Land at: White Bungalow, Southend Arterial Road, Hornchurch, RM11 3UJ
Enforcement case ref: ENF/198/20

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (As amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004)

TEMPORARY STOP NOTICE

SERVED BY: London Borough of Havering
herein after referred to as "the Council"

To:

a) The Owner / Occupier; White Bungalow, Southend Arterial Road, Hornchurch, RM11 3UJ

b) Jacqueline Hazel Tebbutt, 49 Main Road, Romford RM2 5EB

c) Henry Albert Tebbutt, 49 Main Road, Romford RM2 5EB

d) The Mayor and Burgesses of The London Borough of Havering of The London Borough of Havering, Legal Services, Town Hall, Main Road, Romford, RM1 3BD

1. On **17th June 2021**, the Council has issued this Temporary Stop Notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.

2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breaches of planning control illustrated below have occurred within the last ten years.

Without discharging the following conditions attached to Planning Permission reference P1474.13 dated 14th June 2017, works have commenced on site:

Conditions failed to be discharged:

3 No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by

the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:- Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5 Prior to the commencement of the development, the existing bungalow and all outbuildings shall be demolished in their entirety and all material arising there from permanently removed from the site. Prior to first occupation, the site shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and openness of the Metropolitan Green Belt and of amenity.

6 Notwithstanding the details shown on the application form, prior to the commencement of the development details of a permeable or suitable drained surface for the access road, drive and turning area shall be submitted to and approved and approved in writing by the Local Planning Authority and thereafter the access road, drive and turning area shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the surfacing materials. Submission of this detail prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7 Prior to the commencement of the development, the design of the vehicular access to the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The access shall provide satisfactory visibility splays, allowing for safe access from and egress on to Southend Arterial Road. The access and sight splays shall be provided prior to the first occupation of the dwelling and thereafter permanently retained and maintained.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the vehicle access. Submission of this detail prior to commencement will ensure good design and ensure public safety

and comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

8 Prior to the commencement of development, an assessment shall be undertaken of the impact of the road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, Calculation of Road Traffic Noise, 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application to judge road traffic noise. Submission of this detail prior to commencement will protect future residents against the impact of road noise in accordance with Department of Environments, Planning Policy Guidance Note 24, Planning and Noise.

9 (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to assess the contaminated land on the site. Submission of this detail prior to commencement will protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

10 (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: Submission of this detail will ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

11 Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
c) The air quality assessment shall predict air quality with the development in place (with development).
d) The air quality assessment should also consider the following information:
   · A description containing information relevant to the air quality assessment.
   · The policy context for the assessment- national, regional and local policies should be taken into account.

· Description of the relevant air quality standards and objectives.
· The basis for determining the significance of impacts.
· Details of assessment methods.
· Model verification.
· Identification of sensitive locations.
· Description of baseline conditions.
· Assessment of impacts.
· Description of the construction and demolition phase, impacts/ mitigation.
· Mitigation measures.
· Assessment of energy centres, stack heights and emissions. · Summary of the assessment of results.

For further guidance see the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: Insufficient information has been supplied with the application to assess the air quality. Submission of this detail prior to commencement will protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

13 Prior to the commencement of any works pursuant to this permission, a desktop study to verify if there are any protected species on the site shall be submitted to and approved in writing by the Local Planning Authority. If protected species are found on site, the desktop study shall be accompanied by a mitigation strategy, which shall also be approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the mitigation strategy.

Reason: Insufficient information has been supplied with the application to assess protected species on the site. Submission of this detail prior to commencement of any works will protect biodiversity and geodiversity on the site and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC16.

18 Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

21 No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the planting of native species on all perimeters of the application site to supplement the existing screening on the site boundaries, indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

4. THE LAND TO WHICH THIS NOTICE RELATES

The land located to the north of the Southend Arterial Road, known as **White Bungalow, Southend Arterial Road, Hornchurch, RM11 3UJ**, and shown edged black on the attached plan.

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

Building works on the Land

6. WHAT YOU ARE REQUIRED TO DO

1) To cease all building work.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **17th June 2021** when all the activity specified in this notice shall cease. This notice will cease to have effect on **15th July 2021.**

Dated: **17th June 2021**

Signed: 

David Colwill
Team Leader, Planning Enforcement

On behalf of: London Borough of Havering, Mercury House, Mercury Gardens, Romford, RM1 3SL

ANNEXE

WARNING
THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7.

THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE AGAINST THIS NOTICE.

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you (Section 171G of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is unlimited on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with **Sam Cadman, Planning Enforcement Officer**, Mercury House, Romford, RM1 3SL, 01708 433 758. If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

S.171G. Temporary stop notice: offences

(1) A person commits an offence if he contravenes a temporary stop notice–
(a) which has been served on him, or
(b) a copy of which has been displayed in accordance with section 171E(5).

(2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.

(3) An offence under this section may be charged by reference to a day or a longer period.

(4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.

(5) A person does not commit an offence under this section if he proves–
(a) that the temporary stop notice was not served on him, and
(b) that he did not know, and could not reasonably have been expected to know, of its existence.

(6) A person convicted of an offence under this section is liable–
(a) on summary conviction, to an unlimited fine;
(b) on conviction on indictment, to a fine.

(7) In determining the amount of the fine, the court must have regard in particular to any financial benefit, which has accrued or has appeared to accrue to the person convicted in consequence of the offence.



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ENF/198/20

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Scale: 1:1250
Date: 15 June 2021

0 5 10 15 metres

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