



REGULATORY SERVICES COMMITTEE REPORT

1 December 2011

Subject Heading:

P1401.11 – Former Ruskins Site, St. Mary's Lane, Upminster

Demolition of existing class B8 warehouse and associated hard surfaces and erection of three detached dwellings with detached garages and landscaping (application received 13/09/2011).

Report Author and contact details:

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Policy context:

Local development Framework

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This proposal is put forward before the committee due to the development requiring a legal agreement to revoke a previous planning permission on the site. Allowing for margins of judgement, Staff consider the proposals to be acceptable, subject to a legal agreement to revoke a previous planning permission. It is therefore recommended that planning permission be granted.

RECOMMENDATIONS

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

- The revocation of planning permission P1810.10 to include the removal of the existing barn, the removal of the ancillary hard standing and the placement of restrictions on the future use of the site.
- Agreement that no compensation shall be sought by the developer in respect of the revocation of planning permission P1810.10 to include the removal of the existing barn, the removal of the ancillary hard standing and the placement of restrictions on the future use of the site.
- Agreement that part of the site reverts to its prior authorised use as an area of open Green Belt to be used for agricultural purposes.

1. 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. 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 Development Control Policies Development Plan Document Policy DC61.

3. Before the building(s) hereby permitted is first occupied, provision shall be made for 6 x No. off-street car parking spaces for use by Plot 1, 2 and 3 and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason:-

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

5. 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted 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.

7. The proposed following windows shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

- 1) First floor flank windows to en-suite bathroom on Plot 1.
- 2) First floor flank windows serving we-rooms to Plots 2 and 3.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent revisions Article 3, Schedule 2, Part 1, Classes A, B, C, D, E or F no extensions, roof extensions or roof alterations or hardstanding shall take place and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwelling shall take place 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. No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

10. 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 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:-

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

11. 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 this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

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

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement 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:

To protect those engaged in construction and occupation of the development from potential contamination.

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

Reason:

In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the Development Control Policies Development Plan Document Policy DC61.

13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason:-

The development of this site may affect archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design for the archaeological evaluation of the site. This design should be in accordance with the appropriate English Heritage guidelines.

14. The roof lights permitted shall be in a conservation style, fitting as flush to the plane of the roof as possible. Details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason:-

To preserve the character and appearance of the Cranham Conservation Area.

15. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority samples of hard surfacing to be used in the driveways and pathways for Plots 1,2 and 3.

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.

16. Before any of the development hereby permitted is commenced, detailed drawings or samples as appropriate, in respect of the following shall be submitted to, and approved by the Local Planning Authority and thereafter the development shall be constructed with the approved materials and details.

- a) roof tiles
- b) windows and doors
- c) rainwater goods
- d) render and weatherboarding
- e) bricks

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.

17. 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 for Plot 1, 2 and 3, 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:-

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.

19. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the open area of Green Belt 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:-

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.

18. The existing barn building shall be demolished and the existing hard surfacing taken up in its entirety and the materials arising there from fully removed from the site prior to the commencement of the development hereby approved.

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.

INFORMATIVES

INFORMATIVE:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC36, DC45, DC61, DC63, DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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.

3. The applicant is advised that the London Fire Brigade require the developer shall install a private fire hydrant within the site, to the front of Plot 1. This hydrant is to be numbered P112058 and will conform to BS750: 1984 and be indicated with a hydrant indicator plate conforming to BS3251:1976. Upon completion of works, this fire hydrant the surrounding areas should meet flush with the hydrant's frame and cover and the pit should be clear of any debris.
4. In aiming to satisfy condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ. It is the policy of the Local Planning Authority to consult with the Borough CPDA in discharging of community safety condition(s)

REPORT DETAIL

1. Site Description

- 1.1 The site lies to the south of St. Mary's Lane and is bordered by 'The Chase' to the east and a school to the west. North of the site are residential two storey dwellings, and south to the site is open Green Belt Land. The entire

site is designated as part of the Metropolitan Green Belt and also part of the Cranham Conservation Area.

- 1.2 The site has gated access from St. Mary's Lane and comprises a detached rectangular shaped building measuring 11.6m deep by 41m wide and finished in green corrugated metal with pitched roof; it is set relatively centrally within the site and borders a car park with access road onto the public highway located on the western edge of the site. There is an additional vehicular access onto the site which is not in use. The site is generally flat, although the building lies directly adjacent to a ditch and there are grassed mounds set to the west of the site which partially screen the building when viewed from the west.

2. Description of proposal

- 2.1 Planning permission is sought for the demolition of the existing barn structure, removal of existing hard surfacing and the construction of three detached dwellings.
- 2.2 Plot 1 is accessed from The Chase. This is arranged at ground floor with kitchen, lounge, dining room and study. At first floor there are 4 bedrooms, 3 bathrooms. Within the roof space there is a fifth bedroom and bathroom/dressing room. This dwelling measures a maximum of 15.7m wide, 10.46m deep and 8.7m high.
- 2.3 Plots 2 and 3 are identical with plot 2 accessed from The Chase and Plot 3 accessed from St. Marys Lane. These are arranged at ground floor with kitchen, dining room, lounge and study. At first floor there are 4 bedrooms, 3 bathrooms, storage room and within the roof space there is further bedroom. These measure a maximum of 13.5m wide, 11.4m deep and 9m high. Each dwelling has a defined residential curtilage.
- 2.4 Each dwelling is proposed to have a detached garage, measuring 5m deep, 5m wide and 5.3m high to a fully pitched roof. The garage is arranged as a single room structure with double entrance door and single door on the flank elevation and window to the other.
- 2.5 The existing vehicular entrance, gates and associated signage from St. Marys Lane into the site and the associated hard standing removed.
- 2.6 The remainder of the site would be returned to open Green Belt and landscaped with native trees. This is labelled as a meadow land on the submitted plans.
- 2.7 This application runs alongside C0003.11 which seeks Conservation Area Consent for the demolition of the existing barn.

3. Relevant History

3.1 C0003.11 - Conservation Area Consent for demolition of existing Barn - currently under consideration

P1810.10 - Retention of exiting fire damaged barn - approved

P1002.06 - Multi purposes driving test centre - refused

P0778.06 - Multi purpose driving test centre - withdrawn

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 31 properties. 2 representations were received in support of the application.

4.2 A site notice was displayed advertising a development within the Green Belt and Cranham Conservation Area.

4.3 The Council's Heritage Officer recommends approval of the application.

4.4 English Heritage request archaeological investigation conditions.

4.5 The Highways Authority have no objections.

4.6 The London Fire Brigade require the installation of a private fire hydrant.

4.7 Environmental Health require the submission of a land contamination report.

5. Relevant Policies

5.1 Planning Policy Guidance Note 2 (Green Belts), PPG3 (Housing), PPS5 (Planning for the Historic Environment) and Policies DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC36 (Servicing), DC45 (Appropriate Development in the Green Belt), DC61 (Urban Design) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies DPD are considered relevant.

5.2 The Adopted Residential Design SPD and Heritage SPD is also relevant.

5.3 Policies 3.3 (increasing housing supply), 3.8 (housing choice), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.16 (green belt) of the 2011 London Plan are also relevant.

6. Staff Comments

6.1 This proposal is put forward before the committee due to the requirement of a legal agreement, revoking a previous planning permission and nullifying the use of the land on the site. The issues for Members to consider are the impact that the demolition of the existing building and removal of associated hardstanding and construction of three dwellings and creation of open

Green Belt land has upon its Green Belt and Conservation Area setting, amenity and highway implications.

6.2 Principle of Development

6.2.1 The site is situated within the Metropolitan Green Belt where development is restricted in order to restrict the sprawl of urban settlements, safeguard the countryside from encroachment and preserve the setting and character of historic towns.

6.2.2 PPG2 and Policy DC45 state that planning permission will not be granted for development which has an impact on the openness or character of the Green Belt. Where development is contrary to the provisions of PPG2 and DC45, or where development is judged to be harmful to the character of the Green Belt, the applicant should provide very special circumstances to justify the proposal.

6.2.3 The application site also forms part of Cranham Conservation Area, a historic rural hamlet. PPS5 recognises the value of heritage assets and the wider historic environment and states in paragraph HE7.2 that Local Planning Authorities should take into account and consider the impact of a proposal on the nature and significance of the heritage asset i.e. the Conservation Area. Development should therefore be sympathetic and consider its particular context. LDF Policy DC68 also states that development will only be granted where it preserves it makes a positive contribution to the Conservation Area.

6.2.4 Paragraph 3.2 of PPG2 states that inappropriate development, by definition, is harmful to the character of the Green Belt. New dwellings are not included within the appropriate uses in the Green Belt and are therefore inappropriate in principle. Paragraph 3.15 of PPG2 further states that visual amenities of the Green Belt should not be injured by proposals and care should be taken to minimise the impact of development.

6.2.5 Where proposals include inappropriate development, the demonstration of very special circumstances is required in order to justify the proposals.

6.2.6 The existing barn has been approved under application reference P1810.10. The proposal here is for the demolition of this barn and for the construction of three detached dwellings with associated garages and landscaping. There is a corresponding Conservation Area application for the demolition of this structure (reference C0003.11).

6.2.7 The proposals constitute inappropriate development. Prior to the appraising of the very special circumstances which are being promoted in this case, the impacts of the scheme must be assessed.

6.3 Green Belt Implications

- 6.3.1 The barn is located centrally within the site and is highly visible in the St. Mary's Lane streetscene, where there is little boundary treatment, except for some shrubs and broken sections of fencing. When viewed from The Chase to the east the barn is not visible due to the thick boundary treatment and adjacent property Lodge Cottage. The barn is visible from the agricultural fields to the rear of the site, where there are large gaps in the boundary screening.
- 6.3.2 The barn is clad in green metal sheeting and is well set back from St. Mary's Lane and therefore is not considered to be intrusive in the streetscene but its sheer size creates a dominance within the site and represents a break in character from the residential and open Green Belt surroundings and creates a commercial character which is out of keeping with the rural locality.
- 6.3.3 In Green Belt terms, although directly to the south of the site is open agricultural land with clear views; St. Mary's Lane is more developed in character, characterised by a mixture of tightly positioned dwellings. The Chase is rural in character but has cleared defined residential plots to the east towards All Saints Church. Similar, the adjacent school to the west is highly visible and does not form part of the established open character of the Green Belt. The proposals include landscaping to all proposed residential boundaries and frontages and landscaping of the proposed meadow.
- 6.3.4 The dwellings would be visible from both St. Marys Lane and The Chase however; Staff consider that for the reasons given below, they would be acceptable and result in an improvement to the openness of the Green belt.
- 6.3.5 Permission was given for the retention of the existing barn under application P1810.10 with the completion of a S106 agreement to revoke a previous planning permission on the site (P1308.04) for the construction of another barn. The proposals here include the demolition of the approved barn and erection of three residential dwellings with a large open area of Green Belt land. Staff consider that given the size of the site and the potential for conflicting uses it is considered that to justify the residential dwellings and formally remove all commercial activity from the land a legal agreement is necessary which revokes P1810.10 without compensation, and nullifies the use of the open area of Green Belt to be created so that it returns to agricultural land.

6.4 Conservation Area Implications

- 6.4.1 The site forms part of the Cranham Conservation Area. This is notable for its open views across the Green belt and its tightly knit group of buildings, including a central group of listed buildings that stem from The Chase. These are All Saints Church (Grade II), railed tomb to the west of the church (Grade II), Cranham Hall (Grade II) and Cranham Hall garden walls (Grade II). Cranham Hall Farm is additionally locally listed.

- 6.4.2 The existing barn is located at the northern most point of the Conservation Area and marks its entrance from St. Marys Lane. The Cranham Conservation Area Character Appraisal recognises that the entrance to the Conservation Area is in need of improvement.
- 6.4.3 Plot 1 is accessed from The Chase. This dwelling is arranged with a central entrance enclosed by an open porch with pitched roof. There is a two storey gable projection finished with rendered panels and timber detailing to the first floor. A bay window to the other side of the entrance has a jettied gable first floor; this is also finished in rendered panels with timber detailing. A central dormer set at eaves level sits above the entrance. The main roof is fully hipped and would be finished in hand made clay tiles. Aside from the timber projections the main dwelling is proposed to be finished in red hand made bricks. The rear elevation has a single two storey projection finished with a hipped roof. The first floor has applied timber detailing, similar to the front elevation. Windows are varied in size and set at different levels to create an element of interest on the property.
- 6.4.5 Plot 2 and 3 are of an identical design with Plot 2 located from The Chase and plot 3, located from St. Mary's Lane. These dwellings are arranged with an open porch entrance flanked by a two storey hipped roof projection, again finished with timber and white render panels. The front elevation differs in that there are two front dormer windows set on a hipped roof. The rear elevation is flat with a single storey projection finished with a hipped roof. These dwellings would be finished in the same pallet of materials as Plot 1 and are considered acceptable subject to the submission of samples, which are requested via condition.
- 6.4.6 In terms of visual amenity, The Chase streetscene is dominated by a heavy line of trees. The western boundary of the application site which fronts onto The Chase is screened by large trees and overgrown vegetation. These in one sense complement the rural character of the Conservation Area, but also appear untidy. The severe lean of the trees into the highway also raises safety issues.
- 6.4.7 The existing barn creates a commercial character, which although has been accepted, creates a break in character from the rural collection of farm buildings and detached dwellings that create The Chase. Staff consider that the removal of the barn is acceptable as it is no architectural or historical merit. The proposed three dwellings are of an acceptable scale and bulk and would be finished in materials appropriate to the Conservation Area. The removal of commercial traffic and commercial use from the site and introduction of residential dwellings is considered to improve the character of the Conservation Area.
- 6.4.8 The dwellings represent a reduction in volume over the existing barn. However, in terms of massing the articulated design of the dwellings is considered to reduce their overall impact in their setting.

6.5 Impact on Amenity

- 6.5.1 The Residential Design SPD gives guidance for residential garden layouts. It does not prescribe fixed space standards however; it does state that gardens should be provided in single, enclosed blocks which benefit from both natural sunlight and shade. Each garden is provided to the rear of the properties and extends down the flank elevations. Staff consider they are of a practical arrangement which meets the requirements of the SPD.
- 6.5.2 Each dwelling has an orientation with views facing over their respective highway, St. Mary's Lane and The Chase, with rear windows overlooking their gardens. Given the spacing between each dwelling and the inclusion of new boundary screening it is considered that there would be no possibilities for overlooking. First floor windows are proposed to each property. Plot 1 would have a secondary flank window to a bedroom and flank windows to a storage room and bathroom. The bedroom window would overlook the side garden and adjacent agricultural fields to the south. This raises no amenity concerns. The bathrooms windows are conditioned so that they are obscure glazed and non-opening with the exception of a top hung fan light.
- 6.5.3 Plot 2 has a secondary window serving a bedroom and storage room facing north towards Lodge Cottage; given the distance between these properties it is not considered that there would be any invasive overlooking or loss of amenity. The window facing Plot 1 to the south is conditioned as per Plot 1.
- 6.5.4 Plot 3 is identical to Plot 2 with the secondary bedroom window facing over the proposed open Green Belt. This raises no objection. The bathroom window facing east is conditioned as per Plot 1 and 2.
- 6.5.5 The supporting statement submitted with the application states that the dwellings will be built to at least Level 3 for the Code for Sustainable Homes.
- 6.5.6 The nearest property Lodge Cottage is located 47m east of Plot 3 and 43m north of Plot 2. The site is divided by a boundary wall and mature hedging. This dwelling is located in the far right corner of the site and it is considered that these properties would have no adverse impact to the residential amenity of these occupiers.
- 6.5.7 Staff recommend that permitted development rights are removed from all three properties (classes A-F) in order that Staff can control any future changes on the site. This will be secured via condition. The Cranham Conservation Area has an Article 4 direction which restricts the installation of fencing or boundary enclosure. Any future proposals for fencing or enclosures would require planning permission.
- 6.5.8 Representations received from the Crime Prevention Design Advisor state that the garages are not within natural surveillance of the dwellings. The garages are set within the rear gardens and would be visible from the rear windows of the property. This is considered acceptable. Staff are also aware that a relocation of the garages forward into the site would not be

acceptable in streetscene terms where the garages are currently subservient structures. A Secured by design condition has been attached accordingly as requested by the CPDA.

6.6 Highway/Parking

6.6.1 The site has independent access from St. Mary's Lane with an open forecourt south of the building with space for several vehicles. This existing access on the western corner of the site is proposed to be removed and all existing hard-standing taken away from the site.

6.6.2 Plots 1 and 2 would be accessed from The Chase via individual crossovers which would need to be constructed. There is no objection to this.

6.6.3 The existing, unused access on St. Mary's Lane would be utilised to form the vehicular entrance for Plot 3. This is considered acceptable and raises no concerns from Staff.

6.6.4 The site has an existing, authorised B8 use (storage and distribution) and whilst conditions imposed upon planning application P1810.10 restrict the number of heavy goods vehicles, there is an element of commercial traffic which arises from the use of the site. Staff consider that the removal of commercial traffic from the site to be desirable.

6.7 Trees

6.7.1 The site is screened by a heavy line of trees on the eastern boundary. These were originally covered by a group Tree Preservation Order (ref 11/82). The Council's Tree Officer has stated that the site no longer contains any trees which are listed under original TPO. The young Willows which currently exist are also too small to fall under Conservation Area protection. In any event, there is no objection raised with the removal of these trees as they currently overhang the public highway and will eventually outgrow their current location. The proposals to remove these trees and replace them with native trees and hedging is considered acceptable, as this would open up the highway, whilst retaining the landscaped rural character. A landscape plan will be required to be submitted via condition, to give details of all hard surfacing and soft landscaping including details of all tree species firstly for the residential plots and as a second condition a landscaping scheme for the open area of Green Belt.

6.8 Very Special Circumstances

6.8.1 The applicant has submitted a very special circumstances case in order to justify the proposals. This consists of the following points 1) removal of the commercial barn and hard standing 2) creation of large area of open Green Belt which would be landscaped and 3) three detached dwellings designed to improve the character of the Conservation Area which are of a reduced volume and footprint over the existing barn. These issues will be discussed in turn.

Removal of commercial barn and hard standing

- 6.8.2 The existing barn has authorised B8 (storage and distribution) use. Conditions imposed upon P1810.10 restrict the use of large vehicles on site. However, there is still an element of commercial traffic on site. The use, although established, is out of keeping with the surrounding residential and rural locality. The removal of commercial activity from this site is welcomed in this instance, where Staff recognise that a proposed redevelopment would have an improvement in terms of openness where buildings on the site can be positioned away from the centre of the site. The removal of this commercial use is to be secured by way of a legal agreement. Staff also require that the building and all hard standing is removed from site prior to the commencement of construction of the dwellings.
- 6.8.3 The residential hard surfacing has been kept to a minimum with each dwelling having a driveway leading to the garage and pathway leading to the front door. Details of this hard surfacing are required to be submitted via condition. The existing hard surfacing is poured concrete which has a harmful impact upon the setting of the Green Belt. The proposed hard-surface is much smaller in area and would be screened along with the dwellings by surrounding planting. The existing hard surfacing measures 2893 square metres. The proposed areas of hard surfacing for all three plots in terms of driveways measures 255 square metres, a reduction of 2638 square metres.

Reduction in footprint and volume

- 6.8.4 The proposed residential curtilages are located around the existing location of the barn and against the edges of the site where Lodge Cottage is located. The existing barn has a footprint of 476 square metres. The three dwellings total a footprint of 447 square metres (including the detached garages), giving a reduction in built footprint of 29 square metres.
- 6.8.5 In terms of volume, the existing barn has a cubic capacity of 3041 cubic metres. The three dwellings have a combined volume (including the detached garages) of 2763 cubic metres. Individually Plot 1 measures 848 cubic metres with Plots 2 and 3 measuring 827 cubic metres. This represents a reduction in volume of 278 cubic metres.
- 6.8.6 Staff also need to consider the area of each proposed residential curtilage, as these will be visible in the streetscene and form part of the loose rural character of The Chase.
- 6.8.7 Plot 1 covers an area of 1190 square metres and is located off The Chase and the dwelling is set back 11.4m from the highway. Plot 2 covers an area of 1155 square metres is also accessed from The Chase, the dwelling here is set back 21.8m from the highway. Plot 3 covers an area of 1107 square metres and is located from St. Marys Lane and would reinstate the existing unused access. The dwelling here is set back from the highway by 16.8m. All three plots are rectangular in shape. Each dwelling is arranged with large

front gardens, each would be landscaped with hedgerows and other trees. This over time, once the landscaping matures will soften the impact of the dwellings.

- 6.8.8 Each dwelling is inset from the their respective boundaries and would be surrounded by open landscaped gardens. Each boundary is enclosed by hedging. This is a soft enclosure which is typical of the Cranham Conservation Area. As the hedge matures additionally, it will soften the impact of the dwellings.
- 6.8.9 Residential curtilages are typically very large along The Chase. Lodge Cottage for example is located directly adjacent to the site; this has a residential curtilage covering 2001 square metres for example. The proposals here are for smaller curtilages; however, this is in order to allow for a larger area of open Green Belt land to be retained. The dwellings are located centrally in their plots with spacing to the boundaries. Staff are of the opinion that the size of the curtilages is acceptable and in keeping with the general spacious character and layout of dwellings in The Chase.
- 6.8.10 Directly opposite in St. Marys Lane dwellings are markedly different in character, typified by bungalows and two storey dwellings in an established suburban layout. These dwellings are located outside of the Conservation Area and Green Belt.

Creation of open Green Belt land

- 6.8.11 This site marks the beginning of the Green Belt and Cranham Conservation Area and represents the significant change in character from the built up suburban core of Upminster to the rural farmland of Cranham. The site is therefore highly significant in creating the change in character.
- 6.8.12 The site has an area of approximately 15500 square metres or 1.5 hectares. An area of 11500 square metres would be set aside to create an open area of Green Belt. This would be arranged in a single land parcel.
- 6.8.13 The three dwellings would be positioned to the sites boundaries on the eastern edge of the site, adjacent to Lodge Cottage and up against the highway. The existing site is dominated by the centrally located barn structure and the ancillary hand-standing. The area of vegetation and grassland are in poor condition and overgrown. The overall site therefore is not considered to positively contribute to the open character of the Green Belt or Conservation Area.
- 6.8.14 The proposed open area would cover the majority of the site and dominate the view when approached from Upminster town centre to the west and when viewed from the agricultural open fields to the south. When approached from the east the adjacent property Lodge Cottage and overhead railway bridge dominate the view, however once past this the poor quality of the existing landscaping detracts from the locality. The landscaped and tidied up open area would significantly improve the appearance of the

locality and reinforce the divide between the suburban core of Upminster and the rural nature of Cranham.

6.8.15 The area of retained open Green Belt would measure approximately 11500 square metres with the residential plots measuring a combined 3452 square metres. This open area of Green Belt would be the dominant feature on the site and landscaped to ensure that it enhances the rural character of the Conservation Area.

6.8.16 In conclusion of the very special circumstances submitted, Staff consider that the proposals would have a significant improvement in terms of openness which in turn would improve the character of this part of the Green Belt. There would be a reduction in existing volume and hardstanding over the existing structure and the gain of a large area of landscaped Green Belt land.

6.9 Conclusions

6.9.1 Staff consider that the very special circumstances case submitted is acceptable. There would be a removal of commercial activity from site and a gain in open Green Belt land which would be landscaped with native tree species. The proposed three dwellings are of an acceptable design which is considered to preserve and enhance the quality and character of the Cranham Conservation Area. In terms of openness the built form is located to the peripheries of the site with a combined reduction in footprint and volume over the existing barn.

6.9.2 The site would remain sufficiently screened by vegetation which reinforces the rural character of The Chase. There are not considered to be any adverse highway or amenity implications arising from the three dwellings. In view of the above factors, staff consider that the proposal accords with the provisions of LDF Policy DC45, DC61 and DC68 and PPG2 and may be granted permission subject to conditions and the completion of a legal agreement to revoke a previous planning permission.

IMPLICATIONS AND RISKS

Financial implications and risks: Planning and other agreements will need to be prepared.

Legal implications and risks: None

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to Equalities and Diversity. The proposals would result in visual improvement in terms of enhancing the character of the Cranham

Conservation Area and remove existing commercial activity in a residential location and the Green Belt. The proposals would contribute towards providing housing in the locality.

BACKGROUND PAPERS

Application forms, site plan, received 13th September 2011