



REGULATORY SERVICES COMMITTEE

1 June 2017

Subject Heading:

**P0489.17: 66 Harold Court Road,
Hornchurch**

**The demolition of an existing house
and outbuildings and the construction
of a replacement dwelling. (Application
received 24/3/2017)**

Ward:

Harold Wood

Lead Officer:

**Helen Oakerbee
Planning Manager**

Report Author and contact details:

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Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework**

Financial summary:

None

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

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

[X]
[X]
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SUMMARY

The proposal is to demolish the existing dwelling and outbuildings and erect a detached, single storey, 3 bedroom dwelling along with a detached garage. The dwelling would be of a contemporary design comprising a quadrant of a circle flanked by two protruding wings.

In February 2015, permission was granted for a replacement, single storey, detached dwelling on the site but this was not implemented. An earlier proposal for a new, 2 storey, detached dwelling was refused on the grounds of being inappropriate development harmful to the openness of the Green Belt, largely due to the proposed increase in the bulk of the building and this was dismissed on appeal.

The main issues for this proposal are the impacts of the proposed dwelling on the openness of the Green Belt, the acceptability of the proposed design and its impact on the streetscene, any impacts on the amenity of nearby dwellings and parking/highway issues.

The NPPF advises that replacement buildings in the Green Belt for the same use that are not materially larger than the original are not inappropriate development. The proposed replacement dwelling would be lower and not be much greater in bulk than the original dwelling and is judged not to have a materially greater impact on openness. With the removal of various outbuildings, there would be a large net reduction in the volume of buildings on the site. The contemporary design of the proposed dwelling is considered acceptable for the site and will not harm the streetscene given its set back and limited visibility from the street. There are no significant impacts on residential amenity.

Approval is therefore recommended subject to a S106 legal agreement to prevent any earlier extant permission for a dwelling being implemented in addition to that recommended for approval.

RECOMMENDATIONS

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

- Agreement by the applicant to ensure that any previous extant planning permissions for a replacement dwelling on this site are not implemented.

- 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 monitoring fee prior to the completion of the agreement.
- In the event that it is resolved to grant planning permission subject to completion of the s106 agreement by 1 October 2017 or in the event that the s106 agreement is not completed by 1 October 2017 the item shall be returned to the committee for reconsideration.

That the Director of Neighbourhoods be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

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

Reason:-

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

2. In Accordance with Plans

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

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. External Materials

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 9 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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.

4. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason:-

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

5. Removal of Existing Buildings

Prior to first occupation of the new dwelling hereby approved, all existing buildings on the site shall be demolished and the resulting materials removed from the site.

Reason:-

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

6. Car Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

7.0 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 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 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.

8.0 Hours of Construction

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

Reason:-

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

9.0 Landscaping Details

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a

scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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.

10.0 Construction Method Statement

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- 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.

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.

11.0 Contaminated Land

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

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

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

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

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

Reason: 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.

(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 in relation to land contamination. Submission of such details is necessary to ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

12.0 Accessible 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.

13.0 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.

14.0 Protection of 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.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the

application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The site lies on the west side of Harold Court Road but is set back about 40m from the road. It is currently occupied by a single storey dwelling and two outbuildings set within a residential curtilage of 0.9 ha. The site lies within the Green Belt and the Thames Chase Community Forest.
- 1.2 The residential curtilage of the site is mainly open land with a large number of trees, none covered by a TPO. Access is from Harold Court Road via one of the accesses to Harold Court; this property is in separate ownership to the application site, but there is a right of access.
- 1.3 To the north east is Harold Court which has been converted into flats with car parking areas. There are further residential properties to the south east that front onto Harold Court Road. To the north there is an area of mature woodland and to the east and west are areas of planting that form part of Thames Chase. The area to the south is also well vegetated.

2. Description of Proposal

- 2.1 The proposal is to demolish the existing dwelling and outbuildings and erect a detached, single storey, 3 bedroom dwelling along with a detached garage. The proposed dwelling would be located close to the position of the existing dwelling with the garage further to the east closer to the boundary with Harold Court Road.
- 2.2 The proposed dwelling would have a footprint of 284 sq m and a ridge height of 3.5m. It would be of a contemporary design comprising a quadrant of a circle flanked by two protruding wings. There would be a flat roof and a large area of glazing on the front elevation. The dwelling would face north west with a driveway leading to the front from the site boundary. Access would continue to be to Harold Court Road.
- 2.3 A Tree Survey is submitted with the application.

3. Relevant History

- 3.1 The following planning decisions are of relevance:

D0407.16 - Provision of outbuilding required for a purpose incidental to the enjoyment of the existing dwellinghouse
Planning permission required 20-12-2016

P0604.16 - The demolition of an existing house and outbuildings and the construction of a replacement dwelling.

Refused 29-06-2016 Appeal dismissed 06-12-2016

1718.14 - Demolition of existing outbuildings and erection of a single detached replacement dwelling and garage.

Apprv with cons 27-02-2015

P1070.13 - Demolition of existing dwelling / outbuildings and erection of two detached dwellings with double garages.

Refused 14-07-2014

4. Consultations/Representations

4.1 The application was advertised by a site notice. Notifications were also sent to 34 neighbouring occupiers and no objections were received.

4.2 The following consultation responses have also been received:
Streetcare (Highways) - no objections subject to a condition being applied on vehicle cleansing

Waste & Recycling - no objection

Environmental Health - no objections with regard to noise and air quality; given proximity to hospital site, a condition requiring contaminated land assessment should be added.

London Fire Brigade- no fire hydrants required and access should be in accordance with Building Regulations

Fire Safety Regulation - vehicle access for pump appliance required within 45m of dwelling, access roads to be minimum 3.7m width, gateway to have minimum 3.1m width, adequate turning area required for pump appliances over any dead end over 20m long.

Thames Water - no response

Essex & Suffolk Water - no objection

5. Relevant Policies

5.1 Policies CP14 (Green Belt), DC03 (Housing Design & Layout), DC33 (Car Parking), DC61 (Urban Design), and DC45 (Appropriate Development in Green Belt) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Policies 7.4 (local character), 7.6 (architecture) and 7.16 (Green Belt) of the London Plan, are material considerations.

- 5.3 The National Planning Policy Framework is generally relevant to these proposals.

6. Staff Comments

- 6.1 The main issues for this proposal are the impacts of the proposed dwelling on the openness of the Green Belt, the acceptability of the proposed design and its impact on the streetscene, any impacts on the amenity of nearby dwellings and parking/highway issues.

7.0 Green Belt Implications

- 7.1 The most recent guidance on development within Green Belts is set out in paragraphs 88 - 90 of the NPPF. The NPPF guidance on Green Belts allows replacement dwellings subject to considerations regarding openness.
- 7.2 London Plan policy 7.16 states that the Green Belt should be protected in accordance with national policy and that inappropriate development should be refused, except in very special circumstances.
- 7.3 LDF Policy DC45 limits new buildings to those required for agriculture, forestry, outdoor recreation nature conservation and cemeteries. However, it does allow the replacement of existing dwellings provided the the capacity of the resultant building is no more than 50% greater than the original. However, this policy is now out of date relative to the NPPF, which is not specific about the size of any increase provided the replacement is not 'materially larger'. This would be judgement related to the impact on openness rather than a simple volumetric calculation.
- 7.4 Therefore, the main issue is therefore whether the replacement dwelling and garage would be materially larger than the existing dwelling and outbuildings and would have a greater impact on openness of the Green Belt. It is also material that planning permission has been granted in the past for a single storey dwelling on the site to replace existing buildings and this was considered acceptable in Green Belt terms.
- 7.5 The stated footprint area of the existing dwelling is 208 sq m. with a ridge height between 3.0m and 3.5m giving a volume of 641 c m. There are also a number of existing out-buildings within the residential curtilage with a volume of about 1741 c m.
- 7.6 The dwelling approved in 2014 was single storey with a footprint of 256 sq m, a ridge height between 5.0m and 5.3m and a volume of 799 c m; this equated to a footprint increase of 23% and a volume increase of about 25% over the original dwelling. The proposed garage at that time would have had less volume than the existing outbuildings. That development was judged to be acceptable in Green Belt terms and this decision is of relevance to the current application.

- 7.7 The currently proposed dwelling would have a footprint of 284 sq m, and a volume of 895 c m. The proposed garage would have a volume of about 205 c m. The proposed dwelling would therefore be about 40% larger in volume than the existing dwelling, but would still be below the 50% guideline in Policy DC45. The proposed garage (205 c m) would be substantially smaller in volume than the existing outbuildings (1741 c m) which are to be demolished.
- 7.8 The judgement in this case is whether the new buildings would be materially larger and whether there would be a greater impact on the Green Belt. The 50% guideline in policy DC45 pre-dates the NPPF and the relevant judgement is considered to be the degree of impact. In this case the proposed dwelling would be significantly lower than the existing and of less bulk. It would also be more set back from the site boundary and less visible. As a result of these factors it is considered that the proposal would have less impact on openness and is considered not to be materially larger than the dwelling it would replace. The proposed garage is also judged to have much less impact on the openness of the Green Belt than the existing outbuildings.
- 7.9 The proposal is therefore acceptable development in the Green Belt in terms of the NPPF and LDF Policy DC45.

Design/Impact on Streetscene

- 7.10 There is no clear streetscene in this part of Harold Court Road. The road is largely fronted by areas of vegetation with the 3 storey Harold Court set well back from the road and, further on, a small group of 2 storey terraced dwellings close to the edge of the road.
- 7.11 The proposed dwelling would be located to the rear of properties in Harold Court Road and set well back from the public highway. Whilst it would be visible from the entrance to Harold Court it would not have a significant visual impact. Its location within the plot means that it would not be readily visible from public areas within the adjoining Thames Chase woodland. The design of the dwelling is in a contemporary style and, given the absence of any immediately adjoining buildings to define a design character for this location, is considered to be of generally acceptable appearance and design. The nearby Harold Court is much more dominant being three-storeys with a much larger footprint. Given the siting of the proposed dwelling well back from the highway frontage, it is judged that it would not have any material impact on the streetscene or rear garden area.

Impact on Amenity

- 7.12 The nearest existing residential properties front on to Harold Court Road. The nearest dwelling would be in excess of 90m away from the proposed development and it is not considered that the proposal would give rise to any significant adverse impact on residential amenity. Given the distances

involved and as the proposed dwelling would be single storey, it is not considered that there would be any overlooking issues.

- 7.13 Overall, there would be no significant adverse impacts on residential amenity.

Parking and Highway Issues

- 7.14 The proposal would provide a double garage for the property and parking and turning areas. The access arrangements are the same as currently exist and are considered adequate. There are no highway objections to the proposal.

Mayoral Community Infrastructure Levy

- 7.15 The proposal is not CIL liable as it comprises educational development.

8.0 Section 106 Agreement

- 8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) 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.

- 8.2 As there is an extant but unimplemented permission existing on this site for a new dwelling in a different location from that now being recommended for approval, there needs to be a mechanism in place to ensure that the current planning permissions are not implemented to avoid ending up with more than 1 dwelling on the site. A Section 106 legal agreement is therefore required to secure this.

9.0 Conclusion

- 9.1 The proposal is for the demolition of the existing residential property and outbuildings and replacement with a single detached dwelling and detached garage. The NPPF advises that replacement buildings in the Green Belt for the same use that are not materially larger than the original are not inappropriate development. LDF Policy DC45 allows replacement dwellings in the Green Belt up to 50% larger than the original. The proposed replacement dwelling would be lower and not be much greater in bulk than the original dwelling and is judged not to have a materially greater impact on openness. With the removal of various outbuildings, there would be a large net reduction in the volume of buildings on the site.
- 9.2 The contemporary design of the proposed dwelling is considered acceptable for the site will not harm the streetscene given its set back and limited

visibility from the street. There are no significant impacts on residential amenity.

- 9.3 Approval is therefore recommended subject to a S106 legal agreement to prevent any earlier extant permission for a dwelling being implemented in addition to that recommended for approval.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.