

**REGULATORY SERVICES COMMITTEE
SUPPLEMENTARY AGENDA**

3 October 2013

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

9 P0968.13 - THE CHAPEL HALL LANE UPMINSTER (Pages 1 - 12)

**Andrew Beesley
Committee Administration
Manager**

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REGULATORY SERVICES COMMITTEE

REPORT

3 October 2013

Subject Heading:

P0968.13 Demolition of existing chapel building, change of use of site for residential use, construction of 1 No 2 bedroom bungalow with detached garage (Application received 22nd August 2013)

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

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

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

SUMMARY

This report concerns an application for the erection of a 2-bedroom bungalow with detached garage within the green belt following the demolition of an existing non-

residential building on the site. The application is a resubmission with modifications following a refusal for a larger proposal earlier in the year. Staff consider that the proposal would accord with housing, green belt, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the signing of a unilateral undertaking.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 121.3sqm² which equates to a Mayoral CIL payment of £2426.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant signing a unilateral undertaking, to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contributions 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 Unilateral Undertaking to the date of receipt by the Council.
- The Developer/Owner to pay the appropriate planning obligation monitoring fee prior to completion of the Agreement.

That the Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

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 (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. Materials: - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:- To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

4. Landscaping: – Notwithstanding the details of proposed landscaping shown on drawing number 1600/4, prior to the commencement of development details of hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, the scheme 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 and details of all species of new planting, seeding or turfing. All new planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

5. Boundary treatment: - Notwithstanding the details of boundary treatment shown on drawing number 1600/4, prior to the commencement of development details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

Reason: - In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

6. Construction methodology: - Before development is commenced, a scheme shall be 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 the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;

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

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

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

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

8. Permitted Development Rights Removal: - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A Part 1 and Part 2, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

9. Wheel Washing: - Before the development hereby permitted is first commenced, wheel scrubbing/wash down 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.

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

10. Cycle Storage: - Prior to 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: - In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

11. 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.

12. External Lighting: - No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include the low level lighting of the access road. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: - In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

Informative

1. The Highway Authority requires the Planning Authority to advise the applicant that 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. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

2. 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
3. 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 or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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 has recently been cleared having previously comprised of a single-storey building in a community use located on the western side of Hall Lane. The building that had occupied the site was known as The Chapel. The building had not been in use for a number of years prior to demolition and was in a dilapidated state with an overgrown, unkempt appearance and surrounding. There is a vehicular access onto Hall Lane at the south-eastern corner of the site which is currently blocked to prevent trespass by vehicles. There are numerous trees, mainly to the boundaries of the application site. The site is within an area of Metropolitan Green Belt. Ground levels rise to the north and has a site area is 0.093 ha.
- 1.2 With the exception of the adjoining "Meadowbanks" Care Home (which replaced a farm house - "Tyes Farm"- and commercial barns/outbuildings), the surrounding area is mainly open fields with some sporadic residential development fronting onto Hall Lane. Cornsland Close is a more intensive residential development to the south-east of the application site which replaced a substantial Abattoir building. All of which are located within an area of Metropolitan Green Belt.

5. Description of Proposal

- 5.1 The proposal is for the erection of a 2-bedroom bungalow with a separate single garage. The proposed property would be located 11.95m from the rear edge of the highway on the eastern side, between 9.8m - 11.9m from the rear boundary on the west, 5.9m from the northern boundary, and between 7.6m – 9.1m from the southern boundary of the application site. The proposed garage would be located between the proposed bungalow and the southern boundary, being set of the boundary by 1.5m and 3.5m from the property.
- 5.2 The proposed property would be 12.8m wide and a maximum of 13.9 m deep. It would have hipped, pitched roofs with a maximum ridge height of 5.4m above ground level. It would have two ensuite bedrooms, a lounge, kitchen and utility room, dining area and then a lobby area with separate a separate WC and coat room. There will be a chimney breast to the north side of the property, Velux windows on the rear roofs and an open porch area with pitched roof over the entrance door to the front.
- 5.3 The proposed detached garage would be located to the south side of the property, set back from the front building line by 3.2m. It will be 3.5m wide and 6.4m long with a roof ridge height of 3.6m above ground level. It is proposed to provide front boundary railings to a maximum height of 1.5m.

6. History

- 6.1 P1436.12 Demolition of existing chapel, change of use to residential use and construction of new two-storey dwelling with garage block on the site was refused 14/03/2013. The application was refused because it was considered that the proposal did not present the very special circumstances needed to warrant a departure from policy. Additionally the proposal was rejected due to the height, bulk and mass, which was deemed unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary and the final reason for refusal was that the development would result in the loss of a community facility (The Chapel Building).
- 6.2 Following the refusal of planning permission a separate Prior Approval Building Control application was made for demolition which was passed and the previous building has since been demolished.

7. Consultations/Representations

- 7.1 5 neighbouring occupiers were notified of the proposal, to which no responses were received.
- 7.2 London Fire Brigade Water Team raised no objection to the scheme.
- 7.3 The Metropolitan Police Crime Prevention Design Advisor has written and requested that an informative be attached to the application should it be approved relating to Secure by Design principles.

7.4 The Highway Authority has also requested that an informative be attached to notify the owner/developer that planning approval does not constitute approval for changes to the public highway.

8. **Staff Comments**

8.1 The issues in this case are the principle of development, including development within the green belt, the impact on openness in the Green Belt, the impact in the streetscene and residential amenity, highways/parking and trees. Policies CP1, CP8, CP14, DC2, DC3, DC26, DC45, DC61 of the LDF Core Strategy and Development Control Policies DPD. The SPD on Residential Design, Landscaping and Planning Obligations. London Plan Policies 3.3, 3.5, 5.3, 7.4, 7.6, 7.16 (Green Belt), 7.18, 7.21 as well as the National Planning Policy Framework (NPPF) are applicable.

8.2 *Principle of Development*

8.2.1 Whilst the previous building on the site had provided a community facility given that this building had fallen in to significant disrepair and not be in use for over 10 years it is considered that this use on the site had already been lost and therefore erecting a dwelling and providing an alternative use of the site is not considered to be contrary to Policy CP8 of the LDF

8.2.2 The NPPF sets out the five purposes of Green Belt designation. These five points look to protect the openness and character of the Green belt and preserve it from sprawl from urban areas.

8.2.3 The assessment of proposals in the Green Belt is a two stage process. Firstly the decision maker must consider whether the development is appropriate development in the Green Belt and secondly if it is deemed inappropriate if there are very special circumstances to permit the development.

8.2.4 Policy DC45 (supported by the NPPF and The London Plan Policy 7.16) indicates that residential development of existing undeveloped sites within the green belt is inappropriate development by definition harmful to the openness of the green belt. However the application site has previously been developed and although the proposal is for an alternative use to the previous the proposed building will have a reduced height to the previous and proposes only a minimal increase in footprint.

8.2.5 In addition, consideration is to be made as to whether the proposal creates other additional harm caused by the physical impact on openness, on visual amenity in the streetscene and on residential amenity.

8.3 *Green Belt Considerations*

8.3.1 The proposal would result in the provision of a property and single garage along with hard and soft landscaping around the property. It would be single storey and slightly lower than the previous building on site. The proposed garage would be set to the south side of the property and set back from the front of the

building line to make it more subservient when viewing the property from Hall Lane. Given that the bungalow and garage will replace a previous building on site with only a minimal increase in footprint and a reduction in height, it is considered that the proposal will not have a significant impact on the openness of this site and be a neutral development in the Green belt.

8.3.2 The vehicle entrance to the site is existing, albeit currently overgrown, therefore not introducing a new feature to the site. Whilst the proposed paved driveway and railing could risk urbanising the site by adding a condition to the approval for details of materials this provides control over the suitability of the materials to be used. However given the proposal is for railings along the front boundary this will allow bushes/shrubbery to grow through helping to soften the boundary and overall appearance of the site.

8.3.3 The NPPF indicates when considering conversions to existing properties that the knock-on impact of development should be taken into account when assessing the likely impact on openness of the green belt. It is considered that for new development the same would apply. Paragraph 88 of the NPPF also states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt." However given the site has previously been developed and the replacement development is of a similar scale and height it is not considered to bring about a loss of openness on this Green Belt site.

8.3.4 It is also proposed to attach a condition to the approval removing the permitted development rights of the property to ensure that no further development takes place on the site without Council approval. This will act to protect the openness of the site and the Green Belt.

8.3.5 It is considered that no significant harm would be caused to the openness and character of the Green Belt at this location in accordance with Policy DC45 and the NPPF.

8.4 *Density/Site Layout*

8.4.1 The proposed layout of the development will bring an increased set back from the highway compared to the previous building as well a reduction in height with only a 10sq^m increase in internal floorspace. It is also proposed to erect a garage with an internal floorspace of 19sq^m.

8.4.2 The garage will be to the side of the property, off the southern boundary of the site. In the previous application, which was refused, a double garage was proposed to the north east of the site in front of the proposed building line of the dwelling and with only a 4.2m set back from the back of the highway. Whilst this application therefore proposes an increase in the density of development on the site it also proposes a more sensitive layout to the openness and character of the Green Belt area.

8.5 *Design/Impact on Street/Garden Scene*

8.5.1 The proposal is for a bungalow and garage, the bungalow would have hipped, gable and pitched roofs and the garage would have a gable roof design. There will be large gardens to the front and rear of the property as well as proposed landscaping along the front boundary and the existing screening to the rear and side boundaries would be mainly retained. The bungalow being only single storey would also be a reduction in height compared to the previous Chapel building.

8.5.2 Architecturally, the proposed dwelling will be constructed predominantly of brick with a render finish to the upper half of the outer walls and a clay tiled roof. Further visual interest is added through the use of timber door and window frames and a chimney breast on the northern wall to the east side for the 'lounge' room. This will provide a dwelling that responds well to similar properties in the vicinity and will not make it an over dominant addition along Hall Lane.

8.5.3 Along the front boundary facing on to the highway it is proposed to construct a 1.5m high railing with double gate for vehicle access. The railing will allow for an open view into the site and also the option of landscaping to grow through the railings to soften the appearance of the boundary.

8.5.4 The Residential Design SPD indicates that new residential development should respect the character of the existing area in terms of scale, set back, garden size etc. When compared with other existing residential properties along this stretch of Hall Lane going towards Warley Road the proposal is of an appropriate scale and character and therefore considered to have an acceptable impact on the streetscene.

8.5.5 Taking in to account of the above the proposed development is therefore considered to be compliant with policy DC61 of the LDF as an acceptable proposal in terms of design and impact on the street and garden scene.

8.6 *Impact on Amenity*

8.6.1 The nearest residential use is the Care Home to the south-west of the application site. Given the distances involved, a minimum of 50m and that it is proposed to retain the existing conifers to the rear boundary, it is not considered that there would be any loss of residential amenity associated with the proposed development.

8.7 *Highway/Parking/Servicing*

8.7.1 The proposal retains the existing access on to the highway and also provides 2 parking spaces and a turning area within the application site which would meet highway requirements. There are no highway objections to the proposal.

8.8 *Landscaping*

8.8.1 The proposal includes details of the proposed landscaping scheme to the front and rear of the site and at the boundary with the highway. A paved driveway is

also proposed to the front of the property leading to the garage on the south side of the site and a paved patio to the rear of the property. Due to the location of the site within the Green Belt and its proximity to the Community Forest (rear of the site) it is considered necessary to add a condition to the approval requesting a detailed landscaping scheme including species to ensure both the hard and soft landscaping represent this character of the area and not an urban garden in accordance with the Landscaping SPD. This will also be the case for the boundary treatment to the front of the site.

9. *Unilateral Undertaking*

9.1 The SPD on Planning Obligations indicates that the proposal would result in infrastructure costs which should, at least in part, be borne by the development itself. In this case a rate of £6,000 applies. Given that the scheme is considered to be acceptable in Green Belt terms the applicant will be entering into a unilateral undertaking to agree to provide the necessary contribution.

10. *Mayoral CIL*

10.1 The proposal is for a new dwelling which is liable for Mayoral CIL. The total gross internal floorspace created is 121.3 sq.m. At £20 per sq.m the liability is for £2,426.

11. Key Issues/Conclusions

11.1 The proposal is for the erection of a bungalow and separate garage along with hard and soft landscaping and boundary treatment following the demolition of a building on the site earlier this year. It is considered that the proposal would not result in harm to the Green Belt or impact negatively on the visual amenity of the area. Neither would it detract from the openness and character of the surrounding area and Metropolitan Green Belt and therefore is compliant with LDF and National Policies and as such should be approved.

IMPLICATIONS AND RISKS

Financial implications and risks:

Legal implications and risks:

Human Resources implications and risks:

Equalities implications and risks:

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 22 August 2013.