
Appeal Decision

Inquiry held on 13 and 14 June 2017

Site visit made on 13 June 2017

by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 July 2017

Appeal Ref: APP/B5480/W/16/3153859

St George's Hospital, Suttons Lane, Hornchurch, RM12 6RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andy Strange - NHS Property Services against the decision of the Council of the London Borough of Havering.
 - The application ref. P0321.15, dated 20 February 2015, was refused by notice dated 7 January 2016.
 - The development proposed is the redevelopment of the St George's Hospital site inclusive of partial demolition and conversion of existing buildings to provide up to 290 dwellings on 10.0 ha of the wider site, together with associated car parking, landscape and infrastructure works.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the St George's Hospital site inclusive of partial demolition and conversion of existing buildings to provide up to 290 dwellings on 10.0 ha of the wider site, together with associated car parking, landscape and infrastructure works at St George's Hospital, Suttons Lane, Hornchurch in accordance with the terms of the application, ref. P0321.15, dated 20 February 2015, subject to the conditions set out on the schedule attached to this decision.

Preliminary Matters and Background

2. The application form refers to an outline scheme with all matters of detail apart from access reserved for future determination. The Council's submissions also refer to an outline scheme. However, both main parties accepted at the Inquiry that the proposal is a hybrid application, with full planning permission being sought for the conversion of those existing buildings that are proposed for retention and outline permission being sought for the remainder of the development (excepting access). My decision takes this into account.
 3. The Council confirms that, at a meeting in June 2016, it resolved to grant planning permission for a broadly similar development at the former St George's Hospital involving a reduced maximum housing total (279 units) and amended development envelopes. However, planning permission for this scheme (the '279 unit scheme') has yet to be issued. At the same meeting, the Council also resolved to grant planning permission for an associated outline proposal for a healthcare facility on the northern part of the former hospital grounds (the 'healthcare scheme'). This permission also has yet to be issued.
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4. At the start of the Inquiry, the appellant proposed that the present appeal scheme should be subject to an amendment that would effectively impose the parameter restrictions applying to the 279 unit scheme onto the present appeal. The Council indicated that such a change would be sufficient to meet its concerns about the present proposal. Both parties stated that they were satisfied that such a change would be feasible in practice and I have seen no evidence to the contrary.
5. After consideration, I indicated at the Inquiry that I was content to proceed on the amended basis. In making that assessment, I was mindful, first, that both parties were satisfied that their respective cases would not be prejudiced by such a change and, second, that the parameter restrictions applying to the 279 unit scheme had already been subject to full consultation in association with the subsequent application. Furthermore, while the suggested amendments involve an amendment to the application site boundary – in effect removing the area that is the subject of the healthcare application – this would not involve the addition of any land to the application site. Indeed, it seems to me that the removal of this land would address an apparent anomaly in the way that the red line boundary had originally been drawn for the appeal scheme: it is clear that the appeal application was not – and indeed is not – proposing development within the area of the healthcare scheme.
6. For the avoidance of doubt, it was agreed by both main parties that the appeal should therefore be based upon the following drawings: 15855-TP 100 05; 15855-TP 104 08; 15855-TP 105 05; 15855-TP 106 06; 15855-TP 107 05; 15855-TP 109 05; 15855-TP 110 08; 15855-TP 111 03; 15855-TP 112 04; 15855-TP 113 04; 15855-TP 114 04.

Consideration

7. Following the above-noted clarification from both the appellant and the Council at the start of the Inquiry, I am satisfied that there are no outstanding matters of difference regarding the substance of the development between the main parties. However, I am aware that others have raised a number of objections. I address these and other matters in my consideration below.
8. It is first necessary to consider the scheme in the context of relevant Green Belt policy. The site lies within the Metropolitan Green Belt. Policy DC46 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (the DPD) defines St George's Hospital as a Major Developed Site in the Green Belt. The policy applies the criteria of the then national policy (Annex C of PPG 2) and states that in the event of complete or partial redevelopment, the Council will seek proposals for residential use or community use, subject to relevant policies in the Plan. DPD policy DC45 states that planning permission for new buildings will only be granted where, among other matters, they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DPD policy DC46.
9. It is common ground that current national policy on this matter is set out in paragraph 89 of the National Planning Policy Framework (the Framework). This states that the construction of new buildings in the Green Belt is inappropriate, subject to certain exceptions. One of these is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which

- would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
10. The DPD's adoption predated the Framework's publication and the Council accepts that in some respects the DPD is out of date in that regard. However, in this case, I share the Council's view that there is no material conflict between the approach of the DPD and the Framework to the application of Green Belt policy in respect of the St George's Hospital site. Both documents make particular – and broadly consistent – provision for the partial or complete redevelopment of previously developed sites in the Green Belt.
 11. In the light of the amendments discussed above, both main parties consider that the appeal scheme would not amount to inappropriate development in terms of either the DPD or the Framework. The former hospital site contains large institutional buildings (now vacant) sited within a landscape framework characterised by grassed areas along with some trees, shrubs and hedgerows. The proposed conversion of some of these buildings would have no material effect on the openness of the Green Belt. The intended adoption of the development parameters of the 279 unit scheme as discussed above – which can be secured by the imposition of a condition – would act to restrict the extent of new build development. While this would result in a somewhat lower residential density than is set out in DPD policy DC2, I share the Council's view that this minor policy conflict is outweighed by the importance given to Green Belt protection.
 12. It is accepted that some of the new buildings would be likely to encroach beyond the existing built envelope. However, overall there would be a clear reduction in both built footprint and built volume within the site. This would represent an increase in Green Belt openness – an effect that would be amplified by the demolition of a long linking corridor as well as the removal of fencing and railings from the Suttons Lane frontage. Such changes would create new views through the site from Suttons Lane towards open land to the east. It is noted that three locations for four storey development are proposed within the site. However, one of these would occupy the site of the much taller chimney and water tower, while the other two would be located at the junction of two linear open space features and would therefore provide an appropriate visual focus as well as framing views. Overall, I consider that the scheme would not have a greater impact on Green Belt openness than the existing development.
 13. Given that the appeal site is already developed land that is clearly separated from the countryside, and bearing in mind the restrictions that would apply to siting of new buildings within the site as described above, I am also satisfied that the proposal would not result in a greater impact on the purpose of including land within the Green Belt than the existing development. Drawing these matters together, I therefore share the view of both main parties that the appeal scheme as amended would not amount to inappropriate development within the Green Belt.
 14. The scheme's potential transport impact is of particular concern to local residents. A Transport Assessment (TA) was submitted with the original application, which was supported by further assessments in respect of matters including junction modelling and an assessment of bus capacity. In summary, these conclude that the site lies in an area of moderate public transport

accessibility where most of the scheme's residents would be able to walk, cycle or travel by public transport (including buses and the underground) with reasonable ease. While traffic generation is predicted to increase from the present level, transport modelling does not show an unacceptable impact on highway capacity or traffic congestion as a result of the appeal proposal in combination with the healthcare scheme. The TA also notes that the combined traffic effect of these two schemes would be less than arose from the hospital when it was substantially or fully operational. No technical evidence has been presented to support a different assessment. The appeal scheme is not subject to transport objections from the local highway authority or the Greater London Authority.

15. Conflict with the Nationally Described Space Standard for housing development (specifically in relation to one bedroomed flats) was one of the Council's stated refusal reasons. However, prior to the Inquiry, the Council accepted that this matter was capable of being resolved by the imposition of an appropriate planning condition. I agree with that assessment. The appellant's architectural evidence demonstrates that the proposed conversions – for which detailed final layouts have not been submitted – would be able to satisfy the relevant standards. At the Inquiry, the appellant confirmed that the intended change of use of the buildings to be retained would not involve operational development.
16. Concerns had originally been raised by Natural England (NE) in terms of the appeal scheme's potential impact on the Ingrebourne Marshes Site of Special Scientific Interest (SSSI) – specifically in respect of potential run-off. However, NE withdrew its objection in the light of further information about the site's hydrology and the drainage solutions that are now proposed. This matter is the subject of a planning condition, along the broad lines recommended by the Environment Agency (EA). The EA has no in principle objections to the appeal scheme, which lies within Flood Zone 1 (low probability of flooding).
17. The Council has identified St George's Hospital as a building of local heritage interest. It therefore amounts to a non-designated heritage asset in the terms of the Framework. A Heritage Assessment was submitted to accompany the original application. This has informed the intended strategy of converting a number of the buildings, notably those located towards the site's Suttons Lane frontage which are of both the greatest interest and are the most prominent within the site. In addition, the existing 'street' pattern of the site would be retained by the appeal scheme, along with much of the existing landscape structure. While matters of layout and landscaping are reserved for future consideration, adequate safeguards in this regard can be provided by the above-noted planning condition requiring adherence to specific development parameters. The Council considers that the scale of loss of the heritage asset has been appropriately balanced against the scheme's benefits in accordance with the approach in the Framework. I agree with that assessment.
18. The submitted desk-based archaeological assessment indicates the potential existence of below-ground heritage assets within the site. Historic England suggests that the site's significance in that context can be addressed by the imposition of a planning condition to ensure appropriate investigation and recording. I agree.
19. Representors raise concerns about the potential for the appeal site to be developed at a higher density than is presently suggested. However, I agree

with the Council that the approach described above, in which reserved matters would be required to adhere to the approved development parameter drawings, would enable it to achieve a sufficient level of control over the reserved matters applications. Clearly, any other proposals that may come forward would be for the Council to determine at the appropriate time.

Planning Obligations

20. The appellant has submitted a unilateral undertaking containing a number of obligations. The Council clarified at the Inquiry that none of those matters for which funding is provided for would lead to the pooling of more than five contributions. I have no reason to take a different view.
21. Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
22. The undertaking seeks to address six matters. I deal with each in turn. Affordable housing, to be not less than 15% of the total number of dwelling units permitted, is required with a 50%:50% split between intermediate and social rented housing. The Council accepts that this would conflict with the requirements of DPD policy DC6 which sets a target of 50% provision, with a 70%:30% tenure split between social rented and intermediate housing. However, given the results of the submitted viability assessment – which identifies additional costs associated with the site's development including the removal of underground services and asbestos, as well as the intended conversion works – the Council accepts that 15% represents the maximum proportion of affordable housing that can realistically be achieved on the site. I agree with that assessment.
23. In terms of the tenure split, the Council advises that its current Housing Strategy 2014-17 moves to 50%:50% ratio in year 3 of the strategy (16/17). The intended split would therefore accord with the Council's objectives in that regard. Taking these matters together, and noting that DPD policy DC6 includes scope for negotiation based on factors including site-based issues, I am satisfied that the proposed level of affordable housing provision is appropriately justified and that this obligation meets the above-noted tests.
24. Given the importance of ensuring the future management of the scheme's intended open space areas, the undertaking's provisions in that regard are clearly justified. The training and recruitment of the local workforce accords with the objectives of DPD policy DC13. Both of these requirements meet the tests of CIL Regulation 122(2).
25. It is not disputed that the appeal scheme would give rise to additional pressure on local educational facilities. The Council states that there is no surplus capacity in the area. It adds that it will explore options to expand one of the local primary schools, increase nursery provision and expand a secondary school. A list of relevant schools where this may take place has been provided.
26. Clearly, the Council has not been able to state exactly which schools the intended contribution would be spent upon. Its required contribution does not

therefore relate directly to a particular scheme or schemes. Nevertheless, I understand the Council's concern that, bearing in mind the outline nature of the majority of the appeal scheme and the resulting uncertainty about both final dwelling numbers and the likely timescale for housing delivery, it would be difficult – and indeed potentially misleading – to make exact specifications at the present stage. The required figure appears to be a pragmatic assessment that derives from a more exact calculation in its Planning Obligations Supplementary Planning Document. I am therefore satisfied that the required contribution meets the above-noted legal tests.

27. Hornchurch Country Park adjoins the appeal site to the south. I see no reason to doubt the Council's view that the appeal scheme is likely to increase the park's usage and therefore put pressure on its facilities. Although the justification submitted by the Council to the Inquiry in this regard lists four areas of infrastructure that the contribution 'might' help to provide, I share the appellant's concern that such an approach is unduly imprecise. However, the Council clarified at the Inquiry that the essential project that would be needed is the expansion of the car park for the newly opened visitor centre and that it was this element that the required funding level (£150,000) was based upon. Taking that explanation into account, I am satisfied that the required contribution meets the above-noted tests.
28. The undertaking also makes provision for the improvement of cycle storage facilities at Hornchurch Station (the TfL Contribution). I have no reason to doubt the Council's assertion that existing facilities are inadequate. The station is well-placed to meet the needs of the appeal scheme's residents and it is very likely that some would cycle between the site and the station. I am therefore satisfied that the required contribution meets the above-noted tests.
29. The undertaking also includes an owner's covenant requiring the payment of a sum of £15,700 'towards the cost of monitoring the obligations in this agreement [sic]'. The need for this payment, which reflects a Council requirement, is disputed by the appellant with reference to the judgement in Oxfordshire County Council v Secretary of State for Communities and Local Government and others [2015] EWHC 186 (Admin). The conditional nature of the undertaking means that if I reach a view that any such requirement does not accord with CIL Regulation 122(2) then the covenant concerned shall be severed from the Deed and shall no longer be enforceable.
30. The Council explained at the Inquiry that it employs an officer to monitor developer contributions and that this post is solely funded by such contributions. It adds that planning obligations give rise to an ongoing need for monitoring and checking. As such, it considers that a percentage-based charge to cover such activities is justified. However, it also stated that were I not to agree with its arguments in that regard then, as a fall-back, my decision should seek to ensure that a lower charge is provided for.
31. The Oxfordshire County Council decision states, among other matters, that it is part of the claimant's functions as a local planning authority to administer, monitor and enforce planning obligations made under section 106 of the Act. In that case, this included obligations relating to non-planning functions including education. How such costs were to be met was stated to be a relevant consideration in deciding whether or not a contribution to those costs was needed, in order to make the development acceptable.

32. The present appeal relates to a markedly larger development than was the subject of the Oxfordshire County Council decision. However, the nature and timing of the relevant payments does not seem to me to be unduly complex. The TfL contribution would be a single payment, the Hornchurch Country Park contribution would be split into two instalments and the education contribution would comprise three instalments. Monitoring such payments should be a relatively straightforward administrative exercise. I see no reason why this should not form part of the Council's normal administrative functions.
33. Furthermore, the Council clarified at the Inquiry that the amount of the monitoring charge was calculated as a percentage of only the education contribution. There is no evidence that this standard calculation reflects the actual cost of the work that would be undertaken. Such costings were not provided. In addition, the Council could not explain to the Inquiry why the relevant percentage was based on only one of the required financial contributions. The actual cost for the relevant work therefore remains opaque.
34. I note the particular arrangements that the Council has made for the funding of the relevant member of staff. However, as no detailed information was given about the present funding arrangements for that post, it is not possible to determine to what extent any funds provided in association with the appeal scheme are necessary to ensure its continuation over the period of this development. The appellant queried why additional funds were needed if the relevant Council officer was already in post: this was not fully explained by the Council. Furthermore, the Council accepted at the Inquiry that the decision for this post to be solely funded by developer contributions represents a choice by the Council. While I appreciate that financial constraints represent a pressing concern, I have seen no evidence that the monitoring role could not be directly funded by the Council itself.
35. Taking these matters together, I do not feel that the Council has provided sufficient justification for either the principle of the monitoring contribution or the specific sum that it has requested in the present appeal. I therefore consider that this payment would not accord with the above-noted legal tests. I do not therefore take it into account in my decision. Given my comment about the principle of the payment, it would be inappropriate to seek to impose a revised payment level as suggested in the Council's fallback position. Furthermore, the submitted undertaking does not include a mechanism for me to insert any such replacement figure – even if this were to be justified.

Conditions

36. A list of some 52 agreed and non-agreed conditions was submitted in advance of the Inquiry. An amended list was tabled at the Inquiry to reflect the agreed position described above. I have considered (and, where necessary, reworded or deleted) these in the light of the Framework and Planning Practice Guidance. For the reasons set out above it is necessary to ensure that the development accords with the development parameters set out in the drawings agreed by both main parties at the Inquiry. However, only one condition is needed for this purpose. The suggested requirement that reserved matters accord with the Design and Access Statement (DAS) and 'all other documents which form part of this permission' is imprecise and could cause confusion given that the scheme has been amended since the DAS was published.

37. It is anticipated that the development will come forward in a number of phases. As such, I agree with the Council that a comprehensive approach is needed in respect of each phase and that it is necessary both to require the submission and approval of a plan showing the intended phases and to ensure that no phase of development shall commence until relevant reserved matters and any pre-commencement conditions are approved in respect of that phase. Given these safeguards, it seems to me that the requirements to submit all of the reserved matter applications for any one phase at the same time and to require each reserved matters submission to be accompanied by details of the number and type of dwellings and parking spaces in the remainder of the development would be unduly onerous and would fail the test of necessity.
38. For the reasons already stated it is necessary to impose maximum limits on both the number of dwellings in the appeal scheme and its footprint. A restriction on the erection of boundary walls or fences on road frontages (other than any set out in the reserved matters applications) are needed in order to maintain the site's openness. As explained above it is necessary to ensure that all dwellings accord with the Nationally Described Space Standard. However, given the outline nature of the new-build component of the appeal scheme, it is not necessary to impose conditions in respect of materials, landscaping, public open space design, obscure glazing, fire access, boundary treatment and designing for community safety. All of these matters can appropriately be considered by the Council at the reserved matters stage. For the same reason, it is not necessary to submit a further comprehensive design statement. In view of the uses hereby permitted, the need to require submission of a freight strategy has not been demonstrated.
39. Given the requirements of DPD policy DC2 and policy 3.8 of the London Plan, it is necessary to specify the housing mix of the proposed develop in order to secure an adequate range of dwelling types. The site is protected by a tree preservation order: further detail is needed of tree protection measures in addition to that already provided. Details of on-site lighting are necessary in order to achieve a satisfactory provision consistent with nature conservation interests. Details and implementation of refuse and recycling storage facilities are needed to ensure adequate provision.
40. Accessible design is required in line with relevant London Plan policies, notably policy 3.8 which sets out requirements for the accessibility of dwellings. However, noting that layout is a reserved matter, the need for the submission of an additional inclusive access and wayfinding strategy for each phase of development has not been adequately justified. The submission, approval and implementation of car parking (including details of visitor and allocated car parking spaces, parking for people with disabilities and the provision of electric charging points in line with London Plan policy 6.13) and cycle storage details are also required in order to ensure satisfactory provision. However, a single condition is sufficient. Fire hydrant provision is necessary for safety purposes.
41. The Council confirmed at the Inquiry that no off-site alterations to the public highway are required in association with the scheme. The 'ghost islands' previously mentioned by the appellant are not now proposed to be taken forward. As such, the suggested condition in respect of off-site highway works would serve no planning purpose. However, the provision of pedestrian visibility splays at the site accesses is needed to ensure safe movement. While a framework travel plan was submitted with the application, this is in draft

form only and therefore requires to be finalised, submitted, approved and implemented. However, the requirement to submit separate travel plans for each development phase would be unduly onerous.

42. London Plan policy 5.3 requires developments to demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. While the appellant has already submitted Sustainability and Energy Statements, both documents state that relevant details will be considered further at the reserved matters stage. It is therefore necessary to ensure that such detailed provisions are submitted, approved and put in place for each phase of development. Given that the Sustainability Statement addresses air quality, a separate condition is not required in respect of that matter. Approval of details for foul and surface water drainage, including measures to prevent pollution arising from run-off, are needed in order to achieve satisfactory provision and safeguard the above-noted SSSI.
43. The submitted Phase II contaminated land report confirms the presence of a significant pollutant linkage requiring remediation. As such, it is necessary to ensure that a detailed remediation scheme is implemented and that measures are put in place to address any other contamination that has not been previously identified. The submitted Geoenvironmental and Geotechnical Investigation and Risk Assessment Report recommends that gas protection measures should be incorporated into the redevelopment design: a condition is necessary to secure these.
44. As noted above, the appeal site is of archaeological interest. It is therefore necessary to secure appropriate investigation and recording. Although the site has been subject to a baseline ecological survey and a phase 2 survey (both dated 2014) a targeted resurvey is required in order to ensure that the final impact of the scheme upon protected species is properly assessed and any necessary mitigation put in place. A scheme of biodiversity enhancement measures is also required in accordance with DPD policy DC59: I have added a requirement for an implementation timetable to this condition for reasons of enforceability.
45. The submission, approval and implementation of a Construction Environmental Management Plan, including wheel washing measures, is needed in order to safeguard the living conditions of nearby occupiers and protect highway safety. However, given that the Council has the ability to ensure that any such plan meets its particular needs, there is no need for the condition to set out a full specification of the relevant requirements. Restrictions on the hours of construction are required to safeguard local residents' living conditions.

Conclusion

46. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

M J Hetherington

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not commence and no reserved matters submissions or submissions of details to comply with conditions shall be made until a plan is submitted to and approved in writing by the Local Planning Authority that identifies the different phases of the development to which reserved matters applications and details required pursuant to conditions shall subsequently be made. No phase of the development shall commence until all reserved matters and details required pursuant to conditions are approved in respect of that phase.
- 5) The development hereby permitted shall be carried out in accordance with the following parameter plans: drawing nos. 15855-TP 100 05; 15855-TP 104 08; 15855-TP 105 05; 15855-TP 106 06; 15855-TP 107 05; 15855-TP 109 05; 15855-TP 110 08; 15855-TP 111 03; 15855-TP 114 04. No application for approval of reserved matters, (or other matters submitted for approval pursuant to the planning conditions), which would entail any material deviation from the parameter plans, shall be made unless otherwise provided for by conditions elsewhere within this permission.
- 6) The number of residential units in the development hereby permitted shall not exceed 290 dwellings.
- 7) The total footprint of the development hereby permitted shall not exceed 14,500 square metres.
- 8) No dwelling hereby permitted shall be occupied until the relevant Nationally Described Space Standard has been complied with and the details of compliance provided to the local planning authority.
- 9) The housing mix for the development hereby permitted shall fall within the following ranges:

1 bed apartments	34-44 units
2 bed apartments	88-104 units
3 bed apartments	2-8 units
2 bed houses	29-38 units
3 bed houses	67-84 units
4 bed houses	34-44 units
5 bed houses	9-12 units.
- 10) At least 10% of the dwellings hereby permitted shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations (Wheelchair Adaptable Dwellings). The remainder of the dwellings hereby permitted, excluding the upper floor units in the retained buildings, shall be

constructed to comply with Part M4(2) of the Building Regulations (Accessible and Adaptable Dwellings).

- 11) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 12) No site clearance, demolition, removal of trees or other vegetation, or development shall take place until an ecological survey of the site, or that part of the site affected by the relevant phase of the development, targeted at Bats, Reptiles and Dormice has been carried out in accordance with a scheme that shall previously have been submitted to and approved in writing by the local planning authority. Demolition of buildings and the removal of trees or other vegetation shall not commence until the findings of the above-noted survey and any required mitigation measures have been submitted to and approved in writing by the local planning authority and any required mitigation measures have been implemented in accordance with the approved details.
- 13) Pedestrian visibility splays of 2.1 metres by 2.1 metres, set back to the boundary of the public footway, shall be provided on either side of the accesses hereby permitted. There shall be no obstruction in excess of 0.6 metres in height within any visibility splay.
- 14) No phase of the development hereby permitted shall commence until a detailed surface water drainage scheme for the site in accordance with the St George's Hospital Hornchurch Flood Risk Assessment Issue 4 March 2016 and including surface water pollution and treatment measures has been submitted to and approved in writing by the local planning authority. Within any individual phase of development, no dwelling shall be occupied until the scheme for the relevant phase has been completed in accordance with the approved details.
- 15) No phase of the development hereby permitted shall commence until a detailed foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Within any individual phase of development, no dwelling shall be occupied until the scheme for the relevant phase has been completed in accordance with the approved details.
- 16) No phase of the development hereby permitted shall commence, excepting works required to secure compliance with this condition, until the following contaminated land reports are submitted to and approved in writing by the local planning authority:
 - (a) a Phase III (Remediation Strategy) Report containing a detailed remediation scheme to bring the site to a condition suitable for the intended use, including all works to be undertaken, remediation objectives and criteria, a timetable of works, site management procedures and a procedure for dealing with any previously unidentified contamination; and

- (b) a Verification Report of work undertaken, including any requirement for further monitoring, maintenance and contingency action. Any such measures shall be implemented as approved.
- 17) If during development of any phase of the development hereby permitted contamination not previously identified is found to be present at the site then no further development shall be carried out until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall be implemented as approved. Following completion of the remediation works a Verification Report shall be submitted to and approved in writing by the local planning authority.
- 18) No phase of the development hereby permitted shall commence until a scheme detailing the gas protection measures to be incorporated into the relevant phase of development has been submitted to and approved in writing by the local planning authority. These measures shall be put in place as approved. Following completion of the protection measures a Verification Report shall be submitted to and approved in writing by the local planning authority.
- 19) No phase of the development hereby permitted (including demolition) shall commence until a Construction Environmental Management Plan, including details of wheel washing facilities, has been submitted to and approved in writing by the local planning authority. Development of the relevant phase shall be carried out in accordance with the approved details.
- 20) No development hereby permitted other than demolition to existing ground level shall take place until a programme of archaeological evaluation has been undertaken in accordance with a scheme that shall have previously been submitted to and approved in writing by the local planning authority and a report on that evaluation has been submitted to and approved by the local planning authority. If heritage assets of archaeological interest are identified by the evaluation then no phase of the development other than demolition to existing ground level shall commence until a programme of archaeological investigation has been undertaken in accordance with a scheme that shall have previously been submitted to and approved in writing by the local planning authority. Within any individual phase of development, no dwelling shall be occupied until the site investigation and post investigation assessment for the relevant phase has been completed in accordance with the approved programme of archaeological investigation and provision for analysis, publication and dissemination of the results and archive deposition has been secured.
- 21) Within three months of the commencement of any individual phase of the development hereby permitted a scheme of biodiversity enhancement measures to be incorporated into the relevant phase of the development, including an implementation timetable, shall be submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved scheme and retained thereafter.
- 22) Each phase of the development hereby permitted shall be carried out in accordance with a sustainability and energy statement that shall

- previously have been submitted to and approved in writing by the local planning authority. Within three months of the completion of the relevant phase, final copies of the Energy Performance Certificate and Microgeneration Certification Scheme shall be submitted to and approved in writing by the local planning authority.
- 23) Within any individual phase of development hereby permitted, no dwelling shall be occupied until car parking, including details of car parking for people with disabilities, the provision of electric charging points at 20% of spaces and the identification of allocated and visitor parking, and cycle storage for the relevant phase have been put in place in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be retained for their relevant purposes.
- 24) Within any individual phase of development hereby permitted, no dwelling shall be occupied until a scheme of lighting for the relevant phase has been installed in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. It shall thereafter be retained.
- 25) Within any individual phase of development hereby permitted, no dwelling shall be occupied until works to make the relevant phase fully accessible for all, including people with disabilities, have been put in place in accordance with an access statement that shall previously have been submitted to and approved in writing by the local planning authority. These works shall thereafter be retained.
- 26) Within any individual phase of development hereby permitted, no dwelling shall be occupied until a Travel Plan for the whole development hereby permitted has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented and shall remain in force in accordance with the approved details.
- 27) Within any individual phase of development hereby permitted, no dwelling shall be occupied until provision has been made for the storage of refuse and recycling awaiting collection for the relevant phase in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. This provision shall be retained thereafter.
- 28) Within any individual phase of development hereby permitted, no dwelling shall be occupied until fire hydrants for the relevant phase have been installed in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. They shall thereafter be retained and maintained for that purpose.
- 29) Demolition or construction works and construction-related deliveries shall take place only between the hours of 08:00-18:00 Mondays – Fridays and 08:00-13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences or walls shall be erected adjacent to a road unless approved in respect of another of the above-noted conditions.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ned Westaway of Counsel

Instructed by Mr Daniel Fenwick, Director of
Legal and Governance, London Borough of
Havering

He called:

Mr Martin Knowles Planning Team Leader
BA(Hons) MRTPI

FOR THE APPELLANT:

Mr James Strachan QC

Instructed by Ms Claire Brook, Bond Dickinson

He called:

Ms Vanessa Ross ARC Landscape Design and Planning Ltd
BA(Hons) PGBLA MA CMLI
Mr Bruce Calton Scott Brownrigg
BSc(Hons) DipArch DIP UD
Mr Steven Walters SW Planning
BSc(Hons) DipTP MRTPI

INTERESTED PERSONS

Mr Alan Paulin Local resident
Ms Denise Polley Local resident

LIST OF DOCUMENTS TABLED AT THE INQUIRY

- Document 1: Opening statement on behalf of the appellant (amended as delivered).
- Document 2: Judgement in *Elliott & Others v SSCLG [2013] EWCA Civ 703*.
- Document 3: Appendix H to Mr Knowles' proof of evidence.
- Document 4: Bundle of amended application drawings.
- Document 5: Judgement in *Oxfordshire CC v SSCLG & Others [2015] EWHC 186 (Admin)*.
- Document 6: Council's statement of Additional s106 Justification.
- Document 7: Unilateral undertaking by the appellant dated 14 June 2017.
- Document 8: Amended list of agreed planning conditions.