared to other boroughs for both measures.

Borough	Major In Time	Rank - Majors	Minor and Others In Time	Rank - Minors and Others
Barking and Dagenham	100%	1	100%	1
Barnet	83.6%	30	82.3%	26
Bexley	100%	1	91.6%	13
Brent	98.3%	11	82%	28
Bromley	87.5%	26	86.7%	21
Camden	86%	28	80.5%	32
City of London	97.4%	14	85.2%	22
Croydon	92.5%	21	81.6%	30
Ealing	100%	1	97%	3
Enfield	81.2%	31	84.4%	24
Greenwich	100%	1	93.2%	7
Hackney	92.6%	19	82.8%	25
Hammersmith and Fulham	100%	1	92.0%	11
Haringey	100%	1	87.2%	20
Harrow	88.5%	25	82.3%	26
Havering	98.1%	12	94.7%	4
Hillingdon	98.5%	9	89%	18
Hounslow	80%	32	92.8%	9
Islington	94.7%	17	97.7%	2
Kensington and Chelsea	100%	1	93.1%	8
Kingston upon Thames	95%	16	93.6%	6
Lambeth	98.4%	10	92.3%	10
Lewisham	97.5%	13	91.7%	12
Merton	91.2%	22	89.7%	16
Newham	100%	1	80.9%	31
Redbridge	86.4%	27	90.0%	15
Richmond upon Thames	90.9%	23	89.5%	17
Southwark	79.8%	33	84.9%	23
Sutton	97.1%	15	94.5%	5
Tower Hamlets	94.6%	19	88.1%	19
Waltham Forest	94.7%	17	90.1%	14
Wandsworth	90.6%	24	81.7%	29
Westminster	85.5%	29	77.2%	33

5 PLANNING ENFORCEMENT

- 5.1 There are no designation criteria for planning enforcement. For the purposes of this report, it is considered useful to summarise the enforcement activity in the relevant year/quarter. This information is provided below:

Apr 2023 – Mar 2024
Number of Enforcement Complaints Received: 500
Number of Enforcement Complaints Closed: 478
Number of Enforcement Notices Issued: 40

Apr 2024 – Jun 2024
Number of Enforcement Complaints Received: 122
Number of Enforcement Complaints Closed: 123
Number of Enforcement Notices Issued: 15

- 5.2 It is intended to introduce a range of data for enforcement in future performance reporting.

This page is intentionally left blank