

## APPENDIX 3

### ANALYSIS OF REPRESENTATIONS/OBJECTIONS

#### INTRODUCTION

In total, 868 representations were received by letter and e-mail in response to the public notices placed in the Romford Recorder on 5<sup>th</sup> and 12<sup>th</sup> July 2019.

Of these, 426 representations were made in respect of the proposed Appropriation and 442 in respect of the proposed Disposal and, in the main, the same comments were made in respect of both activities.

These representations were received between 5<sup>th</sup> July and 8<sup>th</sup> August 2019.

It is important to note that the development proposals for the site at the time of this consultation exercise were for a 48 unit residential scheme comprising 42 houses and six flats, the latter being located towards the Hall Lane entrance to the site. Subsequent revisions to the development proposal included a reduction in the total number of units. The revised planning application description for the site is “Outline planning application for the demolition of all buildings and structures on site, redevelopment of the site providing up to 37 residential units, creation of a new highway access, public open space and landscaping and related infrastructure”.

The indicative mix accompanying the revised application shows 37 house units with no flats. It is this development for which a resolution to grant planning permission has been made subject to final agreement of the terms of the accompanying Section 106 Agreement.

Almost all representations constituted objections to the Council’s proposals to both appropriate the site and dispose of it. Many of the grounds of objection were repeated and related to each of these proposed actions. Most of the respondents objected on more than one ground and, in many cases, these grounds echoed the substance of the objections previously made in respect of the planning application. The grounds for objection have been aggregated and are set out below and accompanied by (A) where the objections apply to the proposed appropriation and (D) where they apply to the proposed disposal:

**1.1 Objection: The proposed development will have an adverse impact on traffic both during and post development – increased congestion, pollution, littering, noise, health impact, danger from construction vehicles. Particular health and danger impacts on children. The proposal is in contravention of Council Policy DC32 – The Road Network (A)(D):**

**1.2 Comment:** Policy DC32 states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. The Council will require the submission of a transport assessment to ensure this requirement is met.

In terms of congestion and pollution caused by additional cars, the Transport Statement (supporting the original larger 48 unit development) prepared by TPP concludes that the development would generate an increase of 2.5% of the two way traffic flow on Hall Lane in the AM peak and 2.0% in the PM peak, thus there is expected to be a minimal impact on the local road network. The subsequent addendum to this report concludes that this anticipated impact would be lower with a 37 unit development.

In terms of danger from construction vehicles, prior to development of the site, the developer will be required to draw up a Construction Management Plan (CMP) and to commit to signing up to the Considerate Constructors Scheme. Within the CMP, the developer will have to address, amongst other things, details of neighbour consultation, hours of working, a traffic management plan, dust, noise & vibration, health & safety, waste & material management and environmental issues.

**2.1 Objections: The proposed development is in contravention of the following policies contained within the Council's LDF Core Strategy and Development Control Policies (A)(D):**

**Policy DC3 – Housing Design and Layout. The proposed new development is not in keeping with/will change the character of the area, including flats on Hall Road frontage**

**2.2 Comment:** Paragraph 127 of the National Planning Policy Framework (NPPF) states that decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting. Policy 3.5 of the London Plan requires all new housing to enhance the quality of local places, taking account of character. Policy DC 61 seeks to maintain the character and appearance of a local area, including retention of existing trees and landscape, respond to local building forms and respect the scale, massing and height of the surrounding physical context.

The site is surrounded by, although not contained within, the Hall Lane Policy Area which has its own Supplementary Planning Document (SPD) including specific guidance on maintaining and enhancing the character of this area. Following discussions with Council officers, this guidance was reflected, resulting in a reduction in the number of proposed units (48 to 37), retention of most of the existing important trees and retention of the existing open aspect to the Hall Lane frontage. No flat units are contained within these revised proposals.

The Design Code sets out a number of mandatory elements of any reserved matters and is a comprehensive code. Compliance with this mandatory code would ensure that any development coming forward would respect the character of the site and the wider Hall Lane area. Adherence to the code will be secured through planning condition plus some other conditions, particularly concerning restricting permitted development rights which could particularly adversely affect character and landscape.

These objections are essentially town planning related and it is considered that the proposal, in outline form, is considered to demonstrate that a satisfactorily high quality residential and landscape quality can be achieved in accordance with national, London Plan and local planning policy. Resolution to grant planning permission has been obtained.

**3.1 Policy DC18 – Protection of Public Open Space, Recreation, Sports and Leisure Facilities. Development of this site represents the removal of a “green lung” for the area; and**

**Policy DC20 – Access to Recreation and Leisure including Open Space**

**3.2 Comment:** The site is currently open, undeveloped land, used as a pitch & putt facility, open to customers at selected times throughout the year. It is not readily accessible by the general public so cannot be described as public open space but it provides a facility used by local residents of the borough and those from elsewhere. The site contains mature planting, particularly around its perimeter and several high quality trees. The proposal includes the provision of at least 25% of the site area allocated as public open space so approximately 75% of the existing open space area will be lost.

Paragraph 97 of the NPPF states that existing open space and sports land should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space....to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy 7.18 of the London Plan states that the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.

Policy CP7 of the Havering Core Strategy and Development Control Policies DPD states that the Council will seek to retain access to recreation and leisure opportunities by retaining existing facilities where a need exists. Policy DC18 states that the Council will seek retention of all open public space and recreation, sports and leisure facilities. Alternative uses will be allowed where the land is surplus to requirements because other facilities exist in the locality and/or there is no need for other recreation/leisure uses (by reference to Policy DC20 – Access to Recreation and Leisure Including Open Space). Any loss of open space must be accompanied by an improvement to the quality of open space in the vicinity.

The planning application was accompanied by an Open Space Assessment (OSA) and a Golf Facilities Needs Assessment (GFNA). The GFNA concludes that the current pitch & putt facility is surplus to requirements due to the following factors:

- a. the facility is loss making with every round of golf in effect being subsidised
- b. the facility is not of a high standard
- c. there is a good choice of golfing facilities in the local area
- d. even though the price charged is affordable, the facility is not well used

The OSA concludes that although there are some deficiencies in some open space provision in the vicinity of the area, overall the existing level of provision is good and the current facility offers little in terms of publically accessible open space (as per the GFNA conclusions). In particular, the shortfalls in existing open space provision in the area identified include:

- a. access to parks and gardens (although improvements to nearby facilities may address this)
- b. allotment space (although the area is characterised by mainly large gardens that may fulfil some of this function)
- c. natural and semi-natural greenspace within 800m of the site (although the actual quantity available in the ward as a whole is exceeded)
- d. small gaps in the quantum of children's play space (although the quality standard of that existing is exceeded)

The planning permission will include an obligation on the part of the developer to pay a contribution of £120K to improve facilities to the nearest public open space at Upminster Hall Playing Fields, some 240m north of the subject site. This is a public park containing car park, sports pitches, Skate Park, play facilities, large open space and trees. Improvements to this park would go some way to addressing the loss of up to 75% of the existing open space on the subject site.

In assessing the loss of open space against national planning policy:

- a. It is considered that the proposal meets the requirement of paragraph 97(a) of the NPPF – the submitted assessments satisfactorily demonstrate that the current facility is surplus to requirements and that alternative golfing facilities exist in the area. There is no evidence that the facility has been deliberately run down for the purposes of redevelopment nor is there evidence that substantial investment would make the facility more viable. The evidence is that the facility, whilst well regarded, is not frequented enough to viably continue.
- b. The proposal does not meet criteria (b) of paragraph 97, in that a similar quantity open space is not being provided, given that up to 75% of open space is to be lost. However, the NPPF does not require all criteria to be met.
- c. In respect of criteria (c) of paragraph 97, it is not clear whether this criteria is met. Given the low use of the current facility, its benefits are largely visual due to the open aspect and quality of some of the trees and landscape, as well as providing an attractive backdrop for residents who live in houses adjoining the site or who travel past it. The development proposals do provide for alternative recreational provision through the proposed public open space to the front and

rear of the site – not restricted access as presently exists. In respect of public access and facilities that may appeal to a wider range of the population, the proposed development does provide benefits compared to existing, but it is considered that this does not “clearly outweigh” the loss given that much of the site would be given over to residential development. However, as for criteria (b), the NPPF does not require all criteria to be met.

- d. In conclusion, it is considered that the proposal does accord with paragraph 97 of the NPPF as the current facility has been demonstrated to be surplus to requirements.

In assessing the loss of open space against London Plan policy:

- a. Policy 7.18 of the London Plan requires that equivalent or better quality provision be provided in the catchment area. In respect of this there would be improvements to open space provision in that unrestricted public open space and play facilities would be provided on site as part of the proposal. Improvements to Upminster Hall Playing Fields would also be made.
- b. It is a matter of judgement as to whether the replacement provision and improvements could be considered to represent equivalent or better quality provision. The policy and associated commentary give no further guidance on how equivalency or quality should be assessed other than to say that one open space should not be replaced by another without an up to date needs assessment. This development proposal includes a detailed needs assessment showing that the current pitch & putt is not viable and is surplus to requirements, so it is considered that re-provision is not necessary.
- c. In conclusion, it is considered that the proposal is partially compliant with policy 7.18 of the London Plan.

In assessing the proposal against Havering Development Plan policy:

- a. Similar to paragraph 97 (a) of the NPPF, Policy DC18 allows for loss of open space where it is surplus to requirements with an additional requirement that any loss be accompanied by improvements in the vicinity.
- b. The assessments submitted with the planning application are considered to adequately demonstrate that the current facility is surplus to requirements.
- c. There is some shortfall in the area of some public open space (as set out in Policy DC20), but these are minor in nature with good standards overall of open space provision in the vicinity of the site.
- d. The provision of public open space, including children’s play space, on the subject site plus improvements to Upminster Hall Playing Fields are considered to be sufficient to satisfy the requirements of Policy DC18 and Core Policy CP7.

In conclusion, the proposed loss of open space could be considered to be in accordance with national and Havering planning policies, although it is a matter of judgement as to whether the London Plan policy expectation is met.

If the loss of open space is considered to be acceptable in this case, then residential redevelopment is considered acceptable in principle, meeting the objectives of planning policy, including paragraph 117 of the NPPF – “Planning decisions should promote an effective use of land in meeting the need for homes”. Policies within the London Plan seek to increase and optimise housing in London, in particular Policy 3.3 on “Increasing Housing Supply” and Policy 3.4 on “Optimising Housing Potential”. Policy CP1 of the LDF on “Housing Supply” expresses the need for a minimum of 535 new homes to be built in Havering each year through prioritising the development of brownfield land and ensuring it is used efficiently. Table 3.1 of the London Plan supercedes this target and increases it to a minimum ten year target for Havering (2015 – 2025) of 11,701 new homes or 1,170 new homes each year. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper.

**4.1 Objection: Loss of open space and existing facility takes away facilities from youngsters that encourage fitness and combat both obesity and mental health issues.**

**4.2 Comment:** The Golf Facility needs assessment concludes that the current facility is not well used. Under the terms of this proposal, at least 25% of the current site will comprise public open space and a contribution of £120K will be made to improve facilities to the nearest public open space at Upminster Hall Playing Fields, some 240m north of the subject site. This is a public park containing car park, sports pitches, skate park, play facilities, large open space and trees.

**5.1 Objection: The proposals are contrary to Havering Local Plan 2016-2031 3.2.1xv – to maintain and enhance biodiversity and geodiversity (A)(D)**

**5.2 Comment:** Clause 3.2.1 xv (with proposed amendments) states “Increase the quantity, quality and accessibility of Havering’s public open spaces and maintain and enhance biodiversity and geodiversity”

Whilst the development proposals do result in a loss of open space, at least 25% of the site area will be given over to full access public open space. Policy DC59 seeks enhancements to biodiversity as an integral part of new development and ecological reports and surveys supporting the planning application have not identified the presence of any protected species, although there is evidence of use of some of the trees by bats. These trees, located on the western part of the site, would be retained under the development proposals. The ecological reports recommend a range of enhancements, the provision of which would be sought by planning condition.

It was considered that the impact on biodiversity is acceptable, in accordance with both clause 3.2.1 xv of the HLP and Policy DC59 of the DPD.

**6.1 Objection: The development would result in a loss of valuable trees and to date no Tree Survey has been undertaken. The proposals are contrary to Policy DC60 – Trees and Woodlands (A) (D)**

**6.2 Comment:** Two Arboricultural Impact Assessments (February 2019 & November 2019) were commissioned and form part of the suite of documents supporting the planning application. The submitted parameter plans and Design Code indicate the retention of the majority of significant and high quality trees that currently exist on the site. A Tree Preservation Order will add protection to the trees from the issuing of any decision and a condition attached to any planning consent will include an obligation to establish tree root protection zones amongst other protection measures.

**7.1 Objection: Development of this site will degrade air quality. Proposals contrary to Policy DC 52 (Air Quality), HLP Policies 33 (Air Quality) & 34 (Managing Pollution) (A)(D)**

**7.2 Comment:** DC52 states that planning permission will only be granted where new development...does not cause significant harm to air quality and does not cause a breach of the targets set in Havering's Air Quality Management Area Action Plan.

The Outline Sustainability Statement prepared by XCO2 (accompanying the planning application) includes an outline of the sustainability measures that have been adopted to address the relevant planning policies and concludes that the proposed development meets the targets set out by the Council.

In terms of pollution caused by additional cars, the Transport Statement (supporting the original larger 48 unit development) prepared by TPP concludes that the development would generate an increase of 2.5% of the two way traffic flow on Hall Lane in the AM peak and 2.0% in the PM peak, thus expects there to be a minimal impact on the local road network. The addendum to this report concludes that this anticipated impact would be lower with a 37 unit development.

**8.1 Objection: The proposed development will have an adverse impact on already overstretched local infrastructure – schools, hospital, doctors' surgeries, dentists, bus and rail transport systems, utilities. The proposals are not in line with Policy DC29 – Educational Premises nor Policy DC30 – Contribution of Community Facilities (A)(D)**

**8.2 Comment:** TPP were commissioned to undertake a Transport Statement to support the planning application. It was prepared in accordance with TFL's "Transport Assessment Best Practice" guidance document and its findings were that the then proposed (48 unit) development would have a minimal impact on the local road network, the local bus network, train services and underground services.

The subsequent Transport Statement Addendum (again prepared by TPP) concluded that the revised, lower density 37 unit development would further minimise the impact on these networks and services.

Under Policy DC 29, the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of

residents. One of the means of meeting this goal is by seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development. There are three primary schools within a kilometre of the site and a secondary school 1.6km distant.

The pre-planning consultees included the Council's School Organisation which observed that the development would generate additional children and this should result in CIL or section 106 contribution for additional school places.

Under Policy DC30, the Council will, where appropriate in major new development, seek contributions towards the provision of essential new community facilities.

There are three medical centres within a kilometre of the site.

In respect of utilities, it has been established that, due to the site topography and surface/foul water network limitations, it is likely that a pumping station would be required on the site. Details would be required as part of any reserved matters but there are no significant concerns in respect of flooding or drainage issues.

**9.1 Objection: Loss of this facility could result in an increase in anti-social behaviour (A)(D)**

**9.2 Comment:** The Metropolitan Police Designing Out Crime Officer was consulted as part of the application process. No objection to the proposed development was raised. A suitable condition is recommended and further consideration of crime and design will be undertaken at the reserved matters stage.

**10.1 Objection: The Transport Statement fails to recognise new Council policy to introduce CPZs. Adverse impact on parking in the area (A)(D)**

**10.2 Comment:** The Transport Statement confirms that the site is not located within a CPZ. Policy DC32 requires development to have no significant adverse impact on the road network, whilst Policy DC33 requires sufficient provision for parking to be made in new developments.

Approval of access is sought through this application with all other matters being reserved. The access arrangements have been reviewed by the Highways Engineer who has raised no objections. The Design Code specifies two parking spaces per dwelling which is considered to be acceptable. The final layout of the streets will be subject to reserved matters application(s) with consideration being given at that time to the provision of visitor spaces.

There are no significant concerns with regard to highway or parking issues at this stage given the outline nature of the application and a resolution to grant planning permission was granted on this basis.

**11.1 Objection: Appropriation/disposal of the site is not in line with Havering Local Plan (2016 – 2031) Policy 28 – Heritage Asset. The site was bequeathed to the Council many years ago. Heritage site - LDP 2016-2031 xiv states that preserving Havering's heritage is a key issue (A)(D)**



**11.2 Comment:** The site is not designated as a heritage asset, nor is it immediately adjacent to any heritage asset. The nearest designated heritage assets to the site are:

- a. Upminster Hall (Grade II\* listed) and the Tythe Barn (Scheduled Ancient Monument) – some 240m to the north and separated by properties in The Fairway and the Upminster Golf Club car park.
- b. Upminster Court (Grade II\* listed) and Gardens (Registered Park and Gardens) some 380m north of the site

It is considered that, given the nature of the proposed development, (low density, low scale development) and the presence of intervening development, there is no harm to the setting of these heritage assets.

The site is recognised as one of potential archaeological significance and Historic England have recommended a suitable condition to ensure further investigation prior to commencement of development.

**12.1 Objection: The proposals are not in line with Policy DC34 – Walking/Policy DC35 – Cycling/Policy DC38 – Park & Ride**

**12.2 Comment:** Policy DC34 essentially aims to encourage walking within the borough and, in appropriate circumstances, contributions will be sought towards initiatives to support this aim. The subject site lies approximately 650m (so, easy walking distance) from Station Road with its local shops, restaurants, cafes, banks, Post Office and library. Three medical centres are located within a kilometre of the site. In addition, the site has excellent access to bus services and also Upminster Railway and Underground Station, located some 700m from the site.

Policy DC35 aims to encourage cycling. The development will provide cycle parking in accordance with the London Plan as per this Council policy. The local area is covered by TFL Cycle Map 5 and Hall Lane is identified as a road recommended by cyclists.

Policy DC38 is concerned with park and ride provision serving Romford Town Centre. It is therefore not clear how this objection can be said to be relevant to this proposal.

**13.1 Objection: Development of the site will cause flooding and drainage problems. Proposals contrary to Policy DC51 (Water Supply, Drainage and Quality) (A)(D)**

**13.2 Comment:** DC51 states, inter alia, that developers must demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users.

The Flood Risk Assessment prepared by Weetwood concludes that flood risk from all sources is generally regarded as low. The risk of flooding from surface water and residual risk of flooding from groundwater will be mitigated by finished floor levels being set at a minimum of 0.15m above adjacent ground levels following reprofiling of the site. Surface water run off from the developed site can be sustainably managed in accordance with planning policy. However it will be necessary to pump surface water

from the site to facilitate a connection to the public sewer network located along Hall Lane.

It is therefore considered that there are no significant concerns in respect of drainage and flooding issues.

**14.1 Objection: The Council has not justified the need for more housing provision (A)(D)**

**14.2 Comment:** The Council's Core Strategy recognises the need for additional housing and, in respect of suburban sites, its vision is "Outside the town centres the borough's suburban character will be maintained and enhanced by sympathetic residential development.....All groups within the community will have good affordable access to the housing they need, including those needing larger, family sized accommodation"

The Havering Local Plan 2016 – 2031 (PSV) contains, as one of its strategic objectives, an increase in the supply of high quality housing in Havering by a minimum of 17,550 dwellings over the Plan period.

**15.1 Objection: Proposed new development represents an overdevelopment of the site. Expensive houses to be constructed, not affordable. Properties will be bought by investors leading to overcrowded tenanted houses. Proposals contrary to Policy DC2 (Housing Mix and Density) (A)(D)**

**15.2 Comment:** Since these objections were received, the planning application has been revised, resulting in a reduction in the number of proposed units from 48 to 37.

Policy DC2 states that the Hall Lane Special Policy Area is subject to a special policy formulated to ensure that its existing special character of large units in generous landscaped plots is retained and to ensure that an adequate stock of this type of housing is maintained to attract high earning private and public sector professionals in the borough. It is considered that the revised development proposal meets this policy aim.

Affordable housing (the equivalent of 50% provision) is provided off site as part of this proposal. The nature of the potential buyers for the completed units (owner occupiers versus investors) is neither a town planning nor appropriation/disposal matter.

**16.1 Objection: Adverse effect on neighbouring properties, including noise, overlooking, loss of privacy, loss of view, reduction in property values (A)(D)**

**16.2 Comment:** Policy DC61 of the DPD requires that development should not result in unacceptable overshadowing, loss of daylight/sunlight or loss of privacy to existing and new properties nor have adverse impact by reason of noise impact.

Noise – the developer will be required to agree a Construction Management Plan with the planning authority prior to commencement of works. A key element of this plan is concerned with the minimisation of disruption to neighbours in terms of noise, dust, road safety and hours of operation during the construction phase. Subject to suitable

attenuation of any plant proposed, it is not considered that noise potential from the pumping station will be a major issue.

Overlooking/Loss of Privacy –the submitted plan of development is of very low density and includes generous plot sizes. The application has been submitted in outline with siting, appearance and layout as reserved matters however the parameter plans and Design Code would mean all proposed dwellings are set at least 10m away from the site's boundaries thus preserving the residential amenity of neighbours. Loss of View/Property Prices – it is considered that the low density of the proposed development, together with the emphasis on retention of existing important trees, will not result in a materially poorer view for neighbouring properties. Nor is it considered that the development will have a deleterious effect on neighbouring house prices.

**17.1 Objection: Other brownfield development sites should be considered first/repair of existing run down housing stock/conversion of empty offices should be given priority (A)(D)**

**17.2 Comment:** National planning policy does seek to maximise the use of previously developed land, particularly for housing, but there are no planning policies that require any non-previously developed land to be considered suitable for development only if there is no brownfield land.

**18.1 Objection: The Council has deliberately let the existing pitch and putt facility run down (A)(D)**

**18.2 Comment:** There is no evidence that the facility has been deliberately run down for the purposes of redevelopment.

**19.1 Objection: The materials used in the construction of the housing units will seriously impact the environment (D)**

**19.2 Comment:** The Outline Sustainability Statement prepared by XCO2 (accompanying the planning application) includes an outline of the sustainability measures that have been adopted to address the relevant planning policies and concludes that the proposed development meets the targets set out by the Council.

XCO2 have also prepared an Outline Energy Statement that assesses the predicted energy performance and carbon dioxide emissions of the proposed development. It concludes that the proposed development complies with the London Plan CO2 savings target of 35% to be achieved on site. To achieve “zero carbon” as required for major residential developments, approximately 69 tonnes per annum of regulated CO2, equivalent to approximately 2,070 tonnes over 30 years, should be offset offsite.

Prior to the grant of planning permission, a legal agreement is to be entered into to secure, inter alia, the following planning obligations: carbon offset payment, any boilers to be ultra-low NOx units and water efficient dwellings.

**20.1 Objection: Appropriation/disposal is in contravention of “The Hall Lane Policy Area” Zone B provisions – resist large scale development. The Hall Lane Policy Area planning document concerns an area that entirely surrounds the**

**course. Contravention of Policy DC69 – Other Areas of Special Townscape or Landscape Character (A)(D)**

**20.2 Comment:** The observation that the subject site sits outside the boundary of the Hall Lane Policy Area is correct. It follows that the site is not bound by the Zone B provisions of that policy, however, Council officers have advised that any development should follow the principles set out within this policy. This has resulted in the reduction in the proposed number of dwellings (48 to 37), retention of the majority of mature trees on site and retention of the existing open character to the Hall Lane frontage to the site. (The policies in respect of the surrounding area are contained within a Supplementary Planning Document that seeks to provide further detail on the implementation of Development Control Policy DC69 (Other Areas of Special Townscape or Landscape character). In summary, the policies seek to resist large scale development that would detract from the existing character of the area, particularly those above existing densities or resulting in a loss of existing landscape features or open areas).

It is considered that the proposed development meets these objectives.

**21.1 Objection: The Council has undertaken no wildlife surveys (A)(D)**

**21.2 Comment:** Surveys in respect of bats, badgers, reptiles and great crested newts have been undertaken post consultation and form part of the suite of documents supporting the planning application.

**22.1 Objection: Sale of land at below residential land value to Mercury Land Holdings Limited. Reference to Council's obligations on best consideration under Local Government Act 1972 s123 (A)(D)**

**22.2 Comment:** The Council is aware of its obligations under the above Act and will proceed with any disposal in accordance with its provisions. There has been no sale to Mercury Land Holdings.

**23.1 Objection: No public consultation has been undertaken in respect of the proposed change of land use, including during Local Plan consultations (A)(D)**

**23.2 Comment:** For proposals such as this, there is no requirement to undertake pre-submission consultation.

**24.1 Objection: The pitch and putt facility is the only one of its kind in the area/available to those who cannot afford golf club fees or membership. Loss of a valuable community facility/sporting amenity providing an opportunity for youngsters to learn golf without joining a golf club (A)(D)**

**24.2 Comment:** A Golf Facilities Needs Assessment (Final Report) was undertaken by Continuum Sport & Leisure Ltd in November 2018. The report sought to establish whether the current facility remains surplus to the needs for golf facilities in the borough and whether there are any shortfalls to meet likely future golf demand.

This report concludes that the current facility is very outdated, and whilst it offers a low cost point of entry to the sport, it offers poor availability and requires a substantial subsidy to operate. Moreover, the site offers no potential to be enhanced to become

financially viable. On the basis of their research and consultation, the report's authors conclude that facility supply and demand for golf within the borough is broadly in balance with no gaps in provision and some spare capacity to cater for population growth.

**25.1 Objection: No detail on sustainability issues –energy efficiency, car charging points, solar panels etc (A)(D)**

**25.2 Comment:** This is an outline planning application. More detailed information relating to the above would accompany a subsequent full planning application. Accompanying this application is an Outline Sustainability Statement prepared by XCO2 that confirms the proposed development meets the sustainability targets set out by the Council.

**26.1 Objection: Friends of Upminster Mini Golf Course have undertaken fundraising which has been used to improve the current facilities. The development would eradicate the Friends Group (A)(D)**

**26.2 Comment:** Closure of the golf facility would inevitably result in the activities of the Friends group ceasing however the Golf Facilities Needs Assessment concludes that supply and demand for golf facilities within the borough is broadly in balance with no gaps in provision and some spare capacity to cater for population growth.

**27.1 Objection: Proposals not in line with Council's Core Strategy six major objectives: a more prosperous community, improved lifelong learning, better health & welfare, increased community participation, protect & improve the environment, a safer community (A)(D)**

**27.2 Comment:** The proposal will provide high quality housing provision (prosperous community), at least 25% of the site will be public open space as opposed to the current restricted access (better health & welfare/increased community participation) and the submitted plans indicate the retention of many of the significant and high quality trees and planning conditions will ensure biodiversity (protect & improve the environment).

**28.1 Objection: The site is within the Green Belt. Proposals contrary to Policy DC45 (Appropriate Development in the Green Belt) (A)(D)**

**28.2 Comment:** The site does not lie within the Green Belt

**29.1 Objection: Three neighbouring householders claim rights of way/access over the site (two supported by statutory declarations) (D)**

**29.2 Comment:.** Any disposal of the site will respect any such rights over the land should they exist.

**30.1 Objection: This consultation is being rushed through at a time when many are on holiday (A)(D)**

**30.2 Comment:** The Council has complied with its statutory obligations.

**31.1 Objection: Concern from neighbour over noise and smells generated by adjacent pumping station (A)(D)**

**31.2 Comment:** A future detailed planning consent will be accompanied by an obligation upon the developer to include sound attenuation/rating analysis in respect of all external plant & machinery including the proposed pumping station. The pump exists to push waste water/matter through an enclosed pipework system so should not give rise to foul smells.

Subject to details to be submitted at reserved matters stage, it is considered that this element of the proposal would not significantly impact upon existing residential amenity.

**32.1 Objection: Concern from neighbours regarding the impact of the development on family members with asthma (A)(D)**

**32.2 Comment:** Prior to development of the site, the developer will be required to draw up a Construction Management Plan (CMP) and to commit to signing up to the Considerate Constructors Scheme. Within the CMP, the developer will have to address, amongst other things, details of neighbour consultation, hours of working, dust mitigation and air quality issues.

**33.1 Objection: The Council has not commissioned an independent assessment of the Open Space value of the site (A)(D)**

**33.2 Comment:** Such an assessment is not necessary in respect of appropriation and is not material to the determination of the planning application.

**34.1 Objection: Proposal contradicts the Mayor of London's strategy to make London the greenest global city (A)(D)**

**34.2 Comment:** The Mayor's policy centres upon planning and managing London's green places and features as an integrated green infrastructure to provide more benefits to Londoners as the city grows, its climate changes and poor air quality is tackled. One of the aims, within the new London Plan, is to ensure new developments include enough urban greening. It is considered that the proposed development, being low density, containing public open spaces, retaining most of the existing significant trees and containing a wildlife area, substantially if not wholly meets the Mayor's objectives in this respect.

**35.1 Objection: The site is protected by the provisions of the Wildlife & Country Act [sic] (A)(D)**

**35.2 Comment:** The Wildlife and Countryside Act 1981 is an Act of Parliament implemented to comply with a European Council directive that relates to the conservation of wild birds. Policy DC59 seeks enhancements to biodiversity as an integral part of new development and ecological reports and surveys supporting the planning application have not identified the presence of any protected species, although there is evidence of use of some of the trees by bats. These trees, located on the western part of the site, would be retained under the development proposals.

