



Appeal Decision

Inquiry opened on 31 October 2023

Site visit made on 15 November 2023

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

APPEAL REF: APP/B5480/W/23/3322033

144 London Road, Romford, RM7 9QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by London Square Development Ltd ('the appellant') against the decision of the Council of the London Borough of Havering ('the Council').
- The application Ref P0705.22, dated 4 May 2022, was refused by notice dated 18 November 2022. The development proposed is the demolition of the existing buildings and redevelopment of the site to provide for 72 (Use Class C3) residential units within two buildings comprising a part 4, part 5-storey building fronting London Road and a 5-storey building to the rear of the site, along with associated hard and soft landscaping, amenity space, parking, access and highway works.
- The Inquiry sat for 7 days on 31 October, 6-10 and 15 November 2023.

Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The Council refused planning permission for 7 reasons, but by the time the Inquiry opened it had reached agreement with the appellant regarding the justification for the number of car parking spaces proposed. It also accepted that matters relating to the provision of cycle parking spaces could be addressed through an appropriate planning condition, if planning permission was to be granted, and that viability concerns could be dealt with by means of a planning obligation. The appellant submitted a completed planning obligation in the form of a Unilateral Undertaking¹ (UU) made under section 106 (S106) of the Town and Country Planning Act 1990, as amended. I deal with this obligation in more detail under the fourth main issue.
3. I carried out unaccompanied visits to view the site and the surrounding area on 30 October and 15 November 2023. On this latter date I also undertook an accompanied site visit along with representatives of the appellant and the Council.

Site description, surrounding area and details of the appeal proposal

4. A description of the appeal site and the surrounding area is given in the Statement of Common Ground² (SoCG) agreed between the appellant and the Council. In summary the appeal site comprises a more-or-less rectangular plot of land on the northern side of London Road, some 600 metres (m) to the west of the Romford Town Centre boundary and about 1 kilometre from Romford Rail Station. It contains a Vauxhall car dealership comprising a group of 1 and 2-storey metal-clad buildings

¹ Document (Doc) 15

² Core Document (CD) 05.09

at the northern part of the site, and areas of hardstanding used for parking and the display of cars for sale at the southern part of the site, fronting onto London Road.

5. Ryan Court, a 3-storey, pitched-roof flatted development lies to the west, with the existing access road to its car park being incorporated into the south-western part of the appeal site, to be also used as the vehicular and pedestrian access for the proposed development. Omega Court, a further flatted residential development lies immediately to the east. It comprises a number of buildings essentially of 4 storeys with pitched and hipped roofs, with additional accommodation in the roof-space and with buildings largely arranged around a central landscaped area and parking area. Further parking for Omega Court lies at the eastern side of its plot and also immediately to the north of the appeal site, with this latter area being reached by means of a private access road which runs along the western side of the Omega Court plot, adjacent to the appeal site.
6. A Suzuki car dealership/showroom is located opposite the appeal site on the southern side of London Road, with the SoCG stating that the surrounding area is otherwise characterised by a mix of residential housing and commercial uses, with building heights generally of between 2 and 4 storeys (plus roof-space). The rear gardens of 2-storey residential properties in Richards Avenue lie close to the western side of the appeal site, with further 2-storey residential properties in Recreation Avenue lying to the north of the appeal site, immediately beyond the Omega Court parking area. Cottons Park, described in the appellant's Design and Access Statement³ as a 6½ acre park offering a large children's play area, informal sports pitches including football and rugby, an outdoor gym and grass areas for informal recreation, lies to the north-east of the appeal site.
7. The appeal proposal seeks to demolish the existing buildings on the site and replace them with 2 buildings containing a total of 72 residential units. The southernmost building would be part 4 and part 5 storeys, fronting London Road. It would contain 37 units and comprise Blocks A and B. The northernmost building, Block C, would contain 35 units and be of 5 storeys. 21 car parking spaces would be provided, largely between Blocks B and C, with storage for a total of 132 bicycles provided within the ground floors of the 3 Blocks. In addition, a total of 520 square metres (sqm) of communal amenity space would be provided, largely to the east of Blocks C and B, but also with a landscaped area to the west of Block C.

Main issues

8. With the preceding points in mind I consider the main issues in this case to be:
 - Whether the proposed development would represent high quality sustainable development, and its effect on the character and appearance of the appeal site and the surrounding area;
 - The effect of the proposed development on the living conditions of future residents and existing nearby residents, with particular reference to the amount of communal and private amenity space to be provided, outlook, sunlight, daylight, overshadowing, privacy, and whether it would result in a sense of enclosure;
 - Whether the proposed development would result in an acceptable housing mix; and
 - Whether the submitted planning obligations and planning conditions would adequately address the impacts of the proposed development.

³ See CDs 01.05 & 05.04

9. Following my assessment of the main issues I look briefly at other matters raised, before moving on to assess the benefits and disbenefits of the proposal, carry out a final planning balance, and reach my overall conclusion.

Reasons

10. I consider it helpful to first outline the planning framework against which this proposal needs to be assessed, before turning to consider the main issues.

The Planning Framework

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. The development plan includes the London Plan⁴ (LP), adopted in March 2021, and the Havering Local Plan⁵ (HLP) 2016-2031, adopted in November 2021. The Council's reasons for refusal allege conflict with a number of development plan policies which, where still relevant, are briefly detailed below, along with other relevant policies referred to at the Inquiry.
12. LP Policy SD1 deals with Opportunity Areas (OAs), which are identified as significant locations with development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity. OAs typically contain capacity for at least 5,000 net additional jobs or 2,500 net additional homes or a combination of the two. Romford is identified within the LP as one such OA, with an indicative capacity of 5,000 new homes and 500 new jobs.
13. LP Policy D1 deals with London's form, character and capacity for growth and sets out the ways in which Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth. They should then use these assessments to plan to meet borough-wide growth requirements, including their overall housing targets.
14. LP Policy D3 sets out the various ways in which site capacity should be optimised through the design-led approach, detailing criteria with which development proposals should conform, under the headings of "Form and Layout", "Experience" and "Quality and character". LP Policy D4 deals with the various ways in which good design should be delivered.
15. LP Policy D6 deals with housing quality and standards. Amongst other matters it states that housing development should maximise the provision of dual-aspect dwellings and normally avoid the provision of single-aspect dwellings, explaining that single-aspect dwellings should only be provided where it is considered a more appropriate design solution. The policy also requires new development to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. LP Policies H4, H5 and H6 deal, respectively, with delivering affordable housing; the threshold approach for the provision of affordable housing; and affordable housing tenure.
16. From the HLP, Policy 1 is entitled "Romford Strategic Development Area". Insofar as residential development is concerned it states that over the plan period the Council will support the delivery of over 6,000 new high quality homes within the Romford

⁴ CD06.01

⁵ CD06.02

Strategic Development Area (SDA) in well managed residential and mixed use schemes that provide attractive places to live and which are well integrated with the existing community. A footnote explains that at least 5,000 homes will be built over the first 10 years of the plan period.

17. HLP Policy 3, "Housing Supply", emphasizes the need for an adequate supply of high quality housing in the borough, and clarifies that within the first 10 years of the plan period 5,000 homes are planned to be delivered on major sites in the Romford SDA. The policy encourages the effective and efficient use of land, especially previously developed land, and also indicates that the delivery of new homes will be achieved by, amongst other things, prioritising all non-designated land for housing, when it becomes available; supporting the re-use of brownfield sites when they become available; and seeking to optimize residential output and densities consistent with the density matrix set out in the LP (although I note that a density matrix is no longer included in the latest version of the LP).
18. HLP Policy 4, "Affordable Housing", requires the provision of a minimum of 35% affordable housing in developments of 10 or more dwellings or on residential developments with a site area of more than 1,000sqm. The Council will require viability assessments for proposals that do not meet the affordable housing thresholds, and will apply a review mechanism to ensure maximum affordable housing contributions are secured. Development proposals are required to deliver a tenure mix of 70% social/affordable rent and 30% intermediate provision. The priority is for affordable housing to be provided on-site, but cash-in-lieu payments may be considered in certain circumstances.
19. HLP Policy 5, dealing with housing mix, states that the Council will support development proposals that provide a mix of dwelling types, sizes, and tenures. It requires all housing schemes to include a proportion of family-sized homes and reflect the recommended housing mix identified in Table 4⁶, unless it can be robustly demonstrated that a variation to this mix is justified having regard to individual site circumstances including location, site constraints, viability and the achievement of mixed and balanced communities.
20. HLP Policy 7, "Residential design and amenity", states that residential development should be of a high design quality that is inclusive and provides an attractive, safe and accessible living environment for new residents whilst ensuring that the amenity and quality of life of existing and future residents is not adversely impacted. To protect the amenity of existing and future residents the Council will support developments that do not result in unacceptable overlooking or loss of privacy or outlook; unacceptable loss of daylight and sunlight; or unacceptable levels of noise, vibration and disturbance.
21. It further explains that to ensure a high quality living environment for residents of new developments the Council will support residential developments that, amongst other things, are sited and designed to maximise daylight and sunlight; incorporate an appropriate level of high quality, usable green infrastructure and amenity space that is designed to be multi-functional and offer a range of environmental benefits and leisure and recreation opportunities; provide both balconies and communal amenity space in flatted schemes; and maximise the provision of dual-aspect accommodation unless exceptional circumstances are demonstrated.

⁶ Showing a Borough Wide Housing Mix of 5% 1 bed units, 15% 2 bed units, 64% 3 bed units, and 16% 4+ bed units

22. HLP Policy 26, "Urban design", explains that the Council will promote high quality design that contributes to the creation of successful places by supporting development proposals that, amongst other things, are informed by, respect and complement the distinctive qualities, identity, character and geographical features of the site and local area; are of a high architectural quality and design; respect, reinforce and complement the local street-scene; and respond to distinctive local building forms and patterns of development and respect the visual integrity and established scale, massing, rhythm of the building, frontages, group of buildings or the building line and height of the surrounding physical context.
23. Finally, HLP Policies 16, 22, 24 and 36 all deal with matters which potentially could be overcome by a S106 planning obligation, namely securing contributions towards carbon reduction, employment skills and training, apprenticeships, a residential travel plan, a restriction on the ability to obtain parking permits and the provision of public realm/open space/highways improvements.
24. The National Planning Policy Framework (NPPF) is a material consideration. Its paragraph 11(c) explains that development proposals that accord with an up-to-date development plan should be approved without delay. Where the development plan policies which are most important for determining the application are out-of-date, which includes circumstances where the Council cannot demonstrate a 5-year supply of deliverable housing sites, with the appropriate buffer, paragraph 11(d) makes it plain that planning permission should be granted unless 2 listed criteria apply. These include situations where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this case, as detailed in the SoCG, the Council can only demonstrate a 4-year Housing Land Supply (HLS). I discuss the implications of this later in my decision, in the planning balance section.
25. The Planning Practice Guidance (PPG) is also a material consideration in the determination of this appeal, as are The Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) (2017), the Play and Informal Recreation SPG (2012), the Housing SPG (2016) and the Housing Design Standards London Plan Guidance (LPG), all as detailed in paragraph 4.3 of the SoCG.

Main issue 1 – Whether high quality sustainable development, and its effect on character and appearance

26. There are 2 strands to this main issue. In the following paragraphs I consider the effect of the proposed development on the character and appearance of the surrounding area, street-scene and townscape. The second strand, relating to whether or not the appeal proposal represents high quality sustainable development, can only be fully established once all aspects of the proposal have been considered. I therefore return to this matter when I consider the planning balance, later in this decision.
27. The Council's first reason for refusal alleged that the proposed development would amount to a cramped and incongruous form of development which would be out of character with the prevailing pattern of development in the surrounding area, as a result of its site coverage, quantum of development, building typology, layout, scale and bulk. The prevailing pattern of development in the locality has been assessed both by the appellant in its Townscape Visual Impact Assessment⁷ (TVIA) and Mr

⁷ CD01.26

Froneman's proof of evidence⁸ (PoE), and also by the Council in the Officer's Delegated Report⁹ (ODR) and in Mr Trevorrow's PoE¹⁰.

28. Having regard to these assessments, and my own observations made at my site visits, I do not consider there to be any great merit in trying to categorise the area within which the appeal site sits as either suburban, as claimed by the Council, or urban, as maintained by the appellant. In my view neither of these designations can be precisely understood, and both therefore have to be treated with some caution. That said, it is clear that there is a mix of different building typologies in the general vicinity of the appeal site, both fronting London Road and stretching away from it to north and south, with this being well-illustrated by the various character areas shown in Figure 1 in the TVIA.
29. This Figure shows that London Road is lined by a somewhat disparate mix of modern commercial development, with buildings generally of low heights; modern apartment blocks or flatted development, generally of 3 or 4 storeys; commercial uses in modified former terraced 2-storey houses; and traditional housing of terraced, semi-detached and detached form, generally of 2 storeys. The large amenity and recreation area of Cottons Park also lies in close proximity to the appeal site, although its presence is only really appreciated in the London Road context a couple of hundred metres or so to the east of the appeal site, where a treed length of the park abuts London Road.
30. With the above points in mind I share the Council's view that the townscape area within which the appeal site sits has an open feel and character, created by the wide London Road and its wide footways; the fact that development is generally well set back from the road; the presence of street trees and other planting; and the relatively modest 2 to 3-storey height of much of the development in the locality. That said, I do acknowledge that within the general building mix there are some fairly large and relatively bulky buildings, but these do not tend to be grouped or clustered together. Indeed it seems to me that much of the open character of this stretch of London Road arises from the juxtaposition of different building types and forms, together with relatively open areas or "gaps", like the appeal site, between or in front of buildings.
31. It is into this setting that the appellant seeks to introduce the appeal scheme which would see the southern building, comprising Blocks A and B, sited on the existing car parking and car sales area, extending into the site to just beyond where the current frontage of the car dealership buildings sits. The northern building, comprising Block C, would lie close to the site's northern boundary, with the proposed communal amenity area to its east, a smaller landscaped area to its west, and the proposed main car parking area to its south.
32. This would result in a site coverage by buildings of some 43%, and I note that within its first reason for refusal the Council cites site coverage as one aspect of the proposal which would contribute to its overall unacceptability. But taken in isolation, and having regard to similar and greater percentage site coverages for other recently approved developments within Romford, detailed by the appellant¹¹, and further commented on by the Council¹², I am not persuaded that the proposed site coverage, in itself, would be unacceptable.

⁸ CD05.12

⁹ CD04.01

¹⁰ CD05.17

¹¹ See Section 4.2 in CD05.11

¹² See paragraphs (paras) 38-44 in CD05.17 and paras 29-36, 45 & 49 in CD05.27

33. Moving away from site coverage, Block A would present a frontage to London Road of some 20m in width, rising 3 storeys to an eaves height of 25.15m above Ordnance Datum (AOD). A further level of accommodation would be provided within the pitched and crown roof, giving an overall ridge height of some 29.00m AOD. In views from the south the proposed eaves and ridge height of Block A would lie between those of Ryan Court (eaves 23.24m AOD, ridge 26.01m AOD), and Omega Court (eaves 26.33m AOD, ridge 30.31m AOD). This has caused the appellant to argue that the proposed 3-storey façade of Block A would provide a smooth transition between these neighbouring buildings, Ryan Court and Omega Court¹³.
34. However, it is not only the southern façade of Block A which would be visible in the London Road street-scene, as is made clear by the computer-generated images (CGIs) contained in the TVIA, and the updated CGIs in Mr Froneman's PoE. Angled views from both the east and the west would allow the side elevations of Block A and much of the side elevations of Block B to also be seen, along with more distant but still clearly seen views of Block C. The increased height of Block B, which would allow for a further, fourth floor of accommodation in the pitched and crown roof would also be clearly seen in these angled views. The submitted plans show that the ridge height of both Block B and Block C would be 31.625m AOD, higher than Omega Court's height of 30.31m AOD and significantly higher than the ridge of Ryan Court, which is given as 26.01m AOD.
35. Taken together with the fact that Blocks A and B are proposed to be of broadly similar width, and would be sited relatively close to the site's eastern boundary, it is my assessment that this building would present as a bulky and unduly prominent addition to the street-scene at this location. The prominence of the appeal proposal would be further emphasised by the fact that the Block A/Block B building would be set forward on its plot, more or less aligning with the southernmost element of the Ryan Court façade. This would place it noticeably in front of the predominant building line of this latter building, which I understand also conforms broadly to the building line of the former Slaters Arms Public House (now undergoing redevelopment), to the west. This proposed positioning would also place the building well in front of what is admittedly quite a set-back façade of Omega Court, but the end result would nevertheless be to introduce an uncharacteristically prominent and bulky building into this part of the London Road street-scene.
36. The appellant argued that the appeal site in its current form amounts to a detracting gap in the townscape, likening it to a missing tooth. However, whilst the set-back nature of the functional buildings on the appeal site and the open parking area could not be said to constitute attractive elements in the street-scene, or be of high quality, I do not see them as unduly detracting from the overall feel and appearance of this area, when account is taken of the other car dealerships and other automotive uses which plainly exist in the locality. But for reasons given above the appeal proposal would, in my assessment, "over-fill" this gap and result in what I have already concluded would be a prominent, bulky and somewhat incongruous addition to this part of the London Road townscape.
37. To a large extent the bulk of the buildings arises from the form of development and quantum of residential units proposed. In this regard I have no reason to doubt that double-loaded corridors serving a maximum of 8 units, and the effective use of the roof space for plant as well as for living accommodation, represent a cost-efficient design¹⁴. That said, I note that in this particular case the appeal scheme is

¹³ See CD05.11

¹⁴ See CDs 05.04 & 05.11

considered to not be viable (and hence provides no affordable housing), although it does represent a commercial risk that the appellant is prepared to take¹⁵. But efficiency in design does not automatically mean that the form of development proposed is acceptable for this site. The deep-plan nature of the proposed blocks, accommodating a high proportion (some 46%) of single-aspect units has, to my mind, resulted in the bulky nature of the buildings, and this is exacerbated by the height necessary to accommodate the desired quantum of units.

38. I see no in-principle reason why an appropriate redevelopment of the appeal site could not bring about an improvement to the townscape, and I note that the Council is quite content with a residential re-use of the site. I also acknowledge that there are other large blocks of flats within this area of townscape interest, but as far as I could see, none of these existing buildings have the same height, depth, bulk or roof-form as the appeal proposal. This is not to say that I consider the existing flatted developments to represent a style or form of building which should necessarily be replicated, as many were plainly approved and erected when a different planning framework was in force. But it is nevertheless the case that any development on the appeal site has to have regard to current planning policies.
39. Of particular relevance on this point is HLP Policy 26 which states that the Council will promote high quality design that contributes to the creation of successful places by supporting development proposals that, amongst other things, are of a high architectural quality and design, and provide creative, site-specific design solutions. I acknowledge that considerable thought has gone into this proposal, and notwithstanding the Council's concerns that insufficient information has been provided in terms of the intended materials and detailing proposed, I see no reason to doubt that the scheme, in itself, represents high architectural quality and design.
40. However, as already noted above, a key consideration is whether or not this is an appropriate and acceptable design for this site. For that to be the case the proposal would need to accord with the other criteria of Policy 26. In particular it would need to respect, reinforce and complement the local street-scene; respond to distinctive local building forms and patterns of development; and respect the visual integrity and established scale, massing, rhythm of the building, frontages, group of buildings or the building line and height of the surrounding physical context. In light of reasons given above, I do not consider this to be the case.
41. Rather, I conclude that the proposal would fail to accord with the aforementioned requirements of HLP Policy 26, and as a result would have an adverse impact on the character and appearance of the surrounding area, street-scene and townscape. It would therefore also be at odds with the relevant parts of LP Policy D3.

Main issue 2 – the effect on living conditions

42. The wording of the second main issue, set out earlier, reflected concerns expressed by the Council in its Decision Notice¹⁶. However, at the start of the Inquiry the Council accepted that the communal and private amenity space proposed would be sufficient, quantitatively, for a housing development of this number of units. That said, it did still express concerns about the proposed location of the communal amenity space, and I return to this matter later in this main issue. But I first consider matters of overlooking, privacy and outlook for existing occupiers of Ryan Court and Omega Court, and future occupiers of the proposed residential units.

¹⁵ Para 10 in Doc 14

¹⁶ CD04.02

43. Overlooking, Privacy and Outlook. The Council produced a "Sight Lines Plan" to demonstrate the potential for overlooking between windows in proposed Blocks A and B, and neighbouring windows in 7-15 Ryan Court and 1-6 Omega Court. Whilst the appellant raised some concerns as to the accuracy of this plan, it seems to me that as the Ryan Court window positions have been established using brick and mortar measurements, and as the Omega Court window positions have been obtained by superimposing the layout of the relevant dwelling units onto the ground floor plan of the appeal proposal, its accuracy is acceptable for its purpose.
44. Dealing first with 7-15 Ryan Court, its eastern elevation, facing the appeal site, has a glazed central stairwell and communal access area, together with 4 windows serving residential units on each of its 3 floors. The northern and southernmost windows, W5 and W2 respectively, are secondary windows to living areas, whilst the middle 2 windows, W3 and W4, serve bedrooms. The western flank wall of Block A, which would be largely blank brickwork, would only be about 8.7m away from these windows and, as such, would create a poor outlook for occupiers of these Ryan Court dwellings.
45. Ryan Court window W3 would face more or less directly onto the kitchen windows in Block A. Although these are shown as opaque-glazed on the submitted elevation plan¹⁷, Mr Stanford's PoE shows them as providing a secondary outlook for the respective flats¹⁸, and the Council's closing submissions record Mr Stanford as stating that these windows would not be obscure-glazed¹⁹. Either way it seems to me that potential problems could be caused. If these kitchen windows are to be opaque-glazed it would restrict outlook for future occupiers and result in poor living conditions. But if not opaque-glazed they would look directly into bedrooms at Ryan Court from a very short distance, potentially giving rise to unacceptable mutual overlooking. There would also be the potential for mutual overlooking between the side glazed panels of the proposed winter gardens in Block A and window W2.
46. Ryan Court windows W4 and W5 would look directly onto bedroom windows in Block B, albeit across a slightly greater distance of about 11.5m. Again these bedroom windows are shown on the submitted elevation plan as being opaque-glazed, and the same points outlined above therefore apply. I accept that the Ryan Court living room windows concerned are secondary windows, but the Ryan Court bedroom windows provide the only natural light to these rooms, and despite the rooms' relatively small size I see no reason why they could not be used for home office purposes, or similar, especially as they appear to be the smaller of 2 available bedrooms within these dwellings.
47. For 1-6 Omega Court there would be 6 windows facing onto Block B on the ground floor, and 4 windows and 2 sets of glazed doors with Juliet balconies on the first, second and third floors. All of these doors and windows serve either Living/Kitchen/Dining (LKD) rooms or bedrooms. At about 14.4m the separation distances would be greater than for Ryan Court, but noticeably less than the planned separation between Blocks B and C, which is stated to be about 19m²⁰. I acknowledge that Mr Stanford referred to examples of similar separation distances found acceptable to the Council, such as at Riverside Close, Wideford Drive and Spring Gardens²¹. However, these examples differ from the appeal proposal as they relate to views

¹⁷ CD02.20

¹⁸ Page 24 in CD05.11

¹⁹ Para 54 in Doc 13

²⁰ See page 23 in CD05.11

²¹ Page 54 in CD05.11 and page 37 in CD05.04

across public highways, where more frequent pedestrian and vehicular movement is likely, with a consequent lesser likelihood of concerns about overlooking.

48. The southernmost windows, W5, W6 and W7 would face directly onto either a patio area or balcony for dual aspect units within Block B, whilst the northernmost 3 windows, W2, W3 and W4 would face directly onto LKDs with either a patio or balcony, or onto bedrooms. I consider that the juxtaposition of these windows could result in unacceptable mutual overlooking, in view of the relatively close proximity proposed for these buildings.
49. A further matter relates to the 2 ground floor units in Block A which would face London Road. The appellant argued that habitable accommodation facing London Road is a feature along this road, and that it would result in an acceptable standard of accommodation for future occupiers²². However, whilst I accept that other residential accommodation plainly does face onto London Road, there seemed to me to be very few dwellings set as close to the back of footway as would be the case here. In any case I am not persuaded that such short distances, which can clearly compromise privacy, should serve as a model to be copied. In the current case I note that there would be small, landscaped areas with hedging in front of each of these units, but this would only be about 3m in depth, and the large glazed winter gardens and south-facing bedroom windows would mean, in my assessment, that there could well be problems with privacy for occupiers of these units.
50. For 11-77 Omega Court, the appellant maintained that the appeal proposal would improve the outlook for occupiers of these dwellings by replacing the existing showroom buildings with a communal amenity area²³. However, I do not consider that this matter is quite that straightforward. Firstly, the submitted plans indicate that the existing showroom buildings opposite 11-77 Omega Court only have a height of some 21.64m AOD, whereas Block C would be noticeably higher, with eaves at 25.525m AOD and a ridge at 31.625m AOD.
51. Although occupiers of ground and first floor units in these Omega Court dwellings currently look directly onto the showroom building, residents of the second, third and fourth floor dwellings have longer-distance views across the top of the showroom buildings. Moreover, there are only 2 facing windows at ground floor – both bedrooms – and the windows on the upper floors are bedrooms, en-suite bath or shower rooms and kitchens, with the main living area windows looking either north over Cottons Park, or east over the landscaped courtyard area.
52. If the appeal proposal was to proceed, although the communal amenity area would be located on part of the showroom's current footprint, and built-form would be sited further away from the Omega Court dwellings, all windows in these dwellings would face directly onto the eastern elevation of Block C, with longer distance views from the flats on the upper floors largely blocked, or at least impeded. Because of this, on balance I do not consider that the appeal proposal would result in a material improvement in outlook for occupiers of 11-77 Omega Court.
53. In summary, I consider that the appeal scheme could result in a loss of privacy and unacceptable mutual overlooking between proposed units in Blocks A and B and existing units in 7-15 Ryan Court and 1-6 Omega Court, as well as compromised privacy for occupiers of the 2 ground floor units in Block A facing London Road. In addition, the large and predominantly blank expanse of brick wall comprising the

²² Para 5.29 in CD05.10

²³ Page 37 in CD05.11

western elevation of Block A would result in poor outlook and a sense of enclosure for occupiers of 7-15 Ryan Court as it would only be some 8.7m away.

54. Daylight, Sunlight and Overshadowing. At the time the Council determined this planning application it had before it, amongst other things, a Daylight and Sunlight Report²⁴ (DSR) from Schofield Surveyors, dated April 2022, and an Addendum DSR²⁵ dated August 2022, again prepared by Schofield Surveyors to address the fact that a number of proposed room layouts had been amended to remove partitions separating kitchens from living/dining areas. The relevant drawings are referred to in the Council's Decision Notice. These reports had been prepared having regard to the methodology and criteria provided by the document "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Second Edition"²⁶, published by the Building Research Establishment (BRE) in 2011.
55. This BRE Guide sets out 3 distinct calculations for assessing daylight to neighbouring properties, namely the Vertical Sky Component²⁷ (VSC), the No-Sky Line²⁸ (NSL), and the Average Daylight Factor²⁹ (ADF). As the ADF requires detailed dimensions and other information of the room being tested, and as this information was not generally available for rooms within the neighbouring buildings, only VSC and NSL were used to assess the scheme's impact upon daylight reaching the rooms in Ryan Court and Omega Court. ADF was, however, used to assess the daylight within the proposed buildings themselves.
56. The BRE guide and the relevant British Standard³⁰ recommend the following minimum ADF values for habitable rooms: Bedrooms 1%, Living Rooms 1.5%, Kitchens 2%, and Living/Kitchen/Dining (LKD) rooms 2%. The appellant's view, expressed by Mr Parker, was that the value of 2% for LKDs can be difficult to achieve due to the depth and size of the internal space, particularly if the kitchen is located to the rear of the space, and in rooms which benefit from balconies. He therefore argued that the living room target of 1.5% ADF should be seen as more than appropriate for LKDs, although he used a 2% target for completeness.
57. For sunlight, the measure recommended by the BRE Guide is the Annual Probable Sunlight Hours³¹ (APSH). For overshadowing, the BRE suggested criteria is that for appropriate areas of amenity space, including residential back gardens and sitting-out areas, at least 50% of the amenity area should receive at least 2 hours of sunlight ("sun on the ground") on the 21st of March – the Spring Equinox. The

²⁴ Appendix A to CD05.03

²⁵ Appendix C to CD05.13

²⁶ CD09.14. Note that the 2022 Third Edition of this Guide was also referred to at the Inquiry (CD09.13), but that the various reports and assessments had been undertaken primarily against the backdrop of the Second Edition

²⁷ VSC: Vertical Sky Component – a measure of the direct skylight reaching a point from an overcast sky, measured at a point at the centre of a window on the outer plane of the wall, for existing buildings. The BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (ie the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected

²⁸ NSL: 'No-Sky Line': a measure of the distribution of daylight within a room. It maps out the region within a room where light can penetrate directly from the sky, and therefore accounts for the size of and number of windows by simple geometry. The BRE guidance is that the area of the working plane within a room that can receive direct skylight should not be reduced to less than 0.8 times its former value (ie the proportional reduction in area should not be greater than 20%)

²⁹ ADF: Average Daylight Factor – a measure of the overall amount of daylight in a room. It takes into account the interior dimensions, transmittance values and surface reflectance values within the room that is being tested as well as the amount of visible sky from the window

³⁰ BS EN 17037: 2018 "Daylighting of Buildings" (formerly BS 8206 part 2)

³¹ APSH: Annual Probable Sunlight Hours – the BRE recommends that the APSH received at a given window in a proposed building should be at least 25% of the total available, including at least 5% in winter. Where the values would fall short of these, and the absolute loss would be greater than 4%, then the values should not be less than 0.8 times their previous value in each period (ie the proportional reductions should not be greater than 20%)

appellant's position, expressed in the DSR and the Addendum DSR was that, overall, the daylight and sunlight impacts of the scheme would be acceptable. The Council took a contrary view in the ODR, arguing in particular that the proposed development would result in demonstrable harm to neighbouring residential properties to both the east (Omega Court) and west (Ryan Court) with regard to daylight, sunlight, overshadowing and loss of outlook/sense of enclosure.

58. The DSR highlighted the fact that as the appeal site comprises open parking areas and fairly low-level buildings, neighbouring properties are currently likely to be very well lit. It argued that in these circumstances it would not be a true representation of the impacts to compare the existing situation with the proposed situation, post-development, as that could inhibit or prevent reasonable development on the appeal site. Rather, the DSR maintained that consideration has to be given to the levels of light which neighbouring buildings would "retain", if the proposed development was to proceed, with a sensible and flexible interpretation of the impacts being necessary. I see no reason to dispute the principle of this approach.
59. Further discussions on daylight and sunlight matters took place between the parties during the course of the appeal process, with a number of SoCG being prepared on different aspects of this topic and submitted at the Inquiry³². The agreed position between the parties on these matters is detailed in the following paragraphs.
60. With regards to the proposed buildings themselves, there was agreement that a total of 25 rooms would fail to meet the BRE target ADF value, with a further room in dispute between the parties³³. This means that of 199 habitable rooms tested, 174 would comply with ADF targets, equating to 87%. I acknowledge that this is a similar percentage to that deemed to be acceptable to the Council in the Spring Gardens scheme proposal, for which the Council granted planning permission in 2021. Nonetheless, it does mean that users of these 25 failing rooms would potentially experience poor living conditions, although in my assessment the scheme would not fail for this reason alone.
61. For neighbouring buildings, insofar as the NSL assessment is concerned, 4 bedrooms in 7-15 Ryan Court would fail to meet BRE minimum target levels, with reductions in light levels well below 0.8 times their previous value³⁴. The rooms in question would be bedrooms facing the appeal site. For 1-6 Omega Court 9 rooms, including bedrooms, kitchens and living rooms would fail to meet BRE minimum target levels, again with many of the rooms showing reductions in light levels well below 0.8 times their previous value.
62. The agreed results for daylight VSC are that 8 windows in 7-15 Ryan Court and 6 in Omega Court, all facing the appeal site, would fail to meet BRE minimum target levels³⁵. Some values are shown to be in the mid to late teens, with the reductions in light levels in many cases being well below 0.8 times their previous value. The rooms in question would be a mixture of living rooms, bedrooms and LKDs. Finally, for sunlight APSH, 4 rooms in 1-6 Omega Court would not meet the BRE target value for annual APSH, and a single room would fail for winter APSH³⁶. In my opinion these results, taken together, show that the appeal proposal would result in poor light levels for existing nearby residents in the affected rooms. In addition, I note that many of the rooms which would experience poor light levels are also

³² See Docs 3, 5, 6 & 7

³³ Doc 3

³⁴ Doc 5

³⁵ Doc 7

³⁶ Doc 6

those which would potentially be affected by overlooking and/or poor outlook, as has been described earlier.

63. The BRE Guide states that its numerical values are purely advisory and that the guidance has to be applied sensibly and flexibly, with careful consideration of the specific context of the site in question. It notes that in special circumstances it may be appropriate to use different target values and that, for example, in a historic city centre or in an area with modern high-rise buildings a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. I accept these points, and note that the matters set out in the BRE Guide are not meant to be a closed list. I have also considered the examples put forward by Mr Parker, where lower target values have been accepted both by local planning authorities (LPAs) and fellow Planning Inspectors³⁷.
64. In these LPA and appeal decisions cited by Mr Parker, VSC values of 20% are described as reasonably good and values of 15% or “mid-teens” are seen as acceptable. However, most if not all of these examples relate to what are variously described as inner city or inner urban environments³⁸; heavily built-up areas of London³⁹; or dense urban areas⁴⁰. I do not consider that the appeal site can reasonably be described as falling into any of the above environment categories and I therefore do not accept that as a matter of course, VSC values in the mid-teens should be seen as acceptable in this location.
65. Paragraph 125(c) of the NPPF also indicates that a flexible approach should be taken when applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site - but with the proviso that the resulting scheme should still provide acceptable living standards. It is in this regard that I consider the appeal scheme to be unsatisfactory, for reasons already outlined above.
66. Finally on this topic, the BRE guide explains that when considering the impact on existing buildings, another important issue is whether the existing buildings themselves are good neighbours, standing a reasonable distance from the boundary and taking no more than their fair share of light. In this regard Mr Parker describes the “Mirror Image” approach set out in Appendix F of the BRE guidance⁴¹, and indicates that this approach is appropriate for the appeal site, especially as the windows to 11-77 Omega Court are unusually close to the boundary. However, it seems to me that this approach has not been followed with regards to that part of Blocks A and B which is positioned adjacent to 7-15 Ryan Court.
67. The submitted evidence indicates that the access drive serving Ryan Court, which is also intended to serve as the sole vehicular and pedestrian access to the appeal scheme, lies within the land ownership of Ryan Court, despite being included within the appeal site⁴². In light of this, Mr Parker agreed that if 7-15 Ryan Court was to be “mirrored” onto the land ownership of the main site owner, it would have to be set back appreciably further to the east than is currently proposed. To my mind this reinforces the view expressed by the Council, and accepted by Mr Parker, that this part of the appeal scheme would be taking more than its fair share of light, and

³⁷ See paras 8.77, 8.78, 8.79 & 8.80 in CD05.13; CD09.18; and Appendix 5 to CD05.16

³⁸ Para 8.77 in CD05.13 & CD09.18

³⁹ Appendix 5 to CD05.16

⁴⁰ Para 8.80 in CD05.13

⁴¹ See paras 8.82-8.85 in CD05.13

⁴² The S106 UU (Doc 15) confirms in its Plan 2 and Recital that this area is in a different ownership to that of the bulk of the appeal site

indicates to me that too much development is being proposed by the appeal scheme, resulting in poor living conditions for existing neighbouring residents.

68. Single aspect and dual aspect units. Further concerns of the Council, covered by its second reason for refusal, related to its contention that rooms within the proposed development would have inadequate outlook and poor aspect, and I have already touched on this matter, to some extent, above. The Council maintains that at some 46% (33 units), the number of single aspect units is unacceptably high when assessed against LP Policy D6 and HLP Policy 7, both of which seek to ensure that the provision of dual aspect accommodation is maximised. I acknowledge that neither of these policies preclude the provision of single aspect units, but HLP Policy 7 makes it clear that exceptional circumstances need to be demonstrated if dual aspect accommodation is not maximised.
69. Whilst “exceptional circumstances” are not defined, this policy’s supporting text explains that dual aspect accommodation offers a range of benefits such as better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a choice of views, greater flexibility and adaptability. It also makes reference to the Mayor’s Housing SPG⁴³, from which Standard 29 states that developments should minimise the number of single aspect dwellings, and again provides many reasons why dual aspect units should be favoured above single aspect dwellings. Moreover, it indicates that single aspect flats will need to demonstrate that all habitable rooms and the kitchen are provided with adequate ventilation, privacy and daylight and that the orientation enhances amenity, including views. The ADF SoCG referred to earlier⁴⁴ indicates that many of the single aspect units would fail to meet BRE minimum daylight targets, and would therefore not accord with these Standard 29 requirements.
70. More recent Mayoral guidance, contained in the LP Housing Design Standards⁴⁵ (2023), states that new homes should be dual aspect unless exceptional circumstances make this impractical or undesirable. Where single aspect dwellings are proposed, they are required, amongst other things, to have adequate daylight and privacy. However, the various daylight and sunlight SoCG and my other findings, above, indicate that many of these requirements would not be met with the appeal proposal. I fully accept the appellant’s point that the LP Housing Design Standards is not a development plan document for the purposes of this appeal but it is, nevertheless, a material consideration which to my mind assists in interpreting the relevant development plan policies themselves. As such, I give weight to its content, and also to the Mayor’s Housing SPG referred to earlier.
71. LP Policy D6 also states that a single aspect dwelling should only be provided where, amongst other things, it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3. This latter policy deals with ways of optimising site capacity through the design-led approach, with Part B stating that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. On this point I acknowledge that the appeal site is agreed to have a Public Transport Accessibility Level (PTAL) rating of 3 and because of this I do not consider it unreasonable that the appellant is proposing a higher density development than either Ryan Court⁴⁶ (89.5 dwellings per hectare (dph)) or Omega

⁴³ CD07.04

⁴⁴ Doc 3

⁴⁵ CD07.02

⁴⁶ CD07.02

Court⁴⁷ (117 dph). The question is, however, whether the currently proposed scheme, at a density of some 212 dph, would provide acceptable living conditions for future occupiers and nearby existing residents. For all the reasons set out above, it is my assessment that the appeal proposal fails in this regard.

72. Communal amenity area. I have noted, earlier, that the Council now considers the proposed quantum of communal amenity space to be acceptable. Indeed I understand that it exceeds the policy requirement by some 51sqm. However, the Council does take issue with the proposed location of the amenity area, arguing that it would only be accessible to the residents of Block C, as the distances from the communal entrances to Blocks A and B, at 100m and 50m respectively, mean that it would not be seen as accessible or usable for residents of those blocks.
73. Whilst I do not consider a 50m walk to be excessive, I do consider that the Council has a point with regards to Block A. To my mind 100m is an appreciable distance, and as I see it the only way to reach the amenity area from Block A would be to first exit the Block onto London Road, then walk along an admittedly short length of London Road before walking along the access shared with Ryan Court, through the parking area for the development to reach the amenity area. In these circumstances I share the Council's view that the distance, coupled with the standard of the walking route, could well prove to be unattractive to residents of Block A, and is unlikely to encourage them to use this amenity area.
74. Impact on other nearby residents. In addition to the matters outlined above, I have also had regard to representations made by other nearby residents, specifically in Richards Avenue and Recreation Avenue, and I visited a property in each of these streets as part of my accompanied site visit. Residents of these streets alleged that the appeal scheme would result in overlooking of their houses and overshadowing of their gardens, together with a loss of privacy and natural light.
75. However, I saw at my site visit that that the rear gardens of these nearby properties are fairly long, meaning that the proposed residential blocks would be an appreciable distance away both from the dwellings in these streets, and from their garden areas. The Recreation Avenue properties would also continue to be separated from the appeal site by the existing Omega Court parking area. I acknowledge that the proposed residential blocks would be visible from these nearby houses and gardens, but being mindful of the separation distances involved, and the fact that existing tall trees lie along the rears of many of these nearby gardens, I conclude that no unacceptable overlooking, overshadowing, loss of privacy or loss of natural light would be likely to arise.
76. Summary. Drawing all the above points together, I conclude that the appeal proposal would have an adverse effect on the living conditions of neighbouring residents at 7-15 Ryan Court and 1-6 Omega Court through an unacceptable impact on the amount of daylight and sunlight which would be received by some rooms, together with poor outlook, a loss of privacy and a sense of enclosure. Several of the units within the proposed development would also fail to accord with minimum BRE targets, arising in part from the high proportion of single aspect units proposed, and would also suffer from overlooking and poor outlook. Overall I consider that this would result in unacceptable living conditions for future residents. In addition, the proposed location of the communal amenity area would likely prove unattractive to residents of Block A, thereby further adversely impacting upon their

⁴⁷ CD07.02

living conditions. In view of all these matters the proposed development would be at odds with LP Policies 4 and 6, and with HLP Policies 7 and 26.

Main issue 3 – Whether the proposed housing mix would be acceptable

77. As noted above, HLP Policy 5 states that all housing schemes should include a proportion of family-sized homes and reflect a recommended housing mix, in terms of market housing of 5% 1-bed units, 15% 2-bed units, 64% 3-bed units, with 16% of units with 4 or more beds. The policy does allow for variations to the recommended mix, but states that these must be robustly justified, having regard to individual site circumstances including location, site constraints, viability and the achievement of mixed and balanced communities.
78. The policy's supporting text explains that Havering's residents require a mix of housing types at different stages in their lives, depending on their individual circumstances, and acknowledges the importance of having a range of housing so that individuals or households can choose to pass through all phases of life living within the same neighbourhood, leading to improved community cohesion. To this end it explains that the recommended housing mix is in line with the key findings of the Outer North East London Strategic Housing Market Assessment (SHMA).
79. The supporting text further states that in flatted schemes, developers should be creative with their approaches to providing family accommodation, and that where the recommended level of 3-bed properties cannot be achieved, the priority will be to provide 2-bed rather than 1-bed properties. In this case the appeal proposal would provide some 35% 1-bed units, 54% 2-bed units, 11% 3-bed units, and no units with 4 or more bedrooms. Whilst this would clearly not accord with the Policy 5 recommended mix, the appellant maintained that there are a number of reasons why the proposed mix should be considered acceptable.
80. The first of these is that the Council's inability to demonstrate a 5-year HLS means that this policy has to be seen as out-of-date, and any conflict with it should therefore be given less weight. I deal with the matter of policy weight later in this decision, in the planning balance section, but at this point I simply note that the appellant has not challenged the evidence from the SHMA which underpins the policy's housing mix, and no evidence was placed before me by either party on the types of homes that are in the pipeline for future delivery within Havering.
81. The appellant also cited viability concerns as a further reason why the Policy 5 mix cannot be achieved, arguing that insisting on the Council's preferred mix would mean that no housing at all would come forward on the site, which is already unviable. In this regard the Council, after taking advice from independent Chartered Surveyors, accepted that the appeal proposal is not viable, such that the scheme could not contribute towards affordable housing⁴⁸.
82. That said, the Viability Statement of Case (SoC) submitted by Turner Morum LLP on behalf of the appellant to support the appeal⁴⁹, explains that the appeal scheme is still estimated to make an actual return on Gross Development Value (GDV) of some 12% for the developer, based on current costs and current values. As a result the appellant has confirmed that proceeding with the scheme would be a risk it would be prepared to take, having reached a commercial decision.

⁴⁸ Para 5.11 in CD05.09

⁴⁹ CD05.07

83. I note that this Viability SoC also considered the impact of complying with the Council's target housing mix within the currently proposed buildings and assuming a consistent floor area to the proposed scheme, in order to increase the number of 3 and 4-bed dwellings. Reconfiguring the buildings in this way would result in a scheme with a total of 51 residential units and a mix of about 4% 1-bed units, 27% 2-bed units, 53% 3-bed units, and 16% of units with 4 or more beds. This shows that from a viability perspective this scheme would produce a significant deficit, which would erode any potential actual developer profit, resulting in the developer suffering a loss equivalent to some £1.680m (-7% on GDV). I see no reason to dispute the appellant's comments that such a proposal would not only be massively unviable, but would also be clearly undeliverable.
84. The appellant has drawn attention to 2 other recent planning permissions granted by the Council in which the housing mix differed from that set out in HLP Policy 5. The first of these relates to a proposal for a total of 37 residential units at 23-25 Victoria Road, Romford, which was recommended by Officers for approval with an overall housing mix of 22% 1-bed units, 60% 2-bed units and 19% 3-bed units. The appellant pointed out that in this case the Policy 5 mix was referred to as "indicative"⁵⁰, and that the 3 factors taken into account to justify a housing mix which differed from that set out in Policy 5, also apply in the current case, namely the fact that it is a constrained site; the need for the proposal to be commercially viable; and the site's location⁵¹.
85. However, whilst the Council plainly considered the proposed mix acceptable in that instance, I am not persuaded of the similarities with the current appeal proposal claimed by the appellant. Firstly, whilst I note that viability was indeed a concern in the Victoria Road scheme it nevertheless included an element of affordable housing, albeit at a lower percentage (10.8%) than the minimum of 35% required by HLP Policy 4; and secondly the site is described as a constrained town centre site where there is less scope to provide a greater number of larger units with the provision of appropriate levels of amenity space. The appeal site clearly does not lie within the town centre, and is proposing a total of some 520sqm of communal amenity space, including 209sqm of children's play space⁵².
86. The second example relates to a planning permission granted for 88 self-contained residential units of part 4, 5 and 6 storeys on a former car park located some 280m to the west of the appeal site, at the junction of London Road and Spring Gardens and referred to at the Inquiry as the Spring Gardens scheme. This was granted planning permission in 2021, when a previous Local Plan was operative, with a proposed overall housing mix of 42% 1-bed units, 39% 2-bed units, 17% 3-bed units and 2% 4 bed units.
87. The appellant argued that the appeal proposal compares favourably with this Spring Gardens permission, as it would provide significantly fewer 1-bed units (some 35% compared to the 42% in Spring Gardens), and significantly more 2-bed units (54% compared to 39% in Spring Gardens). However, although the Spring Gardens scheme failed to accord with the recommended housing mix set out in HLP Policy 5, it did contain 19% of family housing provision, appreciably more than the 11% which would be achieved by the appeal scheme. It also included a policy-compliant quantum of affordable housing, compared to the zero provision for the appeal proposal. As such, I do not consider that the Spring Gardens scheme is comparable

⁵⁰ Para 10.36 of Appendix 2 to CD05.21

⁵¹ Paras 10.40 & 10.41 of Appendix 2 to CD05.21

⁵² See drawing 1638-P-101 rev P14 at CD02.07

to the appeal proposal on these points. I deal with further matters relating to this Spring Gardens scheme later in this decision.

88. The appellant also maintained that its chosen housing mix would respond positively to the local context as it would balance the wider area's predominantly family-led housing provision, allowing first time buyers to stay in close proximity to their family homes and where they have been raised, including their support networks, in properties that they are more likely to be able to afford. I give some weight to these points as to my mind they echo matters detailed in Policy 5's supporting text. I also consider there to be some merit in the appellant's argument that the provision of 1 and 2-bed units could have positive impacts on the housing market as it would reduce pressure on larger houses that might otherwise be subdivided into flats. This could offer additional options for those looking to downsize, a matter recognised in the London Plan⁵³.
89. However, I am not persuaded by the appellant's argument that the area is not predisposed to housing families, being located on a busy arterial road. Whilst the proposal clearly has a frontage and pedestrian and vehicular entrance onto London Road, the proposed development in depth means that many of the units would be no closer to London Road than family dwellings in the likes of Richards Avenue and the other residential streets which spur off London Road.
90. In summary, it is self-evidently the case that the appeal proposal would not accord with the recommended housing mix set out in HLP Policy 5, and on the basis of the evidence before me I am not persuaded that the site's location or any constraints it may have would justify such a low number of family-sized dwellings being proposed. The only factor put forward in what I consider to be any robust form, to justify a different mix, is that of viability. This is clearly an important factor, and one with which the Council raised no significant dispute, save its speculation as to whether a different form of development on the appeal site could achieve a greater number of family dwellings, and still remain deliverable. But as no such alternative scheme is before the Inquiry for consideration, the Council's views on this matter can carry no weight.
91. Having regard to all the above points I conclude, on balance, that the appeal proposal would not comprise an acceptable housing mix, although if this were to be the only matter weighing against the proposal I do not consider it would be fatal. Nevertheless, as it stands the proposal is at odds with HLP Policy 5. I explore the weight to be given to this policy, in light of the Council's inability to demonstrate a 5-year HLS later in this decision, in the planning balance section.

Main issue 4 – Whether the suggested conditions and UU would satisfactorily address the impacts of the proposed development

92. A range of suggested planning conditions had been agreed between the appellant and the Council, to be imposed if planning permission was to be granted. I have considered these suggested conditions against the guidance in paragraphs 55 and 56 of the NPPF and consider that they would satisfy the requirements of being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In particular I consider the conditions would satisfactorily address the Council's concerns regarding cycle parking, set out in its Decision Notice, and urban greening, referred to in the ODR.

⁵³ See paras 4.9.1 & 4.10.3 in CD06.01

93. The Council's seventh reason for refusal contended that in the absence of a completed legal agreement the proposal would be in conflict with a number of listed policies from the LP and the HLP as it would fail to secure relevant contributions to address a number of stated concerns⁵⁴.
94. The appellant had intended to enter into a S106 agreement with the Council to address these matters, but this did not prove possible as the Council does not have authority to enter into a bilateral agreement in appeal circumstances without an express committee resolution to do so. The appellant therefore submitted a S106 UU⁵⁵ which had been fully agreed with the Council.
95. In summary, the UU makes provision for the following specific contributions and obligations:
- "Early Stage" and "Late Stage" Reviews of viability, to establish whether or not any affordable housing units could be provided on-site or whether a contribution towards the off-site provision of affordable housing units would be justified;
 - A "Carbon Offset Contribution" of £26,622 towards measures to reduce the amount of carbon dioxide released into the atmosphere in the borough;
 - Highway improvement works to the London Road frontage comprising:
 - The removal of the existing eastern vehicular access and dropped kerb and reinstatement of the footway in its place; and
 - The making good of the footway following construction.
 - A "Monitoring Fee" of £7,331 to cover the costs of monitoring and implementing this Deed;
 - A "Skills Training Contribution" calculated in accordance with a set formula, payable if the Skills Training Roles are not filled by Practical Completion of the Development;
 - A waiver of all and any rights and entitlements of future occupiers of the proposed residential units to be granted a Parking Permit in any Controlled Parking Zone surrounding the site (unless the relevant applicant is the holder of a Blue Badge Parking Permit); and
 - A Travel Plan Statement to be submitted to the Council for written approval, no later than 3 months prior to the Occupation of the Development, and to thereafter implement the Travel Plan Statement as approved.
96. All of the above contributions would be index linked, as appropriate.
97. Having had regard to the above details and the Community Infrastructure Levy (CIL) Compliance Statement⁵⁶ submitted by the Council, I am satisfied that all of these obligations are necessary to make the development acceptable and that all meet the requirements of Regulation 122 of the CIL Regulations 2010 and paragraph 57 of the Framework. The obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I therefore conclude that these submitted planning obligations would satisfactorily address the matters referred to in the seventh reason for refusal, and that the proposal would therefore not be at odds with LP Policy DF1 or HLP Policies 16, 22, 24 and 36.

⁵⁴ See CD04.02

⁵⁵ Doc 15

⁵⁶ CD05.20

Other Matters

98. Opportunity Area and Romford SDA. In its closing submissions⁵⁷ the appellant maintained that it is not apparent that the Council has ever grappled with the planning consequences of the site being in an OA or in the Romford SDA. In light of these planning designations the appellant argued that it is not appropriate to assume that the appeal site will remain as it is, but rather that Ryan Court and Omega Court will have neighbours, most likely in the form of a flatted development. It maintains that change in the townscape, and alterations to the outlook and sunlight and daylight of the neighbouring flats, is therefore inevitable if the ambitions and aspirations of the development plan are to be realised.
99. However, whilst not seeking to downplay the importance of the OA or the SDA, the aims and objectives of which are made clear in the LP and the HLP respectively, both designations cover a wide area with, as far as I can see, the whole of Romford being included in the OA. As such, I am not persuaded that these designations should be seen as adding any specific, meaningful weight to the proposed windfall or infill development on this site. It is clear, under the provisions of LP Policy SD1 and HLP Policy 1 that OAs and the Romford SDA are areas where significant levels of growth and regeneration are expected, and are to be planned for. But plainly any development within these areas, including any redevelopment of the appeal site, still needs to accord with other relevant development plan policies and it is this matter which I have considered under the preceding main issues.
100. On a related point, there was much discussion at the Inquiry regarding the HLP Policy 1 intention to deliver 5,000 new homes in the first 10 years of the plan period, with the appellant highlighting the fact that only 87 had been delivered in the 2021-2022 period. However, little firm evidence could be provided on this matter, with the Council expressly admitting that it was unable to provide any documentation totalling the number of dwellings delivered within the Romford SDA for the period 2016-2021, ie the first 5 years of the plan period⁵⁸. Mr Trevorrow did, however, provide an analysis⁵⁹ of the housing trajectory set out in the Authority Monitoring Report⁶⁰ (AMR) 2021-2022, which indicates that a total of 4,136 dwellings are expected to be delivered within the Romford SDA over the period 2021/22 to 2025/26 (to include the 87 dwellings referred to above), ie during the second 5 years of the plan period.
101. Although Mr Quelch for the appellant queried some of the anticipated delivery figures, this analysis and criticism was not carried out in any detailed way. In any case I note that the appellant had already accepted, in the SoCG, that the Council could demonstrate a 4-year HLS as detailed within the AMR 2021-2022. In view of these points there can be no certainty as to whether the Council will or will not achieve the delivery of 5,000 homes within the Romford SDA during the first 10 years of the plan period, and in my opinion this matter can therefore carry no weight either for or against the appeal proposal. In summary, whilst I acknowledge the appeal site's location within an OA and the Romford SDA, I do not consider that this adds any significant weight in the appeal proposal's favour.
102. Comparison with the Spring Gardens scheme. This matter has already been touched on, to some extent, above, but Mr Stanford for the appellant made a

⁵⁷ See paras 19-22 in Doc 14

⁵⁸ Doc 14

⁵⁹ Doc 14

⁶⁰ CD09.03

number of further comparisons⁶¹ between the appeal proposal and the Spring Gardens scheme granted planning permission by the Council in 2021. Mr Stanford indicated that he was making this comparison to illustrate the Council's inconsistency in its approach⁶². These points were addressed, and in many cases rebutted, in the Council's evidence put forward by Mr Trevorrow⁶³.

103. I do not believe it profitable or necessary to go through all of these points in detail. I do accept that there are some similarities between these 2 schemes, but as the Spring Gardens site lies some appreciable distance away from the appeal site it can have no relevance in townscape terms, as was confirmed by Mr Froneman⁶⁴.
104. On other, specific points I acknowledge that for the Spring Gardens scheme 88% of the rooms tested complied with the BRE ADF minimum standards, and I accept that this is a very similar figure to the 87% which would be achieved with the appeal scheme⁶⁵, as already noted, above. However, in contrast to the appeal proposal, the Spring Gardens scheme was assessed as having no significant impact on the level of sunlight and daylight amenity to existing neighbours, who were noted as being of a much lower storey level, with all being commercial uses.
105. I also acknowledge that at 212 dph the appeal proposal compares favourably on density grounds with the Spring Gardens scheme, which has a density of 214 dph. The appellant argued that the appeal site justifies a high density because unlike the Spring Gardens site it is located within the Romford SDA, has a higher PTAL rating (PTAL 3) than Spring Gardens (PTAL 1b), and is located closer to Romford Town Centre. As a matter of principle I do not disagree with the appellant's position, provided that the high density proposed does not result in unacceptable living conditions. However, for reasons already covered in the second main issue, this is one area where I consider the appeal proposal is not acceptable.
106. In light of the above points, and other matters relating to Spring Gardens covered earlier in this decision, I do not consider it can be said that the Council acted inconsistently in approving the Spring Gardens scheme but refusing planning permission for the appeal proposal as there were clear differences between these 2 proposals. Nor do I consider that the Spring Gardens permission can reasonably be said to provide any weight in support of the appeal proposal. In any case, I have assessed the appeal proposal on its own planning merits.
107. The existing car dealership. There was some discussion at the Inquiry regarding the existing car dealership which occupies the appeal site, and likely future scenarios if this appeal was to be dismissed. As this matter has a bearing on the assumed benefits of the appeal proposal, which I deal with in the next section, it is relevant to summarise matters here. Much of this discussion arose because Mr Quelch indicated in his Rebuttal PoE⁶⁶ that the owners and operators of the dealership have confirmed that it will be closed and that the site will be vacated during 2024, regardless of the outcome of this appeal. He further indicated that the owners and operators will consolidate this operation with their existing operations in Lakeside, and that there are no plans afoot to put another franchise on this site.

⁶¹ Section 8.11 in CD05.11

⁶² See also paras 2.9, 2.14, 2.17, 2.20 & 2.36 in CD05.22

⁶³ Paras 41-48 in CD05.27

⁶⁴ Para 12 in Doc 13

⁶⁵ See paras 10.25-10.27 in CD05.10 and para 57 in Doc 14

⁶⁶ Page 6 in CD05.21

108. However, in further evidence before the Inquiry, the Existing Use Valuation⁶⁷ (EUV) describes the existing car dealership as a modern facility that occupies a prominent position close to Romford town centre and fronting the busy A118 London Road, an established position for new car franchise dealership operators, with Romford remaining a key east London location for dealership representation. It further notes that although new car sales have been sharply down as a direct result of the Covid 19 pandemic, there nevertheless remains a good level of enquiries for premises both from vehicle sales business operators and developers. This section of the EUV ends by stating that the valuers are confident that if brought to market the property would attract competitive interest and prove readily saleable. I have had regards to these points in reaching my conclusions on this proposal.

Benefits and disbenefits

109. The appellant claimed, in its SoC⁶⁸ and in the PoE of Mr Quelch⁶⁹, that the appeal proposal would give rise to a number of benefits which constitute notable weight as material planning considerations. Firstly, the appellant argued that the delivery of 72 new homes should be afforded significant weight. The Council acknowledged that the provision of new houses should be seen as a benefit, but argued that its weight should be reduced as the housing land shortfall is likely to reduce year by year over the following 4 years⁷⁰. Be that as it may, the Council can currently only demonstrate a 4-year deliverable HLS, and even if the shortfall does reduce in subsequent years there is still a pressing, current need which the appeal proposal could assist in addressing. I therefore share the appellant's view that this matter should carry **significant weight** in the proposal's favour.
110. However, I do not agree that additional weight should be given, as claimed by the appellant, because the appeal proposal would be of high-quality design and would provide a high number of 1 and 2-bed units. On the first of these points, high-quality design is a policy requirement and, in my opinion, should not therefore carry weight in its own right; and on the second matter I am not persuaded that the types of unit involved can offer any specific, material benefit as presumably all types of dwelling are needed to address the current shortfall. I consider that to apply additional weight in such circumstances would amount to double-counting.
111. The appellant also contended that very substantial weight should be given to the redevelopment of a brownfield site in a sustainable location, in accordance with guidance in the NPPF⁷¹. However, I do not consider this to be a straightforward matter in this case. The NPPF explains that brownfield land is the same as previously-developed land, which is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
112. There are existing structures on the appeal site, and in that respect it clearly falls into the "previously-developed" category. But the site is not vacant or redundant, as is more often the case with sites described as brownfield, but contains an active, economic employment use as has been described earlier. As previously noted, the EUV Report for this current operation indicates that if the site was brought to market it is highly likely that it would attract competitive interest and prove readily

⁶⁷ Section 12.1 in Appendix 5 to CD01.13

⁶⁸ Paras 6.7-6.20 in CD05.01

⁶⁹ Paras 5.43 and 7.17-7.27 in CD05.10

⁷⁰ Para 119 in Doc 13

⁷¹ Para 120(c) in CD08.01

saleable. In these circumstances, and notwithstanding the stated intentions of the current owners and operators, I find it difficult to see the redevelopment of this site for housing, whilst resulting in the loss of an active employment site, as providing any form of benefit over and above the already acknowledged benefit arising from the provision of new homes.

113. Following on from this point I consider that any economic benefits from the appeal proposal, arising from temporary construction jobs and increased spend in the local economy from future residents, have to be tempered by the loss of the economically active car dealership currently on the site. The likely monetary sums involved have not been quantified, or at least they were not raised or discussed at the Inquiry. In these circumstances, I do not consider it reasonable or appropriate to assume that the appeal proposal would, on balance, give rise to anything other than very modest economic benefits, warranting only **very modest weight**.
114. The appellant also claims that the appeal proposal would deliver a number of other benefits such as measures to enhance biodiversity; the provision of a sustainable drainage system and green roofs; energy efficiency; a gain for tree planting; and the provision of communal amenity space. I do recognise that these are all matters which would help to make a successful development, if the appeal proposal was to proceed. But as they seem to me to all relate to things that are necessary policy requirements as part of any new housing development, I consider that they can only be given **limited weight**.
115. Finally, the appellant claims that the appeal proposal would bring about a net reduction in vehicle trips when compared to the existing use. This is borne out by the Transport Statement⁷² submitted with the planning application which indicates that the proposal would be likely to generate some 56 less vehicle trips than the existing use during the morning peak hour; 43 less in the evening peak hour; and 549 less over a 12-hour day, from 0700 to 1900⁷³. The proposed development is also predicted to generate trips by non-car modes⁷⁴, but as no corresponding assessment has been made of the number of non-car trips generated by the existing development, no meaningful comparison can be made in this regard.
116. Nevertheless, the reduction in daily and peak hour vehicle trips has to be seen as a benefit, although as no information has been provided to suggest the overall impact of these reductions, and as the hourly reductions are relatively modest, I consider that this matter should be seen as a benefit of **limited weight**.
117. In terms of disbenefits, the only one highlighted at the Inquiry was the unquantified economic loss of the active car dealership.

Summary, planning balance and overall conclusion

118. I deal first with the implications of the Council's lack of a deliverable 5-year HLS. In accordance with paragraph 11(d) of the NPPF, in such situations the policies which are most important for determining this appeal have to be considered out-of-date. I consider the relevant policies in this case to be those referred to in the Council's reasons for refusal, as outlined earlier in the "Planning Framework" section of this decision. However, the fact that a policy is considered out-of-date does not, in itself, determine the amount of weight which it can carry. The main criterion in this

⁷² CD01.27

⁷³ Table 7.1 in CD01.27

⁷⁴ Table 7.3 in CD01.27

regard is that the closer development plan policies are to the policies in the NPPF, the greater the weight that may be given to them⁷⁵.

119. The NPPF plainly promotes a plan-led system, with a need for up-to-date plans to provide a positive vision for the future of their respective areas, addressing housing needs and other economic, social and environmental priorities⁷⁶. It explains that to support the Government's objective of significantly boosting the supply of homes it is important, amongst other things, that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. To this end strategic policies should be informed by a local housing need assessment, and within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies⁷⁷.
120. Against this background I consider that the LP policies dealing with OAs; London's form, character and capacity for growth; and optimising site capacity (Policies SD1, D1 and D3 respectively); and HLP policies dealing with the Romford SDA; housing supply; affordable housing; and housing mix (Policies 1, 3, 4 and 5 respectively), all accord with the NPPF policies briefly outlined above. Moreover, on the particular matter of housing mix, one of HLP Policy 5's clear stated aims, having regard to the Council's SHMA, is to achieve mixed and balanced communities which is plainly also an objective of the NPPF. In these circumstances my view is that all of these policies should still carry significant weight in this appeal.
121. As the NPPF also explains that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve⁷⁸, I also consider that LP Policy D6, dealing with housing quality and standards, and HLP Policies 7 and 26, dealing with residential design and amenity, and urban design respectively, also accord with NPPF policies. Again, I consider that they should carry significant weight in this appeal.
122. Turning to consider the NPPF's overarching objectives for achieving sustainable development, set out in its paragraph 8, I have already concluded, above, that any economic benefits arising from this proposal would only carry **very moderate weight**, and would be at the expense of the loss of the economically active car dealership. Nevertheless, in these circumstances I consider, on balance, that the appeal proposal would satisfy the economic objective of sustainable development.
123. The provision of 72 new dwellings would assist in furthering the social objective of sustainable development, and in view of the Government's objective of significantly boosting the supply of housing, I consider it only right to attribute **significant weight** to the provision of this market housing. However, a further aspect of the social objective is the need to foster well-designed, beautiful and safe places, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being. For reasons set out under the second main issue, I consider that the proposal would fail to support this communities' well-being as it would have an adverse impact on the living conditions of existing and future residents. Because of this I consider, on balance, that the appeal proposal would fail to comply with this social objective of sustainable development.

⁷⁵ Para 219 in CD08.01

⁷⁶ Para 15 in CD08.01

⁷⁷ Paras 60-61 in CD08.01

⁷⁸ Para 126 in CD08.01

124. With regard to the NPPF's environmental objective, it is clear that the proposal has sought to make effective use of land and would include measures to enhance biodiversity and would also have further sustainability credentials in terms of energy efficiency and other matters as detailed above. These aspects of the appeal proposal respond positively to the NPPF's requirement for improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. However, they seem to me to be policy requirements and therefore would be necessary accompaniments to any residential development on this site. For these reasons I consider that these benefits only warrant **limited weight**.
125. However, the environmental objective also requires new development to protect and enhance the built environment but I have already concluded, under the first main issue, that the appeal proposal would have an adverse impact on the character and appearance of the street-scene, the surrounding area and the townscape. As such it would be in conflict with development plan policies which I have concluded, above, should still carry significant weight. Accordingly, in my assessment the proposal would not fully meet the environmental objective of sustainable development.
126. Turning to the overall planning balance, I have found against this proposal on the first 3 main issues. It would have an adverse impact on the character and appearance of the surrounding area, street-scene and townscape; would have an adverse effect on the living conditions of neighbouring residents at 7-15 Ryan Court, 1-6 Omega Court and some future residents of the proposed dwellings; and would not comprise an acceptable housing mix. The first 2 of these matters carry **significant weight** against the appeal proposal, whilst the housing mix matter carries **moderate weight** against the proposal as it would not have been fatal to the appeal in isolation. Notwithstanding this last point, the appeal proposal would conflict with a number of adopted development plan policies as detailed earlier.
127. Although some benefits would arise from the proposed development, as set out in paragraphs 109-116 above, I consider these to be much more modest than claimed by the appellant. Moreover, the failure to accord with the social and environmental objectives set out in paragraph 8 of the NPPF mean that the appeal scheme does not represent sustainable development. This also weighs against this proposal.
128. Taking all of these points together, and having regard to paragraph 11(d) of the NPPF, my overall conclusion is that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Accordingly, this appeal should not succeed.
129. I have had regard to all other matters raised, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be dismissed.

David Wildsmith

INSPECTOR

APPEARANCES

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Director, Asseal Architecture Limited

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Director, Q Square

INTERESTED PERSONS OPPOSING THE APPEAL PROPOSAL

Cllr Viddy Persaud

Local Ward Councillor

Cllr Timothy Ryan

Local Ward Councillor

PROOFS OF EVIDENCE AND OTHER CORE DOCUMENTS REFERRED TO IN THIS DECISION

Planning Application Documents and Plans	
CD01.05	Design and Access Statement, including Safer Places Statement prepared by Stanford Eatwell Architecture
CD01.13	Financial Viability Works, prepared by Turner Morum LLP
CD01.26	Townscape Visual Impact Appraisal, prepared by Cogent Heritage
CD01.27	Transport Statement (including Travel Planning Measures), prepared by Velocity Transport Planning
Documents submitted after validation	
CD02.07	Proposed Ground Floor Site Plan (1638-P-101 rev P13 & P14)
CD02.20	Proposed Elevations - Sheet 1 (1638-P-400 rev P12 & P13)
Decision Documents	
CD04.01	Officer's Delegated Report
CD04.02	Decision Notice
Appeal Documents	
CD05.01	Appellant Statement of Case, prepared by Q Square

CD05.03	Daylight, Sunlight and Overshadowing Report, prepared by Schofields Surveyors Limited
CD05.04	Design and Access Statement (Updated for Appeal), prepared by Stanford Eatwell Architecture
CD05.07	Viability Statement of Case, prepared by Turner Morum LLP
CD05.08	London Borough of Havering Statement of Case
CD05.09	Statement of Common Ground
CD05.10	PoE of Richard Quelch (incorporating Summary and Appendices)
CD05.11	PoE of Barry Stanford (incorporating Summary and Appendices)
CD05.12	PoE of Ignus Froneman (incorporating Summary and Appendices)
CD05.13	PoE of Stephen Parker (incorporating Summary and Appendices)
CD05.15	PoE of Russell Pedley (incorporating Summary and Appendices)
CD05.16	PoE of Malachy McGovern (incorporating Summary and Appendices)
CD05.17	PoE of Huw Trevorow (incorporating Summary and Appendices)
CD05.20	CIL Compliance Statement submitted by the Council
CD05.21	Rebuttal PoE by Richard Quelch
CD05.22	Rebuttal PoE by Barry Stanford
CD05.23	Rebuttal PoE by Ignus Froneman
CD05.24	Rebuttal PoE by Stephen Parker
CD05.25	Rebuttal PoE by Russell Pedley
CD05.26	Rebuttal PoE by Malachy McGovern
CD05.27	Rebuttal PoE by Huw Trevorow
Development Plan	
CD06.01	The London Plan (2021)
CD06.02	The Havering Local Plan 2016-2031 (2021)
Supplementary Planning Documents	
CD07.01	London Plan Guidance: Optimising Site Capacity: A Design-Led Approach (2023)
CD07.02	London Plan Guidance: Housing Design Standards (2023)
CD07.03	Affordable Housing and Viability Supplementary Planning Guidance (2017)
CD07.04	Housing Supplementary Planning Guidance (2016)
CD07.05	Play and Informal Recreation Supplementary Planning Guidance (2012)
National Policy and Guidance	
CD08.01	National Planning Policy Framework (2021)
Other Documents	
CD09.03	London Borough of Havering Authority Monitoring Report 2021-2022
CD09.13	BRE Site layout planning for daylight and sunlight Third Edition
CD09.14	BRE Site layout planning for daylight and sunlight Second Edition
CD09.18	Appeal Decision Ref: APP/E5900/W/17/3171437, The Whitechapel Estate, Site between Varden Street and Ashfield Street, London E1 2JH

DOCUMENTS SUBMITTED AT THE INQUIRY

Document	1	Opening submissions on behalf of the Appellant
Document	2	Opening submissions on behalf of the Council
Document	3	SoCG on Daylight and Sunlight (ADF), dated 28 October 2023
Document	4	Sight Lines Plan submitted by the Council
Document	5	SoCG on Daylight Distribution (NSL) for 7-15 Ryan Court and 1-6 Omega Court, dated 31 October 2023
Document	6	SoCG on Sunlight (APSH) for 1-6 Omega Court, dated 1 November 2023

Document	7	SoCG on Daylight (VSC) for 7-15 Ryan Court and 1-6 Omega Court, dated 31 October 2023
Document	8	Email from Huw Trevorrow, dated 9 November 2023, containing details of the Housing Trajectory,
Document	9	Details of undecided Planning Application Ref P2072.22, relating to the Seedbed Centre, Davidson Way, Romford, RM7 0AZ, validated 18 January 2023, submitted by the Council
Document	10	Appeal Decision Ref APP/B5480/W/20/3246193, relating to 23-55 North Street, Romford, RM1 1BJ, submitted by the Council
Document	11	Signed SoCG between the Council and the appellant, dated 10 November 2023
Document	12	Schedule of Agreed Draft Planning Conditions
Document	13	Closing Submissions on behalf of the Council
Document	14	Closing Submissions on behalf of the Appellant
Document	15	Signed UU submitted by the appellant, dated 21 November 2023
Document	16 a & b	Copies of the powers of attorney under which Stellantis Financial Services UK Limited and National Westminster Bank Plc executed the UU.