



REGULATORY SERVICES COMMITTEE

4 August 2016

REPORT

Subject Heading:

P0759.16 - Three Horseshoes Farm,
Noak Hill Road, Romford

Demolition of all existing stabling, storage
and residential buildings on site and
construction of 4 x 4 bed and 1 x 3 bed
dwellings, landscaping and associated
works (Application received 5th May 2016)
Heaton

Ward

Lead Officer

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Policy Context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

None

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

Havering will be clean and its environment will be cared for [x]
People will be safe, in their homes and in the community [x]
Residents will be proud to live in Havering [x]

SUMMARY

This report considers an application for the erection of 5 new dwellings on land within the Green Belt and the Havering Ridge Special Character Area. The proposal concerns the demolition of existing stabling, storage and residential buildings. A similar application was dismissed on appeal in March 2014 following an appeal against non-determination of that application. The Committee objected to the application on Green Belt and visual impact grounds. The appeal Inspector concluded that the urban form of development and the increased height and bulk of the new buildings, compared with those existing, would be materially harmful to the openness of the Green Belt and this was not outweighed by other factors. This application seeks to address this by reducing the scale of the proposed buildings and revising the layout to provide a less urban form of development.

Staff consider that, as a matter of judgement, the revised proposals are acceptable in all material respects and that planning permission should be granted subject to the prior completion of a S106 planning obligation and planning conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document Technical Appendices.
- The demolition of the four residential units adjoining the application site prior to first occupation of any of the new dwellings and that following demolition the lawful development certificates issued in respect of these dwellings under S191 of the Town and Country Planning Act 1990 on 6th December 2012 to have no further legal effect in respect of the unrestricted residential use of the site. The relevant certificates issued under references E0020.12(a); E0020.12(b); E0020.12(c) and E0020.12(d) on 6th December 2012.

- Submission of a land restoration and habitat creation plan for the western ménage area and the area to the north of the application site as outlined in blue on the application plan. The plan to include details of demolition and land clearance and a habitat management programme.
- 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 planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions listed 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, particulars and specifications.

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 the LDF Development Control Policies Development Plan Document Policy DC61

3. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. 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 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.

4. *Landscaping* - The development hereby permitted shall not be commenced until a detailed scheme for the hard and soft landscaping of the site, including the upgrading of the site access roadway has been submitted to and approved in writing by the Local Planning Authority. 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 on the details of proposed landscaping to enable its acceptability to be judged. & 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 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 agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan.

6. *Cycle storage* - Prior to the completion of the works 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: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

7. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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 Policies DC61 and DC63.

8. *Secure by Design* - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

9. *External lighting* - No dwelling shall be occupied until a scheme for the lighting of external areas has been implemented in accordance with details that have 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 lighting once installed shall be retained thereafter for the lifetime of the development.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity, the visual and wildlife interest of the countryside and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. *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.

11. *Vehicle cleansing* - No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

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: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61 Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and used at relevant entrances to the site throughout the course of construction works.

12. *Construction methodology* - The development hereby permitted shall not be commenced, including any demolition, until a scheme for a construction and demolition management plan to control the adverse impact of the development, including the demolition of site buildings and ground clearance works, on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority. The construction management plan 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: Insufficient information has been supplied with the application in relation to the proposed construction and demolition methodology. Submission of details prior to commencement will ensure that the method of construction and demolition protects residential amenity and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

13. *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 this 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report comprises 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: To 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.

14. *Land contamination (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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. *Imported soils* - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used

for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

16. *Ecology* - No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how the development will be undertaken in accordance with the recommendations of the submitted ecological assessment dated June 2013. The development shall be undertaken in accordance with the approved details.

Reason: Insufficient information has been supplied with the application on how the recommendations of the assessment would be implemented and agreement of details prior to commencement is necessary to protect the nature conservation interests of the site in accordance with Development Control Policies Development Plan Document Policies DC59, DC 60 and DC61 and the guidance in the National Planning Policy Framework.

17. *Bat and Bird Boxes* - No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority relating to the proposed installation of bat and bird boxes within the development. The development shall be undertaken in accordance with the approved details and retained for the life of the development.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policies DC59, DC 60 and DC61 and the guidance in the National Planning Policy Framework.

18. *Further Bat Survey* - Should demolition works at the site not be commenced within one year of the date of this permission, then a further bat survey shall be undertaken and submitted and approved in writing by the local planning authority prior to any demolition works taking place.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policy DC59 and the guidance in the National Planning Policy Framework.

19. *Demolition* - No works of construction in relation to the erection of the new dwelling houses hereby permitted shall take place until all of the existing buildings at the site have been demolished.

Reason: In the interests of maintaining the openness of the Green Belt, and in accordance with the guidance contained in the National Planning Policy Framework

20. *Access improvements* - No part of the development hereby permitted shall be occupied until the site access onto Noak Hill Road has been upgraded to a minimum width of 5 metres in accordance with details that shall have been

submitted to and agreed in writing by the local planning authority. The upgraded access shall be retained for the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate that vehicles can safely enter and leave the development. Improvements are considered necessary in the interests of highway safety and in order that the development accords Development Control Policies Development Plan Document Policy DC32.

21. *Hedgerow protection* - No development shall take place until a scheme for protecting the site's existing hedgerows 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 and retained as such for the life of the development.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policy DC59 and the guidance in the National Planning Policy Framework.

22. *Permitted development restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

23. *Permitted development restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the 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.

24. *Permitted Development Restrictions* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification) Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, 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 protecting the openness of the Green Belt 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.

25. Visibility splays - 2.1 metre by 2.1 metre pedestrian visibility splays shall be provided on either side of the proposed accesses, set back to the boundary of the public footway. There should be no obstruction of object higher than 0.6 metres within the visibility splay.

Reason: Insufficient information has been supplied with the application to adequately demonstrate that the safety of pedestrians at access points has been fully safeguarded. The requirement will ensure pedestrian safety.

26. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

27. *Access* - All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

28. *Water efficiency* - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations – Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr N Cooper and Mrs S Ballantyne-Way by telephone on 12th July 2016 and submitted on 14th July 2016. The revisions involved changes to the area outlined in blue on the application plan and location of existing buildings outlined on the layout plan.
2. Planning obligation - The planning obligations required have 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.
3. 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 licence 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.
 4. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
 6. The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
 7. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request is needed.
 8. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
 9. The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
 10. The applicants are reminded that the grant of planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licence required.
 11. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of

the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located approximately 75 metres to the north of Noak Hill Road to the west of Kynance Close. It lies within the Green Belt and the Havering Ridge Area of Special Character. The site is accessed by a private roadway leading from the public highway. It is a rectangular area of land which amounts to 0.46 hectares and is currently in use as an equine stabling business. This comprises areas of hardstanding and buildings, with substantial confer planting along the northern boundary. There are two ranges of stables, storage buildings and ménage. These buildings are concentrated at the southern end of the site. The larger areas of hardstanding are used for the parking of horse boxes and other vehicles. There is also a small building between two of the storage buildings with lawful residential use.
- 1.2 To the north of the site, outside of the application area are four single storey buildings, three of which also have lawful residential use. The fourth is a storage building beyond which is a waste treatment facility. There is a further ménage to the west of the site also associated with the equine business. The area around the stables is generally open including areas of grazing and the former playing fields adjacent to the Broxhill Centre, now being developed for recreational purposes. The application site lies within a small valley on the edge of the Havering Ridge and the land rises fairly steeply to the north and east. A Grade II borough site of nature conservation importance is located immediately to the west, which includes a small pond and adjacent ménage. To the south of the site along Noak Hill Road is a line of bungalows which also lie within the Green Belt. There is an area of hardstanding close to the site entrance on Noak Hill Road which also falls within the application site.
- 1.3 The existing buildings at the site, of which there are nine, range in size from around 31 square metres to 345 square metres, with the tallest building being approximately 6 metres in height, although the remainder are around 3 metres in height. The existing built development covers a total area of 1154 square metres and has a total volume of 3819 cubic metres. The largest building lies close to the south west corner of the site. The site boundary in this corner is well vegetated and the existing buildings are not readily visible from the public highway. Trees within the hedgerow are covered by a Tree Preservation Order.

2. **Description of proposal**

- 2.1 The proposal is for the demolition of all buildings on site, including those to the north and the erection of five new dwellings. These would be located at the southern end of the site, but further to the north than the existing main cluster of buildings. The new dwellings would be accessed from Noak Hill Road via the existing access road. The remaining areas of the site would be left open and landscaped. The existing conifer screening would be removed.
- 2.2 The proposed dwellings would have two floors of accommodation with the first floor within the roof space. These would receive natural light via roof lights; there would be no dormer windows. The buildings would have pitched tiled roofs, with timber cladding above a brick plinth in the style of an Essex Barn. The dwellings would be of different styles around the common theme with different ridge heights and orientation. Four of the dwellings would be four-bed with one three-bed.
- 2.3 The new dwellings would be grouped around a central courtyard similar to a group of farm buildings. Each dwelling would have its entrance onto the courtyard and have two parking spaces, one within cart lodges attached to each group of buildings and a further space in tandem to the front of the cart lodge. Each dwelling would have its own external amenity areas, mainly to the rear of the buildings. Cycle and refuse storage would be provided within the garden areas.

3. **Relevant History**

- 3.1 The previous planning decisions of most relevance to this application are as follows:

P0945.13 - Demolition of existing stabling, storage and residential properties on site and construction of 5 dwellings, landscaping and associated works – non determination appeal dismissed

E0020.12 - Certificate of Lawfulness for retention of 4 self-contained residential units - Approved.

P2492.07 - Retention of outbuildings – Refused.

P0163.00 - Hay and straw storage barn (to replace existing containers) - Refused.

P0763.98 - Retention of use as a livery yard together with stable buildings and ancillary facilities - Approved

4. **Consultations/Representations**

- 4.1 There have been 29 letters of objection, including a 92 signature petition.

Objections are raised as follows:

- The signatories of the petition opposed the development but no specific reasons are given;
- Would adversely affect views from rear of property and have a negative impact on house values as a consequence;
- Would not blend in with the landscape and impact on character of Havering ridge;
- Removal of conifer hedging would impact on views;
- Would not address housing needs due to likely high value;
- No room for visitor parking;
- Would reduce livery accommodation in the area which is currently well used by local children;
- Loss of Green belt and would add to urban sprawl;
- Traffic impact especially at junction which is on dangerous bend;
- Would lead to further housing in Green Belt areas;
- Buildings would be more visually prominent than existing;
- Would add further to the already significant housing and other development in the area;
- Impact on local services, including schools;
- Drainage concerns;
- Concerns about traveller occupation if grazing of adjoining fields ceases;
- Impact on wildlife;
- Impact on local residents during construction;
- Whitworth Centre development has already put significant strain on local sewers;

4.2 Comment on objections:

The issues concerning impact on the Green Belt and on the landscape are addressed within the main body of the report. The protection of existing views/outlook from existing properties is not a material planning consideration, however, the impact on visual amenity and on the landscape character of the area is a relevant consideration. This is addressed in the main body of the report. The impact on house prices and the loss of the existing stables are also not material. Should there be a proposal for new stables in the future this would be judged on its own merits in relation to policies relevant at that time. The possible use of adjoining land not shown to be under the control of the applicant is also not a relevant consideration as there are no specific proposals for the land. There are also powers to address unlawful occupation, although this would be a matter for the landowner to address, rather than the Council.

Consultation Responses

- 4.2 Thames Water - no objections with regard to sewerage infrastructure capacity. It is the developer's responsibility to make proper provision for surface water drainage.
- 4.3 Metropolitan Police Designing out Crime Officer - the proposal falls below the threshold on which comments can be made.

- 4.4 London Fire Brigade (Water) - no additional hydrants required.
- 4.5 Environment Agency - no constraints that fall within its remit.
- 4.6 Streetcare (Refuse) - rubbish for collection would need to be left by the site entrance as it would not be collected from within the site.
- 4.7 Public Protection (noise) - noise insulation condition
- 4.8 Streetcare (Highways) - objects to the application unless the access the access at its junction with Noak Hill Road is widened and pedestrian visibility splays provided. Appropriate conditions are recommended.
- 4.9 London Fire Brigade (appliance access) - the access road should be a minimum of 3.7 metres wide and capable of supporting a fire appliance.

5. **Relevant Policies**

5.1 Local Development Framework (LDF):-

Core Strategy and Development Control Policies Development Plan Document (DPD) Policies CP1 (Housing Supply); CP16 (Biodiversity and geodiversity); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC45 (Green Belt); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water supply, drainage and quality); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); (DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC69 Other areas of special townscape or Landscape character) and DC72 (Planning obligations).

- 5.2 Evidence base to the Planning Obligations SPD; Residential Design SPD, Designing Safer Places SPD; Landscape SPD; Sustainable Design and Construction SPD.

5.3 London Plan:-

Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.21 (Contaminated land); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking); 7.3 (Designing out crime); 7.16 (Green Belt); 8.2 (planning obligations) and the Housing Supplementary Planning Guidance.

5.4 National Policy Documents:-

- Nationally described space standards;

- National Planning Policy Framework
- National Planning Practice Guidance.

6. **Staff Comments**

Background

- 6.1 This application follows an appeal decision rejecting an earlier proposal for five dwellings on this site to replace the existing stable buildings. The decision was made in 2014 and assessed against the same policies and government guidance. In these circumstances the conclusions reached by the Inspector in dismissing the appeal are material to the consideration of the current application.
- 6.2 The appeal was lodged on the grounds of non-determination as the Council had not made its decision by the due date. However, the Council formally resolved that it would have refused the application on the following grounds:
- Harm to the openness of the Green Belt due to the height/bulk/massing of the proposed buildings;
 - Adverse impact on the visual amenities and the open character of the Green Belt, and
 - Absence of a S106 Planning Obligation to secure infrastructure payments.
- 6.3 The Inspector concluded that the development was inappropriate development in the Green Belt and the harm caused would not be clearly outweighed by other considerations such as to amount to the very special circumstances necessary to justify the development.
- 6.4 In reaching this view he had regard to the fact that the site was 'brownfield' land and that the guidance in the NPPF was that the redevelopment of such site need not be inappropriate development, provided the new development did not have a greater impact on the openness of the Green Belt and the purpose of including land within it. He concluded that while the overall volume and footprint of the new buildings would be less than existing, their height and bulk would result in them having a greater impact on openness.
- 6.5 In reaching this view the Inspector took account of the clustering of the buildings and that their appearance would detract from the wider rural scene. He considered that the development would amount to a 'mini housing estate' that would be intrusively harmful to the character and appearance of the area. The area contains attractive countryside recognised by the 'Special Character Area' designation.
- 6.6 There would be some benefits for the Green Belt in the footprint and volume reductions, however, these were not judged to be sufficient to outweigh the harm identified.

Principle of the development

- 6.7 The site is located within the Green Belt where new buildings would normally be considered inappropriate development which would cause material harm. Such development should not normally be permitted unless the harm would be clearly outweighed by other considerations.
- 6.8 The guidance in the NPPF is that there are some exceptions to this where new development may not be inappropriate, including:
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
- 6.9 The scheme has been revised since the appeal decision in a way that seeks to address the matters raised by the Inspector. The scale of the development has been reduced and the buildings designed to give the appearance of a group of agricultural buildings more appropriate to a rural location and the landscape setting. The buildings would have less bulk through a reduction in height, smaller footprint and removal of dormers and gabled projections. They would also be set further to the west within the site so that they would be less visible from the public highway.
- 6.10 The current buildings occupy an area of 1,154 square metres and have a combined volume of 3,819 cubic metres. They range in height from 3 metres to six metres. In comparison the proposed buildings would have ridge heights of 5.8 metres to 7.3 metres compared with 7.2 metres to 7.5 metres of the appeal scheme. The combined floor area would be reduced from about 700 square metres (2013 proposal) to 580 square metres, including the cart lodges. The volume of the proposed buildings would be 2,534 cubic metres compared with 3,554 cubic metres of the 2013 scheme. This proposal would reduce the site coverage by 50% and volume by 34%. In addition the overall developed area would be reduced by about 3,600 square metres (46%), including the areas occupied by buildings and ménage to the north of the application site.
- 6.11 This reduction over the previous scheme would result in the development having much less impact on openness. Taking these changes into account Staff consider, as a matter of judgement, that the revised proposals would result in there being no greater impact on openness of the Green Belt or on the purpose of including land within it compared with the existing buildings, and that as a consequence the development would not be inappropriate development in the Green Belt as set out in the NPPF.
- 6.12 Should Members agree with this judgement the main issues for consideration are design and amenity considerations, environmental impact, highway and parking issues and the need for S106 contributions. Should Members judge that, notwithstanding the changes made the development would have a greater impact and be inappropriate development, then it would be necessary to

consider whether there are other matters that could amount to the 'very special circumstances' that could outweigh the harm to the Green Belt. These include the reduction in overall developed area of the site, improvements to the character and appearance of the area through additional landscaping and design improvements.

Green Belt Considerations

- 6.13 The appeal inspector noted that the clearance of part of the site of buildings, ménages and other features would clearly enhance the character, openness and visual aspect of that part of the site. However, he balanced this against the bigger picture and his conclusions regarding the impact of the proposed new dwellings. In this case the benefits would be largely the same, although a second ménage would be removed as well as conifer hedging. This would enable habitat enhancement and remove vegetation which diminishes the rural character of the area. The location of the new dwellings further to the west and removal of existing hedging would help to provide more open views across much of the site. The dwellings have been designed to be low rise and in a rural vernacular. The design is varied, unlike the refused scheme, which gives a much greater impression of a group of agricultural buildings, rather than a 'mini housing estate' noted by the Inspector.
- 6.14 Staff consider, as a matter of judgement, that the development would have no greater impact on openness than the existing buildings on site. However, should Members consider that this is not the case it would be necessary to consider whether the other benefits of the development would amount to very special circumstances, in terms of the guidance in the NPPF that would justify the development. In addition to the matters raised above some weight should be given to the contribution the development would make to housing supply. The existing dwellings on site that would be demolished are significantly smaller by comparison and the proposal would result in dwellings of a significantly higher standard. The development would also secure improved access to the site which is currently substandard. Staff consider that the benefits to the area that would arise from the development would be greater than those of the refused scheme given the improved site layout and reduced developed area, however, these are still judged to be relatively modest compared with the existing situation. Equine uses are generally considered acceptable in the Green Belt under NPPF guidance and LDF Policy DC22. Consequently these circumstances are not judged to carry such weight as to override the adverse impacts on the openness of the Green Belt as a result of inappropriateness. Therefore, the acceptability of this application turns on the judgement of the impact on openness and the purposes of including land within the Green belt.

Scale, Density and Site Layout

- 6.15 The nominal density of the development would be about 11 units per hectare, which is considered appropriate for a development in a rural setting. However, as the proposal is for new housing in the Green Belt on a brownfield site, the main issues relate to impact on openness and character of the area. The proposed layout of the new dwellings is a 'U' shaped cluster around a central

courtyard to give the appearance of a group of agricultural buildings. The scale of the development is determined by the quantum of existing built development on the site.

- 6.16 In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed dwellings would be accompanied by private gardens. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 6.17 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the units are considered to be acceptable. Overall the proposed layout of the buildings and amenity areas is considered acceptable and would not give rise to any significant adverse impacts.
- 6.18 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The internal space standards in Table 3.3 have been updated to reflect the nationally described space standards. In this instance the proposed dwellings would each meet the minimum standards and the proposal would, therefore, provide an acceptable standard of living accommodation for future occupiers.

Impact on residential amenity

- 6.19 In relation to the impact the proposal would have on existing, neighbouring occupiers, the proposed dwellings would be in excess of 100m from the nearest neighbouring properties. Given the siting of the proposed units, along with their scale and design, it is considered that there would be no significant adverse impacts on the amenities of existing occupiers in the surrounding area.
- 6.20 Overall Staff consider that in terms of the standard of accommodation and amenity space to be provided, the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

Design/Impact on character and appearance

- 6.21 The proposed dwellings have been designed with reference to traditional farm buildings in the style of 'Essex Barns'. They would be finished in black stained weather boarding on a brick plinth under a pitched tiled roof. The cart lodges

would be in the style of open barn buildings. The grouping of the new buildings in a 'U' shape would also be typical of a cluster of traditional farm buildings. One of the objections raised by the appeal inspector was that the design and layout would be urban in nature which would be alien to the appearance and character of the Green Belt.

- 6.22 The current proposals are of reduced scale and whilst the new dwellings would still be concentrated within the site, they are designed to be more in keeping with a rural and agricultural scene. Farmyard buildings are typically found in groupings, traditionally around a courtyard area. The dwellings would be less visible from Noak Hill Road compared with the refused scheme and the garden areas would be generally screened from view by the buildings and existing hedgerows. Ridge lines would still be visible to some degree but the proposed dwellings would be set back further into the site on lower ground and the ridge heights staggered. This impact is considered acceptable in terms of the impact on the character and appearance of the area.
- 6.23 The proposals include reducing the number of buildings on the site and removing areas of hardstanding used for parking. The two existing ménage areas would also be removed. Whilst these do not impact on openness it would significantly reduce the developed area and allow land to be landscaped which would help improve the rural character of the area. The appeal inspector noted that the existing arrangement of buildings is not particularly attractive and replacing these with well-designed buildings within a landscaped setting would improve the visual amenities of the area. The location of the development would be further to the north of the existing buildings, but further to the west than the previous proposal. The higher buildings would be located on the lower ground to the western side of the site, thus reducing any visual impact.
- 6.24 LDF Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC69 states that the character of the Havering Ridge Special Character Area will be protected. Staff consider that the proposed development would, overall improve the character and appearance of the area. The proposal would successfully retain existing boundary treatment and landscape and 'removal of domestic permitted development' that could adversely impact on the area could be controlled by conditions.

Parking and Highway Issues

- 6.25 The application proposes the retention of the site's existing access onto Noak Hill Road. Objections have been raised to this by the Highway Authority unless it can be upgraded, including improved width at the junction with the highway and improved pedestrian visibility splays. These improvements would be secured through appropriate conditions. There is sufficient space within the application area for these improvements, including the removal of existing walls. Some local residents have also objected on the grounds of highway safety, these would be addressed by the access improvements. This part of Noak Hill Road includes speed restrictions.

- 6.26 The proposed development would be accessed along a private internal road connecting with the public highway. Each of the proposed dwellings would have two parking spaces, one within the proposed cart lodges, with a further space in front. The proposal is likely to result in a significant reduction in vehicle movements at the site compared to the existing use. Refuse would be collected from the site's frontage where there is a small area of hardstanding, which is similar to collection from the nearby dwellings.
- 6.27 The development would, therefore, be acceptable in highway terms subject to conditions covering access improvement. The access was not an issue considered material by the appeal Inspector, including any impact arising from upgrading works.

Landscaping

- 6.28 It is proposed to retain existing native hedgerows, but to remove the conifer screening. This is considered to be an alien feature in the landscape that detracts from the rural setting. To replace this there would be new native planting, including along existing hedgerows. The two ménage areas and hardsurfacing would be replaced by wildflower seeding, with some amenity grassland closest to the new dwellings. The proposed landscaping would help to improve the visual amenities of the area and enhance the rural landscape of the area not to be redeveloped.

Ecology

- 6.29 The ecological survey information has been updated since the previous application and based on the details submitted; it is considered that the proposal would not result in any significant harm to nature conservation interests. A bat survey has identified no bat roosts within the existing buildings. However, a further survey is recommended prior to demolition of any buildings.
- 6.30 The general ecology survey submitted identifies no protected species on site, but does make recommendations to avoid harm to nature conservation interests. Conditions are recommended to ensure that further bat survey work is undertaken if demolition occurs more than a year from the date of the submitted survey. A condition is also recommended requiring a scheme to indicate how the ecological recommendations will be adhered to and to ensure the appropriate habitat creation on the undeveloped areas.
- 6.31 The land adjoining to the west is a site of local nature conservation importance, which includes a number of hedgerows and the adjoining ménage and water body. No details are available on the reason for the designation in the Protecting and Enhancing the Borough's Biodiversity SPD. However, the development would not materially affect these habitats. The ménage would be replaced with natural grassland which would result in an overall local habitat improvement.

Infrastructure impact of the development

- 6.32 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.33 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.34 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.35 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.36 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.37 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Evidence has been provided from the Council's education service that there is a shortage of school places at both secondary and primary level in the Rainham area.

6.38 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, which is a discounted rate that takes account of the Mayor's CIL. A charge is sought for the net increase in the number of resident units which in this case would be one. At the time of the site inspection on one of the existing units appeared to be occupied and there is no record of Council Tax being paid. However, the buildings were deemed to be in lawful residential use in 2012 when a LDC was issued. In these circumstances a contribution would only be required in respect of the net increase. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects.

6.39 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. The existing dwellings on site are small and their replacement with three and four bedroom dwelling would be likely to significantly increase the number of children on site and consequently the impact on education. Normally the requirement for a contribution is based upon a per dwelling charge on the net increase, irrespective of dwelling size. However, in this case the existing dwellings are very small and the number of children likely to live at the re-developed site would be significantly greater. In these circumstances Staff consider that the full charge would be reasonable and necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation. No allowance was made for the existing dwellings when seeking an infrastructure contribution in respect of the 2013 application.

7. Mayor's Community Infrastructure Levy (CIL)

7.1 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 existing floorspace has been lawfully used within this period.

7.2 Given the amount of floor space to be created (897sqm) and that to be removed (1,154sqm), which has been in use for at least six of the past twelve months, the proposed development would not give rise to a contribution as part of the Mayor's Community Infrastructure Levy (CIL) .

8. Conclusions

8.1 This is a full application for the redevelopment of the site for the construction of 5 dwellings. A similar application was dismissed on appeal in March 2014 following an appeal against non-determination of that application. The Inspector concluded that the urban form of development and the increased height and bulk of the new buildings, compared with those existing, would be materially harmful to the openness of the Green Belt and this was not outweighed by other factors.

8.2 This application seeks to address this by reducing the scale of the proposed buildings and revising the layout to provide a less urban form of development.

Staff consider, as a matter of judgement, that the development would have no greater impact on openness than the existing buildings on site and would, therefore be appropriate development in the Green Belt.

- 8.3 Notwithstanding this, should members consider that there would be a greater impact on openness and the proposal would as a consequence be inappropriate development, it would be necessary to consider whether the other benefits of the development would amount to very special circumstances, in terms of the guidance in the NPPF that would justify the development. Staff consider that the other benefits of the development would not amount to very special circumstances that would justify the development.
- 8.4 However, Staff consider that the revised proposals would accord with the guidance in the NPPF in respect of development in the Green Belt and are acceptable in all other material respects and that planning permission should be granted subject to the prior completion of a S106 planning obligation and planning conditions as set out at the beginning of this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

A Section 106 planning obligation is required to make the application acceptable. The obligation will include the payment of the Council's legal expenses involved in drafting the obligation and monitoring fees.

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 planning obligation. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

Human Resources implications and risks:

None

Equalities implications and risks:

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

BACKGROUND PAPERS

1. Application form and plans received: 05-05-2016
2. Revised Plans Received: 14-07-2016