



# REGULATORY SERVICES COMMITTEE

11 May 2017

# REPORT

**Subject Heading:**

P1753.16 - Pinewood Poultry Farm, 1  
Pinewood Road, Havering-atte-Bower.

Demolition of 15 commercial storage  
units and change of use of the land to  
enable erection of 5 detached dwellings.  
(Application received: 24-10-17  
Revised Plans Received: 19-01-17; 21-  
03-17 & 18-04-17)

**Ward**

Havering Park

**Lead officer**

Helen Oakerbee  
Planning Manager

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Local Development Framework

**Policy Context**

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

**Financial summary:**

None

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

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

## SUMMARY

The application has been called-in by Councillor John Crowder. This report considers an application for the provision of 5 new dwellings within the Green Belt and the Havering Ridge area of special landscape character. The proposal concerns the demolition of existing former agricultural buildings previously used as poultry units. The agricultural use of the site as a poultry farm had ceased in excess of 25 years previously and the units have been used for commercial purposes. In these circumstances the land can be considered as previously developed (brownfield) land. The redevelopment of the site is, therefore, considered acceptable in principle and would be acceptable in the Green Belt subject to there being no greater impact on openness. The development would result in an overall reduction in the volume of buildings on site and improve the overall appearance of the area. There would be no material impacts on neighbours or the character and appearance of the area. Staff consider that, as a matter of judgement, the proposals would be acceptable. The grant of planning permission is recommended 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.
- 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.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 11 November 2017 or in the event that the s106 agreement is not completed by 11 November 2017 the item shall be returned to the committee for reconsideration.

That the Director of Neighbourhoods 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 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 listed below:

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 dwelling unit shall be occupied until car/vehicle parking has been provided within the site for two car parking spaces for each dwelling and thereafter this provision shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

Reason:-

Insufficient information has been supplied with the application on the proposed parking provision and it is necessary to ensure that adequate car parking provision is made off street prior to first occupation in the interests of amenity and the safety and convenience of other users of Pinewood Road and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC33 and DC61.

4. *Preserved trees* - No works shall take place in relation to any of the development hereby approved until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

Reason:- Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

5. *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 ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

6. *Landscaping* - No development shall take place 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: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

7. *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: 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 Document Policy DC61.

8. *Cycle storage* - Prior to first occupation 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: 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 Document Policy DC61. 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.

9. *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 occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. *Secured 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 Metropolitan Police Designing Out Crime Officers (DOCOs), 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.

11. *External lighting* - Prior to the first occupation of any dwelling unit external lighting shall be installed in accordance with a scheme of lighting that has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting 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 will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; 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.

13. *Vehicle Cleansing* - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;

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 – this applies to the vehicle 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 washing 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.

Reason: Insufficient information has been supplied with the application in relation to vehicle 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.

14. *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 and damage to Pinewood Road 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;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) 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.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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 methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

15. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning the following land contamination reports:

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 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: 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.



16. *Renewable energy* - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

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17. *Accessible and adoptable dwellings* - 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.

18. *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

19. *Sustainable drainage* - The development hereby permitted shall not commence until full details of a Sustainable Drainage Systems (SuDS) to be incorporated into the scheme has been submitted to, and approved in writing by, the Local Planning Authority. The SuDS shall then be carried out in accordance with the approved details and retained permanently thereafter for the lifetime of the development.

Reason:-

Insufficient information has been submitted with the application to demonstrate how surface water drainage from surfaced areas would be achieved. Submission of details prior to commencement is considered necessary to ensure that drainage and discharge from the site is managed and maintained, and that the development accords with the Development Control Policies Development Plan Document Policies DC48 and DC51 and the SuDs Developer Guide.

20. *Permitted development* - 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.

21. *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.

22. *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 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

23. Prior to the commencement of the development, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Insufficient information has been submitted to determine site levels. This information is considered necessary to ensure that the development relates acceptably to adjoining residential occupiers and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

24. *Badger Protection* – The construction site, boundary fencing and external lighting shall be maintained and managed in accordance with the recommendations contained within paragraph 5.2 of the Protected Species Survey report.

Reason: To comply with the requirements of the Wildlife and Countryside Act 1981 and to ensure no foreseeable harm to Protected Species occurs.

### **Informatives**

1. *DMO Statement* - Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with paragraph 186-187 of the National Planning Policy Framework

2012, improvements required to make the proposal acceptable were negotiated by e-mail and telephone between 13<sup>th</sup> December 2016 and 19<sup>th</sup> January 2017 with Tom Wiffen of Martyn Pattie Architects. The revisions involved revising the site layout and increasing the number of bungalows. The amendments were subsequently submitted on 21<sup>st</sup> March 2017.

2. *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.
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 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.
4. *Secured by Design* - 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](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
5. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
6. *Sustainable development* - 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.
7. *Street Naming and Numbering* - Before occupation of the residential/commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

## REPORT DETAIL

### Call-in

The application has been called in to committee for consideration by Councillor John Crowder on the grounds of Green Belt and this particular site backs on to a nature reserve and will have a detrimental effect to the area.

### 1. Site Description

- 1.1 The site lies to the north of Pinewood Road which is an unmade road that leads into Havering Country Park from Orange Tree Hill and provides access to five residential properties. The application site lies to the rear of no.1 Pinewood Road and contains 15 single storey buildings and other structures that formerly comprised a poultry farm. The buildings are constructed of a variety of materials, including metal, wood, rendered block under asbestos cement corrugated roofs. There are concrete roadways between the buildings connecting to a shared access with the adjoining dwelling to Pinewood Road. The buildings provide lock-up units for commercial use.
- 1.2 The site lies within the Green Belt and the Havering Ridge area of special landscape character. To the west and north of the site is the Havering Country Park which is an area of mature woodland. To the west is a dwelling and an associated area of open commercial uses to the side and rear. Pinewood Road also includes mature trees and large landscaped garden areas. The site slopes quite steeply from north to south.

### 2. Description of proposal

- 2.1 It is proposed to demolish all existing buildings and construct five detached dwellings comprising five three-bed bungalows. The bungalows would be located mainly on the higher northern end of the site where the existing buildings are located.
- 2.2 There would be a new access road from Pinewood Road with turning head. The dwellings would be located on the northern and eastern sides of the site. The buildings would be constructed either with timber cladding above a brick plinth or with render with plain tiled roofs. Each dwelling would have parking to the front. Existing trees would be retained with additional planting along the western boundary.

### 3. Relevant History

- 3.1 E0003.16 - Certificate of lawfulness for commercial use - refused

P1557.14 - Removal of agricultural occupancy conditions - Condition 2 of ES/ROM/92/62 and condition 1 of ES/ROM/92A/62 - approved

#### 4. Consultations/Representations

4.1 19 letters of representation (plus an additional 5 following re-consultation from original objectors) have been received raising the following:

- Site lies within the Green Belt which should be protected
- Change the character of the area
- Lane could not sustain increase in traffic, particularly during construction
- Number of units excessive – out of keeping with surroundings where development is generally low density
- Impact on wildlife
- Conflict between increased traffic and public access to the country park, including horse riders
- Badger activity in the area would be affected
- Would affect the character of the village
- Impact on neighbours, including view from property and overlooking
- Lead to further development
- Current level of traffic is very low
- Increased noise and disturbance
- There is a covenant on the use of Pinewood Road restricting of land to agriculture.

Comments on representations:

The main issues raised are addressed in the body of the report. The reference to a restrictive covenant is a private legal matter which the applicant would need to resolve before a planning permission could be implemented. This proposal leading to further development is neither a material consideration as each application would be considered on its own merits.

4.2 Essex and Suffolk Water - no objections

4.3 Streetcare (Highways) - no objections subject to construction methodology and wheel cleaning conditions

4.4 Public Protection - no objections but recommends contaminated land condition

4.5 London Fire Brigade - no objections

4.6 London Fire and Emergency Planning Authority - the access road should be constructed to carry pump appliance

## 5. **Relevant Policies**

### 5.1 Local Development Framework (LDF)

Core Strategy and Development Control Policies Development Plan Document (DPD) Policies:- CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP14 (Green Belt); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC21 (Major developments and open space, recreation and leisure facilities) DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC45 (Green Belt); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC58 (Biodiversity and Geodiversity); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC69 Other areas of special townscape or Landscape character) DC72 (Planning obligations)

Evidence base to the Planning Obligations SPD

Residential Design SPD

Designing Safer Places SPD

Sustainable Design and Construction SPD

### 5.2 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); the Housing Supplementary Planning Guidance and Housing Standards Minor alterations to the London Plan

### 5.3 National Policy Documents

Nationally described space standards

National Planning Policy Framework

National Planning Practice Guidance

## 6. **Staff Comments**

Principle of the development

- 6.1 The site is located within the Green Belt where new buildings would normally be considered inappropriate development.

6.2 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.

6.3 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.4 The site is also located on the Havering Ridge which is designated as a special landscape character area in the LDF. The proposals would need to preserve the existing character, including skyline views and views from the ridge.

6.5 As part of the consideration of the 2014 planning application (P1557.14) Staff accepted that the agricultural use of the site as a poultry farm had ceased in excess of 25 years previously. Since the closure of the poultry farm the evidence submitted as part of the 2016 application (E0003.16) demonstrated that there had been a series of commercial uses of the various buildings up to the present day. These uses had not necessarily been continuous for each building over the period, meaning that a Certificate of Lawfulness could not be issued, but overall the site has been in commercial use for a significant period. In these circumstances the land can be considered as previously developed (brownfield) land.

6.6 The main issues for consideration by members are therefore:

- The extent to which the proposals amount to appropriate development in the Green Belt;
- The effect on the openness and purposes of the Green Belt;
- The effect on the area's character and appearance;
- If the proposals amount to inappropriate development, whether the harm by reasons of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the developments;
- Whether the proposals would preserve the special landscape character of Havering Ridge, including protecting views to the area.

#### Green Belt considerations

6.7 The site includes a number of former agricultural buildings, including hardstandings. The buildings form a separate group unrelated to any of the nearby dwellings. It does not have the character of a farmyard. The

redevelopment of the site needs to be considered in relation to the guidance in the NPPF which largely supersedes LDF Policy DC45.

- 6.8 In the Green Belt there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings, including dwellings is normally inappropriate in the Green Belt. However, paragraphs 89 and 90 of the NPPF set out circumstances where new buildings or the re-use of existing buildings would not be inappropriate development. Of particular relevance to this case is “ 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”. If it is determined that the site does not amount to brownfield land then the development would be inappropriate in the Green Belt and very special circumstances would need to be demonstrated.
- 6.9 It is clear from the application details that the buildings are no longer used for agricultural purposes. The site contains a number of separate uses contained within the individual buildings. The application details indicate that they have been used for a range of B1, B2 and B8 class commercial uses. Staff are satisfied that the site does qualify as previously developed land and the relevant test of acceptability is, therefore, that there would be no greater impact on openness or the purpose of including land within it.
- 6.10 The total floor area of the existing buildings is 1,780sqm with a volume of 5,509cum. The proposed buildings would have a footprint of 851sqm and volume of 3135m<sup>3</sup>. This represents a decrease in volume of over 40%. However, the judgement is whether this reduction would result in there being no greater impact on openness. In determining this account need to be taken of the scale and bulk of the proposed new buildings. Some of the new dwellings would be higher than the existing buildings, but have been designed with low pitch roofs to limit the impact. The ridge heights would be about 5.6m compared with the existing buildings of about 3m to 4m. The existing buildings cover much of the site, in particularly the southern and northern parts, whereas the proposed dwellings would be much more evenly spaced giving a greater sense of openness. Whether or not the impact is no greater will be a matter for members to judge, however Staff consider that, on balance the impact would be less than at present.
- 6.11 The purposes of the Green Belt include safeguarding the countryside from encroachment and restricting sprawl of built-up areas. The site is already significantly developed with buildings and hardstandings; therefore, the development would not represent further encroachment into the countryside or the extension of existing built up areas. The change of use to residential can change the character of the area; however, the site is well contained with vegetation and subject to restrictions being imposed on permitted development, such as extensions, swimming pools and sheds, enabling the Council to retain control over future extension to the properties, this impact is judged acceptable.



- 6.12 Paragraph 55 of the NPPF also refers to new dwellings in the countryside generally. Isolated new dwellings should be avoided unless there are special circumstances. The paragraph provides examples of such special circumstances, but none of these apply in this case. This is general guidance which does not relate specifically to the Green Belt, where there are specific policy considerations in relation to brownfield land.

#### Impact on the character and appearance of the area

- 6.13 The application site lies within the Havering Ridge area of special landscape character where LDF policy DC69 applies. The importance of the ridge is the skyline character and views it affords of central London. The policy seeks to ensure that new development would preserve these aspects of its character. Given the location of the site within a woodland setting this character would not be materially affected. The site cannot be seen beyond the immediate environs and there are no wider views.
- 6.14 In terms of the character of the immediate locality this is made up mainly of large dwellings in a woodland setting. There are some landscaped garden areas facing onto Pinewood Road. The application site and the land to the west contain commercial uses, with the adjoining use being mainly open. The proposed development, although at a higher density would result in a density of 7 dwellings per hectare which would not be out of keeping with the spacious residential character of the area. The development would deliver residential units with internal floor space and room sizes in excess of the required minimum standards and private amenity space of adequate size. On this basis Staff judge that the development would be acceptable in terms of character and appearance.

#### Impact on amenity

- 6.15 There are residential properties to the west and east of the site, plus the donor property to the south. The dwelling to the east is some distance away with mature vegetation between so any impacts would be very limited. The impact on occupiers of the other dwellings would be greater as they are closer and on lower ground. The new access road would pass close to the boundary with no. 2 Pinewood Road. Cars using this could impact on the neighbour through noise and disturbance, however, as there are only five new dwellings proposed this is not considered likely to be significant. This would also replace any current or future activity in relation to the commercial units. While the new dwellings would be on higher ground there is mature vegetation between the sites and no. 2 also has outbuildings and open storage to the rear which would limit views into garden areas. The new dwellings would be further away than the existing buildings, so visually the impact would be mitigated. No.1 Pinewood Road is set into the rising ground and subject to appropriate boundary treatment any overlooking would be limited. Much of the garden area is to the front which would be shielded by the house and a stand of existing conifers. The overall impact of the development on neighbours is considered acceptable, especially when compared with the existing situation.

## Parking and Highway Issues

- 6.16 Pinewood Road is a private road; therefore, there are no objections to the increase in use and concerns relating to the possible damage by delivery vehicles would be an issue to be addressed by the required construction methodology submission, should the application be approved. The scale of development would not give rise to any material increase in vehicle movements at the junction with Orange Tree Hill. The site has a PTAL of 1 indicating a low level of accessibility. However, car parking would be to the front of the new properties where there is adequate space to provide two spaces per unit which would meet policy requirements. No objections are raised by the highway authority.

## Other Issues

- 6.17 The potential for conflict between vehicles accessing the site and pedestrians and horse riders is not considered to be significantly greater than the historical situation at the site when the redundant farm buildings were in a variety of commercial uses.
- 6.18 The Protected Species Survey submitted as part of the application does identify that the site is used by foraging badgers and it is suggested that the implementation of the recommendations contained at paragraph 5.2 of the report be made the subject of a condition.

## Infrastructure impact of the development

- 6.19 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.
- 6.20 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.
- 6.21 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.
- 6.22 There has been a 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.

- 6.23 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.
- 6.24 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, which is not the case for this part of the borough.
- 6.25 It would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6,000 per dwelling would be appropriate.
- 6.26 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. There would be 5 units and a charge of £30,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

## **7. Mayor’s Community Infrastructure Levy (CIL)**

- 7.1 There would be a net reduction in floorspace, therefore, no CIL would be payable.

## **8. Conclusions**

- 8.1 This report considers an application for the provision of 5 new dwellings within the Green Belt and the Havering Ridge area of special landscape character. This raises issues in relation to the appropriateness of the development in the Green Belt and the impact on the landscape. There are also issues of impact

on nearby residential occupiers. In view of the current commercial uses of the site the land can be considered as previously developed (brownfield) land. The redevelopment of the site is, therefore, considered acceptable in principle in the Green Belt. The development would result in an overall reduction in the volume of buildings on site and improve the overall appearance of the area. There would be no material impacts on neighbours or the character and appearance of the area generally. Staff consider that, as a matter of judgement, the proposals would be acceptable. The grant of planning permission is recommended subject to the prior completion of a S106 planning obligation and planning conditions.

## 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. 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 24<sup>th</sup> November 2016 and revised plans received 19<sup>th</sup> January; 21<sup>st</sup> March 2017 and 18<sup>th</sup> April 2017