



REGULATORY SERVICES COMMITTEE

3 November 2011

REPORT

Subject Heading:

L0008.11 & P0529.11 – Upminster Court, Hall Lane, Upminster

Provision of new access driveways from Hall Lane with new access gates and railings to site frontage (Applications received 8th and 14th April 2011 with revised plans received 21st September 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

- | | |
|---|-------------------------------------|
| Ensuring a clean, safe and green borough | <input checked="" type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns and villages | <input type="checkbox"/> |
| Value and enhance the life of our residents | <input type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This proposal relates to Upminster Court, a Grade II listed building on the western side of Hall Lane. Listed building consent and planning permission is sought for the creation of two new access driveways from Hall Lane and the creation of new gates, walling and railings to the site frontage. The formation of the two new access driveways and front boundary treatment is considered to be acceptable and would not, in staff's view, detract from the setting of the listed building nor its registered gardens.

In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to the satisfactory completion of a Section 106 Agreement and conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed under Section 106 of the Town and Country Planning Act 1990 (as amended) to include a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10th June 2010 pursuant to Planning Permission reference P2370.07.

Recommendation A – In relation to planning application P0529.11

That Staff be authorised to enter into a legal agreement to secure a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10th June 2010 pursuant to Planning Permission reference P2370.07 and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be

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acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. Materials – Full details of all materials, including samples, to be used in the construction of the boundary walling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: To preserve the character and integrity of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

4. Provision of sample panel - No work to construct the front boundary wall hereby permitted by this consent shall take place until details of the proposed brick bond, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel (1 metre by 1 metre in area) which shall be approved in writing by the Local Planning Authority. The rebuilding of the wall shall be carried out in strict accordance with the agreed sample panel. Following completion of the development the sample panel can be removed.

Reason: To preserve the character and appearance of the Listed Building and its setting.

5. Method statement - Before any works to refurbish the listed gates and piers commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Method Statement. The Method Statement shall include details of the areas in which bricks will be replaced, and repairs to be undertaken to the limestone coping and detailing. It shall also include contact details for the contractor who will undertake repairs to the gates if they are to be removed from site. The works shall thereafter be carried out in accordance with the approved statement.

Reason: To preserve the character and appearance of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

6. Landscaping - Within three months from the date of this permission there shall be submitted to and approved by the Local Planning Authority a scheme of soft landscaping to mitigate for the loss of preserved trees. All planting, seeding or turfing comprised with 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 LDF Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. The applicant is advised that in preparing the Method Statement as required by condition 5 above that only hand tools shall be used in the repair and repointing of the brick wall and limestone coping. Further advice in respect of the contents of the Method Statement can be obtained from the Borough's Heritage Officer.

2. Reason for Approval:

It is considered that the application satisfies the relevant criteria of Policies CP17, CP18, DC45, DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to be in accordance with the provisions of Planning Policy Statement 5 - Planning for the Historic Environment.

2. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

Recommendation B – In relation to listed building consent L0008.11

That Staff be authorised to enter into a legal agreement to secure a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10th June 2010 pursuant to Planning Permission reference P2370.07 and upon completion of that agreement, grant listed building consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. Materials – Full details of all materials, including samples, to be used in the construction of the boundary walling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: To preserve the character and integrity of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

4. Provision of sample panel - No work to construct the front boundary wall hereby permitted by this consent shall take place until details of the proposed brick bond, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel (1 metre by 1 metre in area) which shall be approved in writing by the Local Planning Authority. The rebuilding of the wall shall be carried out in strict accordance with the agreed sample panel. Following completion of the development the sample panel can be removed.

Reason: To preserve the character and appearance of the Listed Building and its setting.

5. Method statement - Before any works to refurbish the listed gates and piers commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Method Statement. The Method Statement shall include details of the areas in which bricks will be replaced, and repairs to be undertaken to the limestone coping and detailing. It shall also include contact details for the contractor who will undertake repairs to the gates if they are to be removed from site. The works shall thereafter be carried out in accordance with the approved statement.

Reason: To preserve the character and appearance of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

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1. The applicant is advised that in preparing the Method Statement as required by condition 5 above that only hand tools shall be used in the repair and repointing of the brick wall and limestone coping. Further advice in respect of the contents of the Method Statement can be obtained from the Borough's Heritage Officer.

2. Reason for Approval:

It is considered that the application satisfies the relevant criteria of Policies CP17, CP18, DC45, DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to be in accordance with the provisions of Planning Policy Statement 5 - Planning for the Historic Environment.

2. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (d) Necessary to make the development acceptable in planning terms;
- (e) Directly related to the development; and
- (f) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 Upminster Court is located on the western side of Hall Lane. It is bounded by River Drive to the north, open land to the west and Ruskin Avenue and Masefield Drive to the south. The site comprises approximately 2.7 hectares in total and forms part of the Metropolitan Green Belt.
- 1.2 Upminster Court, its Stable Block and the Entrance Piers and Gates are individually Grade II listed buildings; the Gardens are Grade II Registered. The house, outbuildings and gardens were designed as a piece by Professor Charles Reilly, and constructed in 1905-6. The property is a substantial country house in free English Renaissance style originally built as a private residence for the engineer and industrialist Arthur Williams – Director of Samuel Williams & Son Ltd, of Dagenham Dock. It was reportedly used as a Court House, and by 1939 its residential use had ceased and it was converted to offices. It was later used to house refugees during WWII. In 1946 the property was acquired by Essex County Council as Education Offices, and, although ownership transferred to Havering Council in 1965, this use continued until 1974 when it was converted to a

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short stay Respite Care Home for Older People with borough nursery in the gardens.

- 1.3 The building was subsequently declared surplus to requirement in December 1990 with residents being transferred to other facilities. From around this time it was used as a training centre for London Borough of Havering staff until 2006 when the building closed and the Council disposed of the site.
- 1.4 The garden and grounds to Upminster Court are included on the Register of Parks and Gardens of special historic interest in England, recorded as Grade II and are the only statutorily registered gardens in Havering. The site is also subject to Tree Preservation Order 23/05.

2. Background Information

- 2.1 In July 2009 planning permission and listed building consent was granted for a change of use of Upminster Court to a mixed use of a training centre and associated overnight accommodation. In addition consent was also granted for a new subterranean office to the southern side of the main building, a change of use of the Coach House for manager's accommodation, the erection of a pair of semi-detached dwellings to the Hall Lane site frontage for staff use, tennis courts and other more minor works including the rebuilding of the front boundary wall. Work is currently ongoing on site but nearing completion.

3. Description of Proposal

- 3.1 This report concerns listed building consent application reference L0008.11 and planning application reference P0529.11.
- 3.2 Retrospective permission is sought for the formation of two new access driveways from Hall Lane into the site. The purpose of the new access driveways is to enable the introduction of an 'in' and 'out' access arrangement. The original access road adjacent to no. 131 Hall Lane has now been removed and the ground here is to be landscaped to provide a buffer to this property. A new access has been formed 13.5 metres from the southern site boundary. The access is 3.5 metres in width and runs for a length of approximately 40 metres from Hall Lane to join up with the internal roadway. The second new access drive is located approximately 47 metres from the northern site boundary and also has a width of 3.5 metres. The access runs for a length of approximately 48 metres from Hall Lane to join up with the internal roadway. In total there are four access roads into the site, two forming the 'in/out' access, the central drive is to be largely for decorative purposes and the existing roadway to the north end of the site which serves the Stable Block. The new access drives have been constructed in tar and chip 10mm aggregate with a 25mm loose aggregate finish.
- 3.3 Planning permission and listed building consent has previously been given for the partial demolition and replacement of the front boundary wall and

railings which is deemed to be structurally unsound. The main differences between these applications and those approved previously are that the front boundary railing design has been revised and the radius of the southern access drive where it joins the internal road has been increased. The mouth of the southern access drive has also been increased in width from that previously approved in order to improve access for service vehicles.

- 3.4 The proposed front boundary treatment would cover a length of approximately 175 metres and comprise sections of low wall of 0.4 metres in height topped by metal railings. Given a change in ground levels across the site the proposed front boundary wall and railings would be staggered in height stepping down with the levels from north to south. The proposed railings would have a maximum height of 2.1 metres and be topped with obelisk finials. At the point where the front boundary treatment would meet the access driveways the proposed railings would abut brick piers with coping stones of 2.6 metres in height. Metal gates would be provided between the brick piers with a height of 2.5 metres. The central historic entrance piers and gates (which are listed in their own right) would be retained.

4. Relevant History

- 4.1 L0018.07 and P2370.07 – Change of use of training centre to a mixed use of training centre and associated overnight accommodation comprising 12 no. bedrooms. Change of use and extension of Coach House to provide managers' accommodation and facilities ancillary to training centre. Demolition of existing bungalow and erection of a pair of semi detached dwellings with detached double garage for staff use. Provision of subterranean office accommodation at side of main building. Infill single storey extension to main building at front to provide refectory. Erection of new and rebuilding of existing greenhouse. Provision of 3 no. tennis and multi use games court. Resurfacing of car park. Alteration to access drives and internal roads. Rebuilding of front boundary wall and railings. Installation of boundary and security fencing – Approved.
- 4.2 L0001.10 and P0107.10 - Demolition of existing dwelling at No. 135 Hall Lane and construction of 2 no. detached bungalows adjacent to the Coach House. Provision of new access driveways from Hall Lane with new access gates and railings to site frontage – Refused
- 4.3 L0006.10 and P0681.10 - Provision of new access driveways form Hall Lane with new access gates and railings to site frontage - Approved

5. Consultations/Representations

- 5.1 The application was advertised and notification letters sent to 81 adjoining properties with no letters of representation being received.
- 5.2 English Heritage has advised that the application should be determined in accordance with national and local planning policy guidance.

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- 5.3 The London Fire and Emergency Planning Authority advise that the access road width between the gate posts should be a minimum of 3.1 metres. The proposal indicates a width of 3.2 metres.

6. Relevant Policies

- 6.1 Policies CP17 (design), CP18 (heritage), DC32 (the road network), DC33 (car parking), DC36 (servicing), DC45 (green belt), DC58 (biodiversity), DC60 (trees and woodland), DC61 (urban design), DC63 (safer places) and DC67 (buildings of heritage interest) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 6.2 Policies 7.4 (local character), 7.8 (heritage assets and archaeology), 7.16 (green belt) and 7.19 biodiversity and access to nature) of the London Plan are relevant.
- 6.3 National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Guidance Note 2 'Green Belts' and Planning Policy Statement 5 'Planning for the Historic Environment' is also relevant.

7. Staff Comments

- 7.1 This proposal is put before the Committee due to a deed of variation being required for a previous Section 106 legal agreement. The main issues to be considered by Members in this case are the impact upon the character and setting of the listed building, the loss of trees, the character and appearance of the Green Belt, the street scene and adjoining residential occupiers together with highways issues.
- 7.2 Listed Building Implications
- 7.2.1 Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within PPS 5 advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 7.2.2 The setting of a listed building is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. As explained in further detail in the site description section of this report, the house, stables and gardens date from 1905 and were designed as one piece. Although some elements of the original design were not built or have been altered over time, the essential character of the site remains: a substantial country house set within its own gardens with ancillary structures planned and built as one.
- 7.2.3 This application seeks permission for the retention of new access driveways into the site from Hall Lane which have enabled the introduction of an 'in'

and 'out' access arrangement. The original access road adjacent to no. 131 Hall Lane has now been removed and the ground here is to be landscaped to provide a buffer to this property. A new access, to replace the original one, has been formed 13.5 metres from the southern site boundary. A further new access drive has been constructed approximately 47 metres from the northern site boundary. Whilst it is acknowledged that the new access driveways have altered the existing appearance of the front portion of the site Members previously judged that this does not adversely affect the listed building, its setting or the surrounding the historic gardens. The access roads whilst not an original feature of the site, in staff's view suitably maintain the character and appearance of the site as their formation complements the original site layout and design.

7.2.4 As stated above this application varies from those previously approved in that the radius of the southern access drive where it joins the internal road has been increased. The mouth of the southern access drive has also been increased in width from that previously approved in order to improve for access service vehicles. Staff are of the view that the differences from the previous approval are acceptable and would not be harmful in listed buildings terms.

7.2.5 The removal of the existing front boundary walling and railings and their replacement has previously been found to be acceptable owing to their structurally unsound condition. The proposed boundary walling and railings would be of a different design as those previously approved under application references P2370.07 and L0018.07. Research carried out by the applicant with regards to boundary treatments of the period within which Upminster Court was built has informed the design of the replacement wall and railing. The design and layout of the proposed boundary treatment is considered to be acceptable and would respect the historic origins of the site. The central historic entrance piers and gates (which are listed in their own right) would be retained as part of this proposal and permission has previously been given for their repair.

7.3 Planning Implications

7.3.1 For a number of years the main vehicular access into the site was via a roadway to the southern end of the site adjacent to no. 131 Hall Lane. This roadway has recently been removed and used to pass into the site in close proximity to the flank wall and garden area of no. 131. Given the proximity of this access road to the neighbouring property it used to result in some disturbance from vehicle noise. The formation of a new access road further away from no. 131 is judged to have improved the situation with regard to noise disturbance. The submitted plans indicate that the ground where the original access road passed will be soft landscaped thus providing a decent buffer which would help to reduce the impact of passing vehicles. In other respects the newly formed access roads would not result in any further amenity implications.

7.3.2 The application site is subject to a Tree Preservation Order. The access road to the northern end of the site has resulted in the removal of one

mature lime tree protected by TPO. The tree formed part of a group (G4) of limes fronting the driveway adjacent to the refectory area to the northern side of the house. Permission to remove the tree was given via the previous planning application (P0681.10). Although the trunk of the tree was outside of the roadway the Council's Tree Officer took the view that the close proximity of the roadway would have probably resulted in the tree dying.

- 7.3.3 To the southern end of the site the newly formed driveway has been positioned to protect the group of mature lime trees in group G9 running in a row parallel to the boundary in an east to west direction. The road has however resulted in the loss of a single mature lime tree within group G8 and three individual smaller trees (a rowan T20, a walnut T21 and a cherry T29). The loss of these trees was considered as part of the previous application and judged to be acceptable.
- 7.3.4 The position of the new access roads was chosen to purposely reduce the impact on trees and staff are of the view that the routes adopted into the site are the most appropriate in this respect. The chosen route of each road is such that no mature trees have been lost to the site frontage. The two mature lime trees which have been lost are positioned towards the centre of the site and as such their removal has resulted in a minimal impact on public amenity. As part of the wider planning permission for the site (P2370.07) there was a requirement that the applicant produce and implement a landscaping scheme and a longer term management plan for the grounds. In addition to the wider landscaping scheme staff are of the view that it is reasonable to impose a planning condition to specifically seek replacement planting to mitigate for the trees already removed as a result of the new access roads being constructed.
- 7.3.5 The whole of Upminster Court and its grounds are located within the Metropolitan Green Belt where there is a general presumption against inappropriate development. The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. According to PPG 2, the carrying out of engineering operations are inappropriate development unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt. Where development is considered inappropriate, very special circumstances should be put forward to justify the development in the Green Belt. This proposal seeks retrospective permission for the formation of two new access roads which is an engineering operation which is not specifically listed in PPG 2 within the categories of development deemed to be appropriate in the Green Belt. As such, very special circumstances are required to justify what would otherwise be inappropriate development, together with any other harm which may arise (such as visual harm for example). PPG 2 advises that such circumstances will only exist where the in principle inappropriateness and any other identified harm are clearly outweighed by material considerations.
- 7.3.6 In granting planning permission and listed building consent for the wider redevelopment of the site (application reference L0018.07 & P2370.07) Members considered the following formed very special circumstances in

green belt terms. Firstly the applicant put forward a case that the proposal would reuse a listed building and result in significant improvement to its appearance and general condition. Work in this respect is currently ongoing on site and will eventually result in the restoration of the entire building along with the removal of many unsympathetic alterations carried out prior to the listing of the buildings in 1979. The second component of the very special circumstances case for the wider permission concerned the applicant's intention to produce and implement a landscape management plan for the historic gardens. The production of this plan was secured via a legal agreement and has been agreed. Staff are of the view that the implementation of this management plan will ensure that the presently neglected gardens are returned to their original glory.

7.3.7 Staff are of the view that the reconfiguration of the access roads will contribute to the above by supporting the long term reuse of the site. The new driveway configuration will also enable the applicant to improve the existing access arrangements in a manner which will improve highway safety onto Hall Lane, circulation within the site and servicing by larger vehicles. Having regard to the above staff consider that a sufficient case of very special circumstances exist to grant permission. Indeed Members accepted this case of very special circumstances in approving the previous application.

7.3.8 The proposal would see the existing front boundary wall and railings rebuilt. In view of this and the fact that permission has already been granted for a similar proposal staff are of the view that this aspect of the application would not pose a greater impact on the character or openness of the Green Belt.

7.3.9 The alteration of the access arrangements to provide an 'in' and 'out' drive has resulted in an improvement on the previous situation in highway terms. The application raises no other highway issues with suitable visibility splays being shown beyond the proposed front boundary treatment.

7.3.10 The replacement of the existing front boundary wall and railings would, in staff's view, pose no greater impact on the street scene or neighbouring residential properties than that previously approved.

8. Conclusion

8.1 Having regard to all relevant factors and material planning considerations staff are of the view that these applications seeking retrospective permission for the newly formed access driveways and proposed replacement front boundary treatment are acceptable. Staff are of the view that the proposal would not be materially harmful to the setting of Upminster Court nor the wider area. The new driveways have resulted in the loss of several trees from within the site although this was previously judged to be acceptable and can be mitigated through replacement planting elsewhere on the site. The proposal is considered to be acceptable in all other respects and it is therefore recommended that listed building consent and planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms, plans and supporting statements received on 8th and 14th April 2011 with revised plans received 21st September 2011.