



# REGULATORY SERVICES COMMITTEE

19 February 2015

# REPORT

**Subject Heading:**

i) P1084.14 and ii) L0010.14 The Convent Sacred Heart of Mary, 64 St. Marys Lane, Upminster

Demolition of later additions to the Grade II listed building; erection of two 2-storey side extensions; alterations to existing roof involving infilling of hidden valley and installation of glazed lantern; internal alterations to facilitate the conversion of the building into seven apartments; provision of car parking, cycle and refuse stores; and formation of access drive to rear and construction of two 2-storey 5-bed linked-detached dwellings with car parking. (Revised plans received 17-11-2014)

**Ward:**

Upminster

**Report Author and contact details:**

Suzanne Terry 01708 4322755  
Suzanne.terry@havering.gov.uk

**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document

National Planning Policy Framework

London Plan

**Financial summary:**

Not applicable

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	[x]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[x]
Value and enhance the life of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

**SUMMARY**

The consideration of these applications was deferred at the 29<sup>th</sup> January 2015 meeting due to concerns relating to the notification of objectors of the meeting date. The report has been updated to reflect a late representation.

These applications have been called-in by Councillor Linda Van den Hende.

This report concerns applications for planning permission and listed building consent. It is proposed to demolish recent additions to the Grade II listed former convent and to alter and extend the original building to provide seven self-contained flats. It is also proposed to erect two detached five-bed dwellings in the grounds to the rear.

Listed building consent is required for the internal and external alterations to the original building and for the extensions to it. Planning permission is required for the demolition, conversion to a new use and for the extensions and new houses. The guidance in the NPPF is that when considering such applications special regard needs to be had to safeguarding the special interest of the listed building and its setting. In seeking to achieve this it is appropriate to look to new viable uses for listed buildings which are consistent with their conservation. Where development proposals would cause substantial harm to the listed building they should be refused. In this case English Heritage raises no objections to the applications and recommends that they be determined in accordance with national and local policies and in-house specialist conservation advice.

The main policy considerations are LDF policies CP1, DC18 and DC67 and the Heritage SPD. Judged against these policies and the guidance in the National Planning Policy Framework the development is considered acceptable and it is recommended that planning permission is granted subject to the prior completion to a S106 agreement to secure infrastructure contribution of £54,000.

## RECOMMENDATIONS

### i) P1084.14:

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £6440 subject to indexation. This is based on the creation of a net increase of 322 sq. metres of new internal floor space.

2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. *Time limit* - The development to which this permission relates must be commenced not later than three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the

details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. *Car parking* - No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

**Reason:** To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. *Refuse and recycling* - Prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. *Cycle storage* - Prior to completion of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

7. *Vehicle Cleansing* - No development shall take place until a scheme of vehicle cleansing has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be retained for the life of the development.

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

**Reason:** In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

8. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

**Reason:** To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method

Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

**Reason:** To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

10. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted 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 site 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where,

during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'

**Reason:** To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.11. *Pedestrian visibility splays*- Pedestrian visibility splays shall be provided on either side of the access onto St Marys Lane of 2.1 by 2.1 metre back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32

12. *Landscaping* - 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 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:** In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. *Archaeology* - a) No development other than demolition to existing ground level shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority.

b) If heritage assets of archaeological interest are identified by the evaluation under part a), then before development (other than demolition) commences the applicant shall secure the implementation of a programme archaeological investigation in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

c) No development or demolition shall take place other than in accordance with the  
Written Scheme of Investigation approved under Part b).

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under Part b) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

**Reason:** Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic building recording) in accordance with the recommendations given by the Borough and in the NPPF.

14. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads and car parking area has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

**Reason:** In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

15. *Boundary treatment* - 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:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

16. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway required by condition 15 shall be entered into and completed prior to the commencement of development.

**Reason:** In the interests of ensuring good design and ensuring public safety and to comply with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

17. *Lifetime Homes* - The construction of the two new dwellings hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

**Reason:** In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

18. *Removal of permitted development rights* -Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

**Reason:** In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

19. *Flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the western flank wall(s) of the two new dwellings building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

### **Informatives**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012

2. Mayoral CIL - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £6,440 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. Planning obligation - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

4. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage London Archaeology guidelines. They must be approved by the local planning authority before any on-site development related activity occurs.

### **ii) L0010.14:**

Grant listed building consent subject to the following conditions:

1. The development to which this consent relates must be commenced not later than three years from the date of this consent.

**Reason:** To comply with the requirements of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning Compulsory Purchase Act 2004).

2. Written notification of the intended start of works on site shall be sent to English Heritage, London Region (23 Saville Row, London W1X 1AB), with a copy sent to the Local Planning Authority, at least seven days before the works hereby approved are commenced.

**Reason:** In order that English Heritage and the Local Planning Authority may be given the opportunity of monitoring the progress of works on site to ensure the preservation of the special interest of the building affected by the works hereby approved, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC67.

3. The conversion of the listed building hereby consented shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice) and the revised heritage statement..

**Reason:** The Local Planning Authority consider it essential that the conversion of the listed building is carried out in accordance with details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

4. Detailed drawings or samples of materials, as appropriate, in respect of the following, shall be submitted to, and approved by the Local Planning Authority prior to the commencement of work:
  - a) Partition of rooms, including fixings and finishes proposed and all new doorways;
  - b) Drainage and vents within external walls of the building;
  - c) Date stone detailed design;
  - d) The insertion of the proposed lift, including details of the proposed design
  - e) Details of cornices, architraves and skirting boards where new partitions and door are to be inserted.
  - f) Details of window mullions, transoms, cills, jambs and heads and gable detailing.

**Reason:** To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

5. All new work and works of making good to the retained fabric whether internal or external shall be finished to match the existing original work with regard to the methods used and to material, colour, texture and profile and in the case of brickwork facebond and pointing.

**Reason:** To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

6. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers drawings and/or method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and any reconstruction work shall be submitted to and approved by the local planning authority. The relevant work shall be carried out in accordance with such structural engineer's drawings and/or method statement thus approved.

**Reason:** In the interests of securing the preservation of the listed buildings.

7. Full details of doors and windows and samples of all materials including rainwater goods to be used in the construction of the extension(s) hereby permitted and the replacement goods to the retained building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work.

**Reason:** To safeguard the appearance of the building and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67.

8. No works relating to the conversion of the listed building under this consent shall take place until details are submitted to, and approved in writing by the local planning authority of the following:
  - a) proposals for the insulation of the converted building;
  - b) alterations to the roof and the insertion of the proposed glazed roof panels;
  - c) works required or alterations to the fabric of the listed building to achieve fire protection measures necessary to meet the Building regulations.

**Reason:** To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

9. All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

**Reason:** To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67.

## REPORT DETAIL

The consideration of these applications was deferred at the 29th January 2015 meeting due to concerns relating to the notification of objectors of the meeting date. The report has been updated to reflect a late representation.

### 1. Call-in

- 1.1 These applications have been called-in by Councillor Linda Van den Hende on the grounds that the development would materially affect the historic status of the listed convent building and that the proposed new dwellings would be inappropriate in this location.

### 2. Site Description

- 2.1 The application site comprises a building occupied as a convent between 1927 and 2014 which lies within substantial grounds on the south side of St Mary's Lane, Upminster. The site amounts to about 0.4 hectares. The current building dates back to the 1870's and was originally built as a dwelling house. It is a Grade II Listed Building. The building has been extended since then by the addition of a two-storey accommodation block to the rear and a single storey side extension both erected in the 1960s. The accommodation block projects southward from the main building along the western boundary adjacent to the school. The grounds are mainly grass but include a number of mature trees, mainly along the eastern and northern boundaries. In addition there is a mature cedar to the rear of the house covered by a tree preservation order. There are areas of hardsurfacing to the front and side of the building. There is a single access point from St Marys Lane on the eastern corner of the site.
- 2.2 To the east of the site are the Council's maintenance compound for Upminster Park, the New Windmill Hall and its car park. Beyond are the open areas of the park itself. To the west is the Sacred Heart of St Mary Girl's School which includes a number of buildings close to the site boundary.
- 2.3 On the opposite side of St Marys Lane are the grounds of Upminster Windmill and two pairs of semi-detached dwellings. The area to the north of the site is generally residential in character. The south side is mainly in community uses.

### 3. Description of Proposal

- 3.1 **P1084.14:** This is a full application for the demolition of the 1960s extensions, the conversion and extension of the remaining building to accommodate four 2-bed and three 3-bed apartments and the erection of two 5-bed detached dwellings within the grounds toward the southern boundary of the site.

- 3.2 Following the demolition of the 1960s additions the original building would be extended on the east and west elevations by the addition of new two storey elements. These would be constructed in a similar style and materials to the main building. The apartments would be of different sizes and layouts to accommodate existing rooms and the historic features of the listed building. All the apartments would exceed the minimum floorspace standards set out in the London Plan.
- 3.3 Some of the existing vegetation to the front of the building would be removed to provide space for ten new parking spaces. The existing access would be retained with improved visibility splays. The frontage would be mainly open but a number of the existing mature trees would be retained.
- 3.4 It is also proposed to erect two detached five-bed properties at the southern end of site. The design of these dwellings takes architectural features from the main listed building, including materials and a front 'Dutch gable' feature. The dwellings would be accessed along a new driveway along the eastern side of site with car parking spaces and a garage provided to the rear of the new dwellings.
- 3.5 The area between the main building and the two new dwellings would be landscaped to provide communal amenity space for the apartments. The new dwellings would have their own rear amenity space. Much of the existing vegetation along the southern and eastern boundaries would be retained.
- 3.6 **L0010.14:** Listed building consent is sought to demolish the single storey extension at the western end of the front façade, the 1960s two storey accommodation wing behind it and the single storey extension on the eastern façade. Parts of the existing roof structure are also proposed to be demolished. Consent is also sought to erect two storey extensions at the eastern and western ends of the building. A number of other changes are proposed to the external façade and internal layout. These include alterations to the roof to provide light to proposed second floor accommodation.

#### 4. **Relevant History**

None

#### 5. **Consultations/Representations**

- 5.1 151 neighbour notification letters were sent out and the applications advertised on site. The applicant also held an open day/public exhibition to publicise and explain the proposals. There have been 32 letters in response only one of which is in support. There are four representations relating specifically to the listed building application. The Governors of the Sacred Heart of St Mary School adjoining the application site have also made objections to both applications.
- 5.2 Objections have been raised to the applications as follows:

## P1084.14

- The demolition and rebuilding would cause noise and disturbance to the school next door, especially during exam periods;
- Security issues for the school due to the multiple occupancy of the converted building;
- Increase in traffic would cause congestion and risk of accidents;
- Would destroy historic interior of the building;
- Loss of trees;
- Lack of private amenity areas for each flat;
- New houses would detract from the setting of the building;
- Noise disturbance to school from future occupants of dwellings;
- Dormitory wing is integral part of the building and should not be demolished;
- Building should not be fragmented;
- Overlooking of school;
- Adverse impact of noise from the school;
- Development would change the character of the area;
- The scheme retains the original portion of the building and there are sensitive additions. The new dwellings are not out of proportion and reuse of building supported;
- Should look like a modern block of flats;
- Removal of trees on the frontage would be an improvement, but negated by the parking spaces;
- School has raised objections due to impacts on the school and its pupils and on the listed building generally;
- New houses are unnecessary backland development that would detract from the openness of the site;
- There should be a greater separation between the new extension and the school for maintenance;
- Concern about noise impact on new occupants especially from fire and other alarms;
- Overlooking issues from school classrooms;
- Security concerns;
- New build would have an adverse impact on the open and green nature of the area;
- Development of two new dwellings is solely for profit and not a replacement for the demolished extension;
- Development not in the best interests of the listed building

## 5.3 L0010.14

- The listed building should not be altered as irreplaceable parts would be lost;
- Housing too close to the school and could interfere with its running;
- Loss of trees harmful to the setting of the building;
- Historical and architectural character would be lost;
- New building to the rear would affect the setting;

- Importance as a convent should be retained and not split up into separate units;
- Less flats would better preserve the fabric of the building;
- Irreplaceable loss of part of Upminster's history;
- No evidence that there were stables close to the house which the new dwellings are intended to replicate;
- Multiple occupation would hinder the long term management/maintenance of the heritage asset;
- Historic significance of the building would be materially altered;
- External changes would affect historic interest and architectural character;
- Modern extension should be retained given its historical link to the convent;
- Integrity of listed building has not been adequately protected in the past and this scheme would also adversely impact on the building. Many existing features would be lost.

5.4 **English Heritage (Archaeology)** advises that remains of earlier houses at the site and other archaeology connected with the historic routeway may be affected by the proposals. The conversion and partition of the building would also affect its historic integrity and recording in advance would be appropriate. A condition is recommended to address archaeological considerations plus a number of informatives.

5.5 **English Heritage (Listed Buildings)** advises that the convent building was originally erected as a replacement house in 1871-3. The building was converted to a convent in the 1920 and was extended on both sides to accommodate a chapel and living quarters. The chapel has since been demolished. The significance of the listed building lies principally in the architectural quality of the 1871-3 house. The scarring caused by the demolition of the chapel and the accommodation wing, the hardstanding around the building and the plastic rainwater goods have compromised some of the architectural and aesthetic qualities of the building. In addition some of the internal alterations have compromised the integrity of the interior. The conversion would retain much of the historic internal layout and features, including fireplaces and staircases. In terms of the proposed works the advice is as follows:

- English Heritage accepts the principle of the proposed residential conversion in the interests of securing a long-term future for the listed building. In general, the external appearance, historic layout and architectural details within the original Victorian house would be preserved, and the revealing of historic features of interest in the principle rooms would help to enhance the significance of the listed building;
- The demolition of the mid-20<sup>th</sup> century accommodation wing would provide further enhancement;



- The new build elements respond to the architectural character of the listed building and arguably make a positive contribution to local character and distinctiveness. Generally proposal compliant with the NPPF;
- Further enhancement could be achieved by reinstating cast-iron rainwater goods and reducing the amount of hardstanding around the building;
- End extensions provide some enhancement, but should be set back or some form of demarcation introduced to distinguish the old from the new;
- The principle of developing new residential units in the grounds is acceptable. The units would have little impact on long views from the upper floors of the house. There are no significant concerns about this part of the development;
- The proposed glazed roof would cause visual harm to the building and involve loss of historic fabric. However, a modest roof extension in this area would be acceptable, but the height should be reduced.

In response to revisions following this consultation response English Heritage has not raised any further substantive matters. However, it is noted that whilst the changes to the roof valley have improved they still remain harmful. The rooflight in the south roof elevation should be removed as it would be clearly visible from the garden. There is no demarcation between the listed building and the proposed extensions to distinguish the old from the new. It would be preferable if the extensions were set back further from the historic building line.

- 5.6 **Heritage Officer** advises that the proposal to convert the building back to residential use would be acceptable as a viable use consistent with the conservation of the building and the guidance in the NPPF. Whilst the scheme would result in the loss of historic fabric through the alterations and the scale of the alterations is not entirely subordinate, on balance the application is considered acceptable. It would secure the long term preservation of the listed building and would not significantly harm the special historic or architectural character of the listed building. Further details of proposed landscaping, bin and cycle stores required but can be addressed through conditions.
- 5.7 **Thames Water** has no objections.
- 5.8 **Essex & Suffolk Water** has no objection subject to a metered mains water connection.
- 5.9 **London Fire and Emergency Planning Authority** advises that access should meet the requirements of the relevant Building Regulations.
- 5.10 **Public Protection** requests a conditions covering: i) land contamination; ii) construction methodology and iii) noise insulation.
- 5.11 **Streetcare (Highways)** advises that access details acceptable. If permission is granted conditions should be imposed to cover i) pedestrian visibility; ii) wheel washing and iii) work to the highway.

## **6. Relevant Policies**

- 6.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC11 (Non-Designated Sites); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC60 (Trees and woodland); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC67 (Buildings of heritage interest); DC70 (Archaeology and ancient monuments); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 6.2 In addition, the Heritage SPD; Planning Obligations SPD; Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.
- 6.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments); 6.13 (Parking); 7.3 (Designing out crime); 7.4 (Local character); 7.8 (Heritage assets and archaeology) and 8.3 (community infrastructure levy) of the London Plan are material considerations.
- 6.4 The National Planning Policy Framework and the National Planning Practice Guidance are material considerations.

## **7. Staff Comments**

### **i) Heritage context**

- 7.1 The acceptability of these proposals depends on the extent to which they would impact on the heritage significance of the listed building. The Convent of the Sacred Heart was originally built as a private residence between 1871-3, on the site of an earlier house. The house was constructed in red brick with stone dressing in the Gothic style. It originally consisted of a three-gabled range and a service wing to the west. The building was used as a convent from 1927 to 2014 when it was put up for sale by the trustees. The use as a convent has resulted in a building that preserves many of its original features, although they have been internal alterations to accommodate the convent use which have had some adverse impact on features of historic importance such as the fireplaces, many of which have been covered over.
- 7.2 The significance of the listed building lies principally in the architectural quality of the 1871-3 house. This includes the high quality exterior with its imposing gables, patterned brickwork and stone mullions. Internally it retains much of its original plan form and architectural detailing including panelling, cornices and fireplaces in the principle rooms. Of particular note is the main stair hall which contains a timber staircase and stained glass window features.

7.3 The scarring caused by the demolition of the chapel, the bulky and utilitarian quality of the accommodation wing, the harstanding surrounding the building and the plastic rainwater goods have compromised some of the architectural and aesthetic qualities of the building. Some of the reconfiguration of internal spaces following conversion to a convent has compromised the integrity of the interior to a lesser extent. The convent use formed an important relationship with the neighbouring Catholic school.

ii) Planning considerations:

*Principle of the development*

7.4 The main policy considerations are LDF policies CP1, CP18 and DC67, the Heritage SPD and the guidance in the National Planning Policy Framework (NPPF). The main issues are whether the proposed conversion would safeguard the special interest of the listed building and its setting, and whether the proposed conversion and new build is consistent with its conservation. Where development proposals would cause substantial harm to the listed building they should be refused. In this case English Heritage has not raised any objections to the applications and recommends that they be determined in accordance with national and local policies and in-house specialist conservation advice.

7.5 The application lies within the urban area to the west of Upminster Park and Upminster town centre. It is not designated for any specific purpose on the LDF proposals map; therefore, under Policy CP1 it is prioritised for housing. Policy CP2 seeks to ensure the size and types of new housing is compatible with the prevailing character of the surrounding area. Policy DC2 requires a design led approach in determining the type, size and form of new development and sets density requirements. However, given that the development involves a listed building and its setting new housing proposals also need to be considered with reference to LDF Policy DC67. Residential development would be acceptable as long as it does not adversely affect the building or its setting. Policy CP18 seeks to protect the character and appearance of listed buildings.

7.6 The guidance at paragraph 131 of the NPPF is particularly important in relation to sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation. The use of the former convent for residential purposes (its original use) would enable the building to be put to a viable use and subject to the satisfactory conservation of the historic fabric of the building would, in principle, be consistent with its conservation.

7.7 The Heritage SPD make specific reference to extensions to listed buildings stating that these will only be permitted if they are sensitively designed to preserve the special historic and architectural character, and significance of the asset. The SPD sets out circumstances where extensions would not be acceptable. These include where a building has already been extended or where they are of excessive size. The main consideration is that extensions do not detract from the setting and special character of the listed building.

- 7.8 The development of the site for housing is considered acceptable in principle in accordance with LDF Policy CP1 and would help to meet housing need in Havering. In terms of the scale of the development the need to respect the setting of the listed building limits the amount of new buildings that would be appropriate within the grounds. In determining how much new development would be acceptable account has been taken of the amount of existing buildings proposed to be demolished. In listed buildings terms a balance needs to be struck between the removal of existing extensions that have negative impact on the listed buildings and new built development that would have some adverse impact on its setting.
- 7.9 A further consideration as to the scale of any development is that it respects the character of the surrounding area. Whilst the site is within the urban area the area on the south side of St Marys Lane is characterised by community uses and large open areas associated with them. This also includes the windmill grounds opposite. Taking this into account a low density residential development that retains much of the open area is considered appropriate.
- 7.10 With regard to the new built development applications for housing should be considered in the context of the presumption in favour of sustainable development set out in the NPPF. An important part of this is the delivery of a wide choice of quality homes. The NPPF attaches great importance to good design which is appropriate in its context which is a key aspect of sustainable development. New development should be integrated and address the connections with the historic environment. Planning permission should be refused for development of poor design that fails to take the opportunities available of improving the character of an area and the way it functions. In this case staff consider as a matter of judgement that the new built development would respect the historic environment and improve the character of the area by ensuring a viable use that would maintain the importance of the heritage asset.

*Design/impact on the streetscene*

- 7.11 The character of this part of St. Marys Lane is derived mainly from the close grouping of the school frontage buildings on the south side and the adjoining former convent and the community buildings further to the east. One of the significant aspects is the amount of frontage development with few gaps between buildings to break up the frontage. Opposite the site is the open area associated with Upminster Windmill. The proposed extensions are considered to reflect this character by maintaining the built form within the streetscene.
- 7.12 The school has developed over the years within the original grounds and setting of the former house (Hill House). Whilst the character on the south side of St. Marys Lane and Corbets Tey Road is generally open the area is not rural or Green Belt as stated in some of the objection letters. The site has remained open largely because of the convent use and the land held with it.
- 7.13 The proposal involves the removal of much of the frontage vegetation such that the building would be opened up to views from the highway. This is considered

to have a positive impact on the streetscene and on the appearance of the area. The listed building is currently largely hidden from public view. Much of the frontage vegetation has grown up over the years through lack of management and is not sustainable in its current form. The removal of the scrub and the trees that are not in good condition would enable the remainder to prosper. The school site adjoining has a generally open frontage and this aspect of the development would maintain the overall character of this part of St. Marys Lane.

- 7.14 The proposed extensions have been architecturally designed to follow the Gothic style of the listed building with steeply pitched roofs, strong projecting gables, stone dressings and stone mullioned windows. In considering these account must be taken of their impact not only on the listed building but on the streetscene generally. The listed building aspects are considered later in the report, but in terms of the streetscene they are considered to be in character with the original building, albeit they would appear as significant extensions to it. The western extension would replace a modern addition and would relate better to the appearance of the main building.
- 7.15 The proposed two new dwellings to the rear of the site would be largely obscured from view by the extended main building and, as a result, would not affect the overall character of the streetscene. These building have been designed to reflect the character of the main building with references to the architectural style and materials. As a result staff consider that they would make a positive contribution to the character of the area and their set-back within the site would not detract from the general openness of this part of St Marys Lane. The dwelling would have parking that meets the requirement of DC33 and Annex 5 and rear amenity areas that are private and usable.
- 7.16 The proposed car parking to the front of the building would have some adverse visual impacts, but this would replace parking previously to the side which is visible from the highway. This also needs to be balanced against the improvements afforded by opening up views of the building from the highway. With appropriate frontage treatment, including a boundary fence and low hedging staff consider that the overall impact would have a positive effect on local character. The proposed bin stores and cycle store would be located close to the site entrance and would need to be carefully designed and landscaped. No details have been provided with the application, but the structures would be small scale and details can be subject to approval through conditions.
- 7.17 It is proposed to provide landscaped gardens to the rear in the form of a box or knot garden. This is considered to be important to the overall setting of the listed building. The option of providing parking to the rear of the building would detract from the setting of the listed building and the proposed landscaped gardens. The gardens would provide private and usable amenity space for future residents of the apartments.

7.18 Overall staff are satisfied that the proposed design and layout of the development would have a positive impact on the character and appearance of the area.

*Impact on amenity*

7.19 Account also needs to be taken of adjoining occupiers. In this case the main consideration is the school. The nearest residential properties are on the north side of St. Marys Lane opposite. In considering the layout of new development it is important to protect the amenities of the school and to ensure that satisfactory living conditions are provided for future occupants of the new dwellings. It is not unusual within an urban area for housing and school sites to be adjacent to each other. The relationship between the two new houses and the school buildings is not significantly different to that which already exists with other residential properties in Boundary Road. Accordingly, there is no objection in principle to new housing development adjacent to a school site.

7.20 The proposed layout takes account of the school buildings. The western extension would be no closer than the existing building and the removal of the accommodation block would open up the area behind the house and provide a better aspect for the nearest school buildings. The new dwellings would be at least 10 metres away from the school boundary and no windows are proposed in the western elevations facing the school. The boundary with both the school and New Windmill Hall car park on the east side of the site is already well vegetated and further landscaping is proposed. The relationship between the new dwellings and the existing school buildings is, therefore, considered acceptable.

7.21 The school governors have raised concerns regarding the impact from school activities on future occupiers of the new residential units. The impact on occupiers of the new apartments is not likely to be significant and no greater than that experienced by the former occupants. Most school activities are during weekdays when residents are likely to be at work which would minimise any adverse impact. The impact on the new houses would be similar to that which already exists adjacent to the school in Boundary Road. New occupants would be aware of the proximity of the school and the potential impacts before purchasing the property.

7.22 The main impact on occupiers of the properties opposite the site is that the extended building would become significantly more visible. This is considered to improve the overall character of the area and would not have any adverse impacts on visual amenities. The traffic generated from the development would not have a significant impact in highway terms.

7.23 Staff consider that the proposed layout and proximity to school buildings would provide a satisfactorily living environment for future occupiers and that the development would not have a materially adverse impact on the school and its pupils or on the amenities of nearby residents.

*Highways and parking issues*

7.23 The proposed development would provide parking for future occupants in accordance with LDF Policy DC33 and Annex 5. The location of the parking has already been addressed and this is considered acceptable. The proposed access would meet the appropriate standards in terms of width and visibility splays. The refuse bins are located close to the entrance and collection could take place from the highway. There is also sufficient space within the site for deliveries and maintenance.

iii) Heritage Issues

7.24 The guidance in the NPPF is that when considering the impact of proposed development on a designated heritage asset great weight should be given to the asset's conservation. The main issues in this case are maintaining the integrity of the building and of its wider setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

7.25 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case there would be some harm to the listed building through the conversion works and the extensions to the building. English Heritage has some residual concerns following revisions made after initial consultations. However, the harm is not considered significant and conversion is considered necessary to enable the building to be put to a viable use. Residential development is considered to be an appropriate way of securing the future of the building. At the pre-application stage a number of schemes were put forward by prospective purchasers. These all involved some form of residential use.

7.26 External alterations: The proposed areas of demolition are considered acceptable as they relate to modern additions that detract from the character of the heritage asset. The design of the extensions follows the Gothic style of the main building and replicate parts of the original building. The width of the eastern extension is considered to be slightly overscaled as a smaller footprint would have more accurately replicated the proportionality of the original building ensuring that it would appear subordinate. The proposed Dutch gable is considered to be overly ornate for a flank elevation. A demarcation between the original buildings and the extensions as requested by English Heritage would be difficult to achieve given the design approach adopted. By matching the architectural style and materials the use of a band of different materials would appear out of place and detract from the overall appearance.

7.27 Internal alterations: The internal layout of the building has remained relatively intact due to the convent use but there have been some internal changes. The proposal would result in some changes to the building that would be harmful in heritage terms, especially changes to the roof. However, these are considered

necessary to bring about a satisfactory conversion and form part of the balance necessary to put the building to a viable use that would maintain its future and sustain the heritage asset.

- 7.28 New build: The two new dwellings have been sited away from the building and the spatial separation is considered acceptable as it preserves an element of the original gardens. The architecture makes reference to the listed building which allows the building to feel cohesive to the site. In these circumstances staff consider that the new dwellings would not detract from the setting of the listed building. This is a view supported by English heritage and the Heritage Officer.
- 7.29 The guidance in the NPPF is that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent. The proposed development, including the alterations to the listed building would have some adverse impact on the heritage significance of the listed building. However, the harm and loss to the fabric of the building would not be substantial and are considered necessary to bring about a viable use consistent with the buildings conservation. It is also considered desirable to sustain and enhance the significance of the asset and staff consider that, on balance the development proposals would achieve this.

## **8. Section 106 Planning obligations**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 8.2 The proposal is liable to a contribution of £54,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does



not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

9. **Mayor's Community Infrastructure Levy (CIL)**

9.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The new build taking account for the building demolished would amount to 322 sq. metres and the CIL rate is £20 per square metre giving a CIL liability of £6440.

10. **Conclusions**

10.1 The site lies within the existing urban area of Upminster outside of the designated town centre. The site is not designated for any other purpose in the LDF and residential redevelopment is considered acceptable in principle, including the conversion and extension of the listed building. Planning permission and listed building consent is required.

10.2 The guidance in the NPPF is that when considering such applications special regard needs to be had to safeguarding the special interest of the listed building and its setting. In seeking to achieve this it is appropriate to look to new viable uses for listed buildings which are consistent with their conservation. Where development proposals would cause substantial harm to the listed building they should be refused. In this case English Heritage raises no objections to the applications and recommends that they be determined in accordance with national and local policies and in-house specialist conservation advice.

10.3 The main policy considerations are LDF policies CP1, DC18 and DC67 and the Heritage SPD. Whilst there would be some adverse impact on the heritage significance of the listed building the harm and loss to the fabric of the building would not be substantial and are considered necessary to bring about a viable use consistent with the buildings conservation. Staff consider that, on balance the development proposals are acceptable and would secure a viable future for the building that would help to sustain and maintain the heritage asset. Therefore, judged against the LDF policies and the guidance in the National Planning Policy Framework staff consider that the development is acceptable and it is recommended that listed building consent is granted and that planning permission is also granted subject to the prior completion to a S106 agreement to secure infrastructure contribution of £54,000. On the other hand should members consider that the development would cause substantial harm to the listed building that is not outweighed by other factors then there would be a case for refusing both planning permission and listed building consent.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None

**Legal implications and risks:**

Legal resources will be required to prepare and complete the S 106 legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**Human Resources implications and risks:**

None

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity

**BACKGROUND PAPER**

1. Application forms and plans received 22-07-2014 and revised plans received 17-11-2014.