



**Havering**  
LONDON BOROUGH

**Strategic Planning  
Committee  
9 July 2020**

<b>Application Reference:</b>	<b>P0248.19</b>
<b>Location:</b>	<b>Hall Lane Miniature Golf Course, Hall Lane, Upminster</b>
<b>Ward</b>	<b>Cranham</b>
<b>Description:</b>	<b>Outline planning application for the demolition of all buildings and structures on site, and redevelopment of the site providing up to 37 residential dwellings, creation of a new highway access, public open space and landscaping and related infrastructure.</b>
<b>Case Officer:</b>	<b>Simon Thelwell</b>
<b>Reason for Report to Committee:</b>	<ul style="list-style-type: none"><li>• <b>The application is by or on behalf of the Council's development company and is a significant development. The Local Planning Authority is considering the application in its capacity as local planning authority and without regard to the identity of the Applicant.</b></li><li>• <b>Individual Representations have been received which accords with the Committee Consideration Criteria.</b></li><li>• <b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b></li></ul>

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## **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- Although there is an overall loss of open space as a result of the proposal, the current use of the land is considered surplus to requirements and at least 25% of the site would be public open space, as opposed to the current restricted access. On balance it is considered that the loss of open space accords with relevant planning policy.
- The proposal, subject to compliance with the submitted parameters and Design Code, would respect and follow the character of this part of Hall Lane, including plot sizes, character/appearance of new buildings and landscape.
- The proposal includes the equivalent of 50% provision of affordable housing, to be provided off site. This is considered to be a significant positive factor of the proposal,
- The submitted parameter plans and Design Code indicate the retention of the majority of significant and high quality trees that exist on the site. The illustrative layout is based on the retention of trees and demonstrates that an acceptable layout can be achieved. A Tree Preservation Order would add protection to the trees going forwards from the issuing of any decision.
- Conditions would ensure sufficient biodiversity mitigation.
- Subject to archaeology investigation (to be secured by condition) there are no significant impacts on heritage assets.
- The proposed access is acceptable and there are no significant concerns with regard to traffic and parking issues.
- The proposal would be low density and with generous spacing to boundaries to existing residential properties enabling satisfactory conditions in respect of residential amenity.
- Subject to conditions, adequate provision for drainage and flood prevention can be achieved.
- Carbon savings, if not achieved on site, would be subject to contribution through a S106 agreement.
- There are no issues with regard to crime and secured by design at this stage of the application process (outline application)
- Weighing all the factors, including the “tilted balance” in favour of development engaged due the Council’s record on housing delivery, it is considered that any harm identified with the proposal is outweighed by the presumption in favour of sustainable development.

## **2 RECOMMENDATION**

2.1 That the Committee resolve to grant planning permission subject to:

- (i) The prior completion of a legal agreement to secure the following planning obligations:
1. Off-site affordable housing provision
  2. Carbon Offset payment
  3. Financial contribution of £120,000 for improvements to Upminster Hall Playing Fields
  4. Public access rights to open space provided within the development

5. Satisfactory maintenance of all open space and other common areas within the development including any facilities/furniture provided as part of the common/public areas.
6. The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
7. Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
8. All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

(ii) Prior to issuing decision, issuing of a Tree Preservation Order covering the most important trees on the site

2.2 That the Assistant Director Planning is delegated authority to negotiate the legal agreement indicated above.

2.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

1. Outline – Reserved Matters - appearance, landscaping, layout and scale.
2. Reserved matters to be submitted within 3 years of decision
3. Development to be commenced within 2 years of approval of reserved matters.
4. Number of dwellings to be constructed on the application site pursuant to the development is restricted to a maximum of 37 dwellings.
5. Dwelling plots to have minimum frontage width of 10 metres
6. In accordance with mandatory elements of Design Code
7. Minimum provision of public open space
8. Maximum storey height of two storey with roof accommodation
9. Minimum provision of play space
10. Accordance with plans
11. Unless details are provided and approved as part of the reserved matters submission(s), details of external materials.
12. Unless details are provided and approved as part of the reserved matters submission(s), details of parking spaces and parking management. Parking spaces to be provided and retained.
13. Unless details are provided and approved as part of the reserved matters submission(s), details of site levels and finished floor levels of buildings.
14. Unless details are provided and approved as part of the reserved matters submission(s), details of refuse storage and collection arrangements, thereafter to be provided and retained.
15. Unless details are provided and approved as part of the reserved matters submission(s), details of cycle storage, thereafter to be retained.

16. Unless details are provided and approved as part of the reserved matters submission(s), details of internal road layouts, carriageway width, minimum footway width of 1.8 metres.
17. Limitation of construction hours.
18. Construction method statement
19. Secure by design details.
20. Details of all external plant/machinery, including sound attenuation/rating.
21. Thames Water – Wastewater upgrade/infrastructure phasing plan
22. Thames Water – Surface water upgrade/infrastructure phasing plan
23. Any boilers installed to be Ultra low NOx boilers.
24. Non-Road Mobile Machinery NRMM register for construction plant/machinery
25. 10% Electric charging points
26. Air quality assessment
27. Contamination site investigation and remediation strategy
28. Contamination not previously identified actions
29. Unless details are provided and approved as part of the reserved matters submission(s), details of all boundary treatment.
30. Unless details are provided and approved as part of the reserved matters submission(s), details of surfacing materials for access roads and parking areas.
31. Provision of visibility splay to access with no objects over 0.6m high within splay.
32. Access to the highway to be completed prior to occupation.
33. Wheel washing during construction details.
34. Unless details are provided and approved as part of the reserved matters submission(s), details of Sustainable Urban Drainage.
35. Water efficiency of dwellings
36. 10% of dwellings to meet M4(3) of Building Regulations (wheelchair accessible), 90% to meet M4(2) (wheelchair adaptable)
37. Archaeology – Written scheme of investigation prior to commencement, with further investigation as necessary.
38. Unless details are provided and approved as part of the reserved matters submission(s), details of ecological improvement measures in accordance with submitted reports.
39. Tree root protection zones and other protection measures
40. Landscaping approved as part of reserved matters to be retained/maintained for 5 years.
41. Landscaping as part of reserved matters to show tree retention plan
42. Removal of permitted development rights – no roof extensions, no extensions or outbuildings within 5 metres of trunk of any protected tree, no outbuildings greater than 20 square metres gross floorspace, no walls/fences other than replacement of existing to same height or lower, no additional hard surfaces in front of buildings, no hard surfaces within 5m of protected trees, all hard surfaces to be permeable material

## **Informatives**

1. Highways informatives.
  2. CIL informative
  3. Secure by design
- 2.4 That, if by 31<sup>st</sup> January 2021 the legal agreement has not been completed, the Assistant Director Planning is delegated authority to refuse planning permission or agree an extension to the decision date.
- 2.5 That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 3.1 The application has been submitted in outline with all matters reserved except for access. The proposal is for the redevelopment of the site by removing current buildings and structures and provision of 37 dwellings. The main aspects of the proposal are as follows, as shown on the submitted parameter plans:
- A centrally located bell-mouth vehicular access off Hall Lane with zones for pedestrian access at either side.
  - A “Public Open Space Zone” to the western part of the site closest to Hall Lane.
  - A “Developable Zone” occupying a large central area of the site, indicated to be Highway/Soft landscape and houses.
  - A “Hatched Zone” to the east of this between the western public open space and developable zone, indicated to be either development, highway or public open space.
  - Public Open Space to the eastern side of the site
  - Around the northern, eastern and southern perimeter of the site, along the boundary with residential properties, is a minimum 10 metre garden zone with an area of buffer planting.
- 3.2 The application includes an illustrative site layout plan that indicates a possible layout of 37 houses that would accord with the submitted parameter plan. This suggests that the proposal could comprise of a mix of 3, 4 and 5 bed houses (21 detached and 16 semi-detached) set along a centrally located access road with areas of public open space at either end of the site. The illustrative plan shows the retention of a number of trees and other natural features existing on the site. The proposal includes a Design Code as part of the Design and Access

Statement which sets out minimum requirements for any future reserved matters submission.

- 3.3 The present proposal is a revision to that originally submitted. Following feedback from officers on the issues including the retention of trees, ensuring satisfactory character, ecology and affordable housing, the maximum number of dwellings proposed was reduced from 48 (which included an indication of a flatted block fronting Hall Lane) to the current 37 and further supporting material with regard to trees and ecology matters was submitted.

### **Site and Surroundings**

- 3.4 The site is located on the east side of Hall Lane and is largely open space used as a pitch and putt facility with a crazy golf area and kiosk building. The site measures approximately 3.5 hectares in area. The site is not permanently open to the public but most recently is open weekends through the year and all week during school holidays April to October. The site has a wide open frontage to Hall Lane and elsewhere is bounded by residential properties – to the west by 62 and 84 Hall Lane, to the north by 2 to 26 The Fairway, to the east by 3 to 11 Holden Way and to the south by 1 to 45 Ingrebourne Gardens. There is also an electricity substation immediately north of 62 Hall Lane.
- 3.5 There are a number of significant trees on the site as well as dense vegetation to most of the boundaries of the site. A tree preservation order (TPO) is currently being prepared and would be in place prior to any issuing of decision on this application. Once made, the TPO would be subject to review and future confirmation. The majority of the site is laid to grass.
- 3.6 The surrounding area is predominantly residential with detached and semi-detached houses set in spacious plots.
- 3.7 The site is designated within the current development plan (Havering LDF) as Open Space. Surrounding the site, the residential areas are designated as within the Hall Lane Policy Area.

### **Planning History**

- 3.8 There is no relevant planning history in regard to this site.

## **4 CONSULTATION RESPONSE**

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The following were consulted regarding the application:
- 4.3 LBH Flood/Drainage Officer:
- Details submitted are acceptable.
- 4.4 LBH Highways Engineer:
- No objection, subject to conditions

- 4.5 LBH Environmental Health:
- No objection, subject to condition regarding noise details of plant/machinery
- 4.6 LBH Environmental Protection:
- No objection, subject to conditions on air quality and contaminated land
- 4.7 LBH School Organisation:
- The development would generate additional children and this should result in CIL or S106 contribution for additional school places.
- 4.8 LBH Heritage Consultant:
- No objection – important that a green and verdant character is maintained with the retention of as many trees as possible.
- 4.9 Police Designing Out Crime Officer:
- No objection, subject to recommended conditions.
- 4.10 Natural England (Statutory Consultee):
- No objection – the proposal would not have significant adverse impact on the Ingrebourne Marshes Site of Special Scientific Interest
  - Would comment further at reserved matters stage
  - Consideration of standing advice recommended
- 4.11 Historic England (Archaeology) (Statutory Consultee):
- Recommend condition requiring written scheme of investigation
- 4.12 Sport England (SE):
- SE not required or advised to be a consultee so no detailed response given in this case
  - Consideration should be given to Para 97 of the NPPF regarding loss of sports facilities
  - New housing development should consider any associated demand for new sports facilities and provision of opportunities for people to lead healthy lifestyles
- 4.13 Essex and Suffolk Water:
- No objection
- 4.14 Thames Water:
- The existing foul water network and surface water infrastructure is unable to accommodate the development proposal, therefore conditions requiring wastewater/surface water upgrade and/or infrastructure phasing plan to be agreed requested.
- 4.15 Essex Wildlife Trust (Havering Division):
- Broadly agree with ecology report submitted with application
  - Opportunity to retain mature oak trees which could provide bat habitat
  - Opportunity to provide wildlife area in development

4.16 CPRE London:

- Object to application on grounds of loss of open space;
- Land should be de-designated through the Local Plan process
- The health benefits of the site should be considered
- Should only be considered for development if no alternative

4.17 Woodland Trust:

- Concerned on impact on 4 x oak trees which display veteran characteristics

Officer Comment: the submitted plans have been amended to exclude from the area for houses/gardens where these trees are located.

4.18 GeoEssex:

- Would like to work with developer to investigate matters of geological interest and incorporate relevant information in proposed open space.

## 5 LOCAL REPRESENTATION

5.1 A total of 69 neighbouring properties were initially notified about the application and invited to comment. The application has been publicised by way site notice displayed in the vicinity of the application site. The application has also been publicised in the local press. Following the receipt of revisions to the proposal, those originally notified and those making representation were notified, inviting any further representation.

5.2 The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 891 of which, 884 objected, 6 supported and 1 commented

5.3 The following local groups/societies made representations:

- Upminster and Cranham Residents Group objecting to the proposal on the following grounds:
  - Loss of designated open space, contrary to policy
  - Impact of proposal on nearby heritage assets
  - Ecological impact
  - Impact on existing trees

5.4 The following Councillor and MP made representations:

- Councillor Ford, objecting and calling in the application on the following grounds:
  - The site is designated as open space and should be protected
  - There is a need and demand in the area for a publicly accessible park and garden
  - Re-designating the land should be through the local plan



- Impact Hall Lane Policy Area, Zone B
  - TPO's should be considered. Veteran trees preserved.
  - The site is a heritage asset.
  - Increased activity and emissions arising from the proposed dwellings on the site.
  - Residents surrounding the site have acquired rights of access to the land through time. [Officer Note: The presumed access rights which would be rebuttable do not appear to have been established, therefore are not material the consideration for this application.]
  - If the site is not to remain in public ownership how can the new open space be public.
  - Increase in traffic onto Hall Lane.
  - There is no infrastructure feasibility study with regard to school places, GP's and Dentists.
  - The Ecological appraisal is preliminary. There has been no detailed survey of the site.
  - No details have been provided on sustainability e.g. energy efficiency, charging points, solar, passive house standards.
  - The transport statement submitted fails to recognise the new council policy to introduce CPZ's. The statement claims there are no CPZ's.
  - There has been no equality assessment with regard to access for children and young people. The cost, rules and regulation of alternative local golf provision precludes young players accessing greens on their own. The current provision is open access for all age groups.
- Julia Lopez MP for Hornchurch and Upminster commenting that the representations received be considered within the decision making process of the application. If permission is granted, would wish to see any sale of land revenue and CIL to be reinvested in the local area.

### **Representations**

5.5 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

#### **Objections**

- Loss of open space
- Loss of community facility used by families – crazy golf is popular
- Increased pollution and reduced air quality
- Unacceptable impact during construction
- Development out of character with surrounding area
- Local roads are already busy
- Increase pressure on local infrastructure
- Lack of affordable housing
- Existing facility has been run down
- Impact upon mature trees
- Effect upon biodiversity; wildlife and ecology.

- Alternative uses other than housing should be considered
- Loss of light/ overshadowing
- Loss of privacy
- Flood risk
- The proposal would exacerbate youth crime and anti-social behaviour
- Flats are inappropriate
- Brownfield sites should be considered first
- The site is part of the heritage of Upminster
- One of the few places that people can affordably play golf
- Lack of retirement apartments and first time buyer homes in Upminster
- Existing resource should be replaced
- Concern with proposal for pumping station in close proximity to properties
- Should be more flats for young people and elderly

#### Supporting comments

- The golf course is barely open. Providing houses for families outweighs the need for people to play mini golf
- From the plans it would appear to be a sympathetic development in keeping with the surroundings.
- Additional housing would be beneficial to the viability of businesses in the town centre
- This is an underused site with no access to the public. Provision of public open space as part of the development is an improvement

#### **Non-material representations**

5.6 The following issues were raised in representations, but they are not material to the determination of the application:

- The site's future will be decided by Councillors from other parts of the Borough (OFFICER COMMENT: planning decisions are made in line with national guidance and legislation and in accordance with the Council's constitution.)
- Loss of property value (OFFICER COMMENT: impacts on property values are not a relevant planning consideration)
- The proposed housing will be sold to let; increasing more rental property and stopping young people ever being able to buy (OFFICER COMMENT: other than any required affordable housing, controlling the sale of properties would not meet any stated planning purpose).
- This land is subject to restrictions that it must not be built on. (OFFICER COMMENT: any private restriction is not relevant to the consideration of the planning application. A grant of planning permission does not extinguish any existing rights or covenants).
- No-one was consulted prior to submission of the application (OFFICER COMMENT: for proposals such as this, there is no requirement to undertake pre-submission consultation)
- Appears to be conflict of interest as applicant is part of the Council (OFFICER COMMENT: The Local Planning Authority is considering the application in its capacity as local planning authority and without regard to the identity of the Applicant.)

## 6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development including loss of open space issues
- Impact on character/Design Considerations
- Affordable housing
- Density and housing mix
- Tree impacts
- Ecology impacts
- Heritage impacts
- Highway/parking considerations
- Impact on existing residential amenity
- Flooding and drainage
- Sustainability and Energy
- Secured by design
- Financial and other mitigation
- Equality Act Considerations
- Housing Delivery Test
- Overall planning balance

### **Principle of development including loss of open space issues**

6.2 The site is currently open, undeveloped land, used as a pitch and putt facility, open to customers at selected times through the year. It is not readily accessible by the general public, so it cannot be described as public open space, but does provide a sporting facility that is used by residents of the Borough and other nearby areas. The site also has several positive aspects including its open nature and the mature planting, particularly around the perimeter of the site and several high quality trees. The proposal does not result in the total loss of open space - the parameter plans and supporting information include the provision of public open space, equivalent to at least 25% of the site area, including children's playspace. The loss of open space is a significant consideration and does therefore need to be carefully assessed in relation to planning policy as well as in the overall balance, should there be any factors weighing in favour of the proposal.

6.3 Paragraph 97 of the National Planning Policy Framework (NPPF) states that existing open space and sports land should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 6.4 Policy 7.18 of the London Plan states that the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.
- 6.5 Policy CP7 of the Havering Core Strategy and Development Control Policies DPD states that the Council will seek to retain access to recreation and leisure opportunities by retaining existing facilities where a need exists. Policy DC18 of the Havering Core Strategy and Development Control Policies DPD states that the Council will seek the retention of all public open space and recreation, sports and leisure facilities. Alternate uses will be allowed where the land is surplus to requirements because other facilities existing in the locality and/or there is no need for other recreation/leisure uses (by reference to open space requirements set out in Policy DC20). Any loss of open space must be accompanied by an improvement to the quality of open space in the vicinity.
- 6.6 The application has been accompanied with an Open Space Assessment (OSA) and a Golf Facilities Needs Assessment (GFNA). The GFNA concludes that the current pitch and putt facility is surplus to requirements due to the following factors:
- the facility is loss making with each round of golf in effect being subsidised;
  - the facility is not of a high standard;
  - there is a good choice of golfing facilities in the local area
  - even though the price charged is affordable, the facility is not well used.
- 6.7 The OSA concludes that although there are some deficiencies in some open space provision in the vicinity of the area, overall the existing level of provision is good and the current facility offers little in terms of publicly accessible open space (as per GFNA conclusions). In particular, the shortfalls in existing open space provision in the area identified include:
- Access to parks and gardens (although improvements to nearby facilities may address this);
  - Allotment space (although the area is characterised by mainly large gardens that may fulfil some of this function);
  - Natural and semi-natural greenspace within 800 metres of the site (although there is actual quantity available in the ward as a whole is exceeded);
  - Small gaps in quantum of children's play space (although the quality standard of that existing is exceeded).
- 6.8 The applicant is also proposing that a contribution be made to improve existing public open space in the area. It has been agreed that a contribution of £120k is required to improve facilities to the nearest public open space which is Upminster Hall Playing Fields. The entrance to Upminster Hall Playing Fields is located approximately 240 metres north of the application site. Upminster Hall Playing Fields is a public park containing car park, sports pitches, skatepark, play facilities, large open space and trees. Improvements to this park would go

some way to addressing the loss of up to 75% of the existing open space on the application site.

#### 6.9 In assessing the loss of open space against national planning policy:

- It is considered that the proposal meets the requirements of Paragraph 97(a) of the NPPF - the submitted assessments satisfactorily demonstrate that the current facility is surplus to requirements and that alternate golfing facilities exist in the area. There is no evidence that the facility has deliberately been run down for the purposes of redevelopment. There is also no evidence that substantial investment would make the facility more viable. The evidence is that the facility, whilst well regarded, is not frequented enough to viably continue.
- The proposal does not meet criteria (b) of paragraph 97, in that a similar quantity open space is not being provided, given that up to 75% of open space is to be lost. However, the NPPF does not require all criteria to be met.
- In respect of criteria (c) of paragraph 97, it not clear whether this criteria is met. Given the low use of the current facility, its benefits are largely visual due to the open aspect and quality of some of the trees and landscape, as well as providing an attractive backdrop for residents who live in houses adjoining the site or who walk/travel past the site. The application does provide for alternate recreational provision through the proposed public open space - these spaces at the front and back of the site, would be available to all, not restricted access as presently. In respect of public access and facilities that may appeal to a wider range of the population, the proposal does provide benefits compared to existing, but it is considered that this does not “clearly outweigh” the loss given that much of the site would be given over to residential development. However, as for criteria (b), the NPPF does not require all criteria to be met.
- In conclusion, it is considered that the proposal does accord with paragraph 97(a) of the NPPF as the current facility has been demonstrated to be surplus to requirements.

#### 6.10 In assessing the loss of open space against London Plan Policy:

- Policy 7.18 of the London Plan requires that equivalent or better quality provision be provided in the catchment area. In respect of this there would be improvements to open space provision in that unrestricted public open space and play facilities would be provided on the site as part of the proposal. There would also be improvements to the nearby park at Upminster Hall Playing Fields.
- The replacement provision and improvements could be considered to be equivalent or better quality provision, although this is largely a matter of judgement as the policy and associated commentary give no further guidance on how equivalency or quality should be assessed other than to say that one open space should not be replaced by another without an up to date needs assessment. The application includes a detailed needs assessment showing that the current pitch and putt is not viable

and surplus to requirements, so it is considered that the re-provision is not necessary.

- In conclusion, it is considered that the proposal is partially compliant with policy 7.18 of the London Plan.

6.11 In assessing the proposal against Havering Development Plan Policy:

- Similar to paragraph 97 (a) of the NPPF, Policy DC18 allows for loss of open space where it is surplus to requirements with an additional requirement that any loss be accompanied by improvements in the vicinity.
- The assessments submitted with the application are considered to adequately demonstrate that the current facility is surplus to requirements.
- There is some shortfall in the area of some public open space (as set out by Policy DC20), but these are minor in nature with good standards overall of open space provision in the vicinity of the site.
- The provision of public open space, including children's playspace, on the application site and improvements to Upminster Hall Playing fields are considered to be sufficient to satisfy the requirements of Policy DC18.

6.12 In conclusion, the loss of open space proposed could be considered to be in accordance with national and Havering planning policies, although it is a matter of judgement as to whether the London Plan policy expectation is met. If there are other factors in favour of the proposal that outweigh the loss of open space, and any other harm identified, then this may be determinate in this case. These other considerations are covered elsewhere in this report.

6.13 Objections received include statement that this land (open space) should not be considered for development as previously developed land (brownfield land) should be considered first. However, whilst national planning policy does seek to maximise the use of previously developed land, particularly for housing, other than the open space policy outlined above which offers protection as described, there are no planning policies that require that this or similar sites only be considered suitable for development only if there is no brownfield land – such matters may be relevant to Green Belt, but the site is not designated as Green Belt.

6.14 If the loss of open space is considered to be acceptable in this case, then the redevelopment for residential development is considered acceptable in principle meeting the objectives of planning policy, including Paragraph 117 of the NPPF – “Planning decisions should promote an effective use of land in meeting the need for homes.” Policies within the London Plan seek to increase and optimise housing in London, in particular Policy 3.3 on ‘Increasing Housing Supply’ and Policy 3.4 on ‘Optimising Housing Potential’. Policy CP1 of the LDF on ‘Housing Supply’ expresses the need for a minimum of 535 new homes to be built in Havering each year through prioritising the development of brownfield land and ensuring it is used efficiently. Table 3.1 of the London Plan supersedes the above target and increases it to a minimum ten-year target for Havering

(2015-2025) of 11,701 new homes or 1,170 new homes each year. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper.

### **Impact on Character/Design Considerations**

- 6.15 Paragraph 127 of the NPPF states that decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting. Policy 3.5 of the London Plan requires that all new housing developments should enhance the quality of local places, taking account of character. Policy DC61 of the Havering Core Strategy and Development Control Policies DPD states that planning permission will be granted for development which maintains the character and appearance of a local area, including retention of existing trees and landscape; respond to local building forms and respect the scale, massing and height of the surrounding physical context. The Hall Lane area surrounding the site is recognised for its special townscape and landscape character, with Policy DC69 requiring developments to maintain the special character of the Hall Lane Policy Area which is typified by large detached and semi-detached dwellings set in large gardens with considerable tree and shrub planting.
- 6.16 The Hall Lane Policy Area Supplementary Planning Document (SPD) contains more detailed guidance criteria for new development, including minimum plot widths and areas, preservation of trees and new planting.
- 6.17 Although the site is not within the Hall Lane Policy Area, it is in effect surrounded by it – in particular by Zone B as defined in the SPD. The existing character of the site is of open space with noticeable mature trees through the site and, in the main, dense landscape along the boundary with residential properties. Along the Hall Road frontage, the site has an open aspect with views through and toward trees.
- 6.18 In negotiation with the applicant, officers have advised that any development should follow the principles of the guidance contained in the Hall Lane SPD. This has resulted in the proposed number of dwellings being reduced and an illustrative plan submitted to accompany the application which shows retention of the majority of the mature trees and retention of the existing open character to the front part of the site closest to Hall Lane. The Design Code sets a number of mandatory elements of any reserved matters based around Use, Layout, Access, Scale, Character, Appearance and Landscape with further recommended and discretionary elements. The Design Code is considered to be comprehensive and compliance with the mandatory requirements would ensure that any development coming forward respected the character of the site and the wider Hall Lane area – any proposed development following the design code would be low density with detached and semi-detached houses occupying generous plots with significant landscape to common and public areas as well to the rear of houses. Adherence to the mandatory elements of the Design Code would be secured through condition with some additional conditions, particularly around limiting permitted development rights which could particularly adversely affect character and landscape.

- 6.19 In conclusion, the proposal, in outline form, is considered to demonstrate that a satisfactory high quality residential and landscape character can be achieved, in accordance with national, London Plan and local planning policy.

### **Affordable housing**

- 6.20 Policy DC6 of the Havering Core Strategy and Development Control Policies DPD and Policies 3.9, 3.11 and 3.12 of the London Plan seek to maximise affordable housing in major development proposals. The Mayor of London Supplementary Planning Guidance “Homes for Londoners” sets out that where developments on public land propose 50% or more of the development to be affordable at an agreed tenure split, then the viability of the development need not be tested – in effect it is accepted that 50% or more is the maximum that can be achieved.
- 6.21 The applicant has put forward a case that 50% affordable housing provision is not viable and has submitted a Financial Viability Appraisal (FVA). The Local Planning Authority appointed a consultant to test the assumptions and conclusions of the FVA. The LPA’s consultant considers that 50% affordable is financially viable on this site, particularly considering the existing use value of the land and the very high sales values that could be obtained for a development in this particular area. The applicant has stated that they do not agree with the LPA’s consultant, but despite this are willing to put forward an offer for the provision of affordable housing that represents 50% provision.
- 6.22 A significant consideration in this particular case is the feasibility/practicality of delivering affordable housing on site. Due to the importance in respect of this site of reflecting the existing built form and landscape quality of the surrounding character, the only acceptable typology for new development is large detached or semi-detached dwellings in large landscaped plots. Such a typology is likely to be very unattractive to any providers of affordable housing, given that costs of construction and maintenance would be very high and the need to provide a broader range of dwelling types in developments to meet the housing need of the Borough. Off-site provision of affordable housing should only be considered in exceptional circumstances and it is considered that the character requirements for any new development are sufficient to allow off site provision in this case. It is important that the costs of providing affordable housing off-site are the equivalent of on-site provision and that any off-site provision is deliverable rather than seeking a commuted sum.
- 6.23 In this case the applicant has offered to provide affordable housing on a site in the Borough at Crow Lane, Romford which has planning permission for residential development, but with limited affordable provision secured through the original planning permission. Works have started on site and the units are considered to be deliverable. In effect, the applicant would purchase additional non-affordable units on the Crow Lane site and provide them as London Affordable Rent (LAR) affordable housing. This would comprise 1 x 3 bed unit and 26 x 4 bed units (27 units in total), equivalent to 134 habitable rooms. As a comparison, 50% affordable housing, if it were to be provided on the application



site, would equate to 18 units or approximately 72 habitable rooms. In addition, the applicant has also indicated that the existing affordable housing proposed for the Crow Lane site would be LAR rather than shared ownership secured through the original planning permission.

- 6.24 The LPA's consultant has assessed the costs associated with the off-site offer and advised that the proposed provision (without considering switching the shared ownership units to LAR) would be very close to providing 50% on site (within £40k).
- 6.25 The proposal, subject to a satisfactory S106 clause securing off site provision as above, represents a significant contribution to affordable provision in the Borough. Not only are more units delivered than would be on-site, the units are likely to be delivered in advance of the completion of any development on the Hall Lane site. The provision of equivalent 50% affordable housing is considered to be a significant factor weighing in favour of the proposal.

### **Density and housing mix**

- 6.26 Policy DC2 of Havering Core Strategy and Development Control Policies DPD states that the accompanying density matrix does not apply in the Hall Lane Policy Area. It is considered that this would also apply to the London Plan density matrix which in effect supersedes that in the DPD. The proposed density of the proposal would be 11 dwellings per hectare, well below expected densities stated in existing policies, but this is a product of the desire to maintain the existing character of the area and the retention of open space on the site. In this particular case the density is considered acceptable.
- 6.27 In terms of mix, as the proposal is in outline, the final mix has not been fixed. The indicative layout shows a mix of 16 x 3 bed, 16 x 4 bed and 5 x 5 bed. Accordance with the mandatory aspects of the Design Code would mean that all dwellings proposed would be detached or semi-detached houses of at least 3 bedrooms. It is not considered desirable in this case to seek a range of smaller 1 and 2 bed units which would result in a typology which is out of character with the area. The likely mix coming forward is therefore considered to be acceptable. At reserved matters stage, it would be expected that all units demonstrate compliance with the minimum space standards set out in Policy 3.5 of the London Plan.

### **Tree impacts**

- 6.28 Policy DC60 of the Havering Core Strategy and Development Control Policies DPD seeks to retain trees of amenity value. As set out in the character section above, the site contains a number of significant trees and boundary landscape. The applicant has undertaken a detailed tree survey identifying all the significant trees on the site. The illustrative plan indicates the removal of very few of the significant trees with the majority being retained. A TPO for the site is being prepared and will offer protection to the most valuable trees on the site. It is recommended that a planning decision is not issued prior to the TPO being made. A TPO does not protect a tree from development should the approved plans as part of a planning permission show the tree to be removed. As the application is in outline, no detailed plans have been received or subject to

approval should permission be granted and so the TPO would protect all those identified trees in the Order for the time being and into the future if not shown to be removed as part of the detailed plans. In addition, the Design Code sets the following as a mandatory elements:

- Veteran trees must be retained and protected during construction and supported by the design to ensure they are not impacted on with the new proposal.
- The illustrative proposal has left the area to the east of the site untouched, creating a woodland environment which enables biodiversity to thrive and must be respected in a reserved matters application
- Category A veteran trees on site must be retained and located within a public open space.
- Any trees removed must be replaced with tree re-planting of a similar amenity and biodiversity value
- Tree lined streets are present in the local context which gives the area its strong green characteristic. Trees must be provided along all roads and should be located at approximately 7.5m centres along the street to improve the visual impact and define the character of the development.
- Where the line of trees is absent, new trees must be planted. The length of the garden must be a minimum of 10m to ensure the boundary trees are protected but also to provide a usable garden space, especially gardens to the south which will have some shading from the trees.

6.29 A condition is recommended regarding protection of trees, their canopies and roots during construction.

6.30 It is considered that the proposal makes adequate provision for the retention and protection of trees and for the planting of new trees, in accordance with Policy DC60 of the DPD.

### **Ecology impacts**

6.31 Policy DC59 of the Havering Core Strategy and Development Control Policies DPD seeks enhancements to biodiversity as an integral part of new development. Ecological reports and surveys have been submitted in support of the application which have not identified the presence of any protected species, although there is evidence of use of some of the trees by bats as roosting, particularly to the western part of the site – these trees are not part of the development zone and would be preserved. The ecological reports recommend a range of enhancements, the provision of which would be sought through condition.

6.32 It is considered that the impact on biodiversity is acceptable, in accordance with Policy DC59 of the DPD.

## **Heritage impacts**

6.33 The site is not designated as a heritage asset, nor is it immediately adjacent to any heritage asset. The nearest designated heritage assets to the site are:

- Upminster Hall (Grade II\* listed) and the Tithe Barn (Scheduled Ancient Monument) – some 240 metres to the north and separated by properties in The Fairway, and the Upminster Golf Club car park.
- Upminster Court (Grade II\* listed) and Gardens (Registered Park and Gardens) some 380 metres north of the site

It is considered that given the nature of the development proposed, being low density, low scale residential development and the presence of intervening development, that there is no harm to the setting of these heritage assets.

6.34 The site is recognised for potential for archaeological significance and Historic England have recommended a suitable condition to ensure further investigation prior to commencement of development.

## **Highway/parking considerations**

6.35 Policy DC32 of the DPD requires development to have no significant adverse impact on the road network, whilst Policy DC33 requires sufficient provision for parking to be made in new developments.

6.36 Approval of access is sought through this application with all other matters being reserved. The proposed plans show a new junction being provided to provide access into the site. This would be a bell-mouth junction with pedestrian island separating lanes. The access arrangements have been reviewed by the Highways Engineer who has raise no objections. The access is considered to be safe and there are no significant concerns with this detailed aspect of the proposal.

6.37 The Design Code specifies 2 parking spaces per dwelling, which is considered to be acceptable. The final layout of the streets would be subject to reserved matters application(s) with consideration being given at that time to the provision of visitor spaces.

6.38 The illustrative layout demonstrates that it is possible to achieve a layout that has adequate turning areas for service vehicles including refuse trucks.

6.39 There are no significant concerns with regard to highway or parking issues at this stage given the outline nature of the application.

## **Impact on existing residential amenity**

6.40 Policy DC61 of the DPD requires that development should not result in unacceptable overshadowing, loss of daylight/sunlight or loss of privacy to existing and new properties nor have adverse impact by reason of noise impact.

6.41 The application has been submitted in outline with siting, layout and appearance as reserved matters – therefore a detailed analysis of impacts on neighbours cannot be undertaken at this time. However, the parameter plans

and Design Code would mean that all proposed dwellings are set at least 10 metres away from boundaries of the site. Given the very low density proposed, and the spaciousness of surrounding properties, it is considered that there are no significant challenges to providing an acceptable layout which would have no significant impact on existing residential amenity through excessive overlooking or loss of sunlight/daylight.

- 6.42 It is not considered that the proposed residential use and open spaces would result in significant noise issues to existing residents. There may be a need for a pumping station and this is indicated to be sited in the southeast corner of the site, reasonably close to existing residential properties. Subject to suitable attenuation of any plant proposed, it is not considered to be a major issue.
- 6.43 Subject to details to be submitted at reserved matters stage, it is considered that the proposal would not significantly impact upon existing residential amenity.

### **Flooding and drainage**

- 6.44 The site is within Flood Zone 1 and there are no significant flooding concerns. The proposal incorporates sustainable urban drainage, details of which would be finalised at reserved matters stage to ensure that site run-off is no greater than existing.
- 6.45 Due to the site topography and surface/foul water network limitations, it is likely that a pumping station would be required on the site. Details would be required as part of any reserved matters.
- 6.46 There are no significant concerns in regard to drainage or flooding issues.

### **Sustainability and Energy**

- 6.47 To mitigate to climate change and minimise emissions of carbon dioxide, when considering planning applications the Mayor of London, in accordance with London Plan Policies 5.2 and 5.3, will assess the use of sustainable design and construction measures. Specifically, London Plan Policy 5.2 requires new residential buildings to achieve zero carbon standards from October 2016.
- 6.48 At this outline stage, full details of onsite reduction in carbon emissions is not set out. If zero carbon cannot be achieved, then in accordance with Policy 5.2 of the London Plan a carbon emissions offset contribution in lieu of on-site carbon reduction measures would be required. Such contribution would be sought through S106 clauses.

### **Secured by Design**

- 6.49 No significant issues have been identified by the Metropolitan Police Designing Out Crime officer. A suitable condition is recommended and further consideration of crime and design would be undertaken at the reserved matters stage.

## **Financial and Other Mitigation**

6.50 The proposal would attract the following section 106 contributions to mitigate the impact of the development:

- Up to £120,000 towards improvements to Upminster Hall Playing Fields
- Figure to be determined for Carbon Offset in lieu of inability to meet zero carbon

6.51 As the proposal is at outline, CIL contributions would not be calculated until such time as reserved matters applications are submitted. The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £125 per square metre LB Havering CIL
- £25 per square metre Mayoral CIL towards Crossrail

## **Equality Act Considerations**

6.52 Section 149 of the Equality Act 2010 imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.53 For the purposes of this obligation the term “protected characteristic” includes:- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

6.54 The existing site provides golfing facilities for all ages, but may provide greater access to golf for young people due to lower costs to play. There may be some impact on those who use the facility being unable to play golf in the future. However, as previously stated, access to the site is limited to certain times of the year. The proposal is to provide publically accessible open space, including a children’s play area. Overall there is not considered to be an impact on young people as a result of the proposal.

6.55 With regard to disability, the proposal will be required to provide 10% wheelchair units, with the remainder being wheelchair adaptable. Public areas should include level access.

6.56 It is considered that there are no communities falling under the list of “protected characteristics” that would be significantly or unduly harmed by the proposals.

6.57 Therefore in recommending the application for approval, officers have had regard to the requirements of the Equality Act and have concluded that a

decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

### **Housing Delivery Test**

6.58 On 13 February 2020 the Government published the 2019 Housing Delivery Test (HDT) results. The results show that within Havering 33% of the number of homes required were delivered over the three year period of 2016-17 to 2018-19. The NPPF (paragraph 11d) states that where the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years, the policies which are most important for determining the application are considered out of date. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is commonly referred to as the "tilted balance" in favour of sustainable development and is a significant relevant material consideration in the determination of the planning application. Officers weighing up of the issues, including whether the tilted balance should apply is contained in the next section of the report.

### **Overall Planning Balance**

6.59 The proposed development would contribute to boosting housing supply and delivery and this weighs in favour of the development as does the meeting of the requirement for provision of 50% affordable housing on public land. The Parameter Plans, Design Code and illustrative layout is considered to adequately demonstrate that the site can be developed in a way that seeks to maintain the character of the site, in particular the retention of the majority of important trees and new development that reflects the special character of the Hall Lane area. The assessment of the planning application has identified some conflict with development plan policies, particularly in relation to the issue of the loss of open space, although the assessment on this issue is considered a matter of judgement as to the meaning of "equivalent" in London Plan Policy 7.18. Officer's view is that the conflict with London Plan open space policy, if there is one, needs to be considered in conjunction with the NPPF and local development plan policy on open space which requires an up to date assessment as to whether the current facility is surplus to requirements. It is considered that in this context, the loss of open space is not in conflict with planning policies, or that the conflict does not cause such harm to outweigh the benefits of the proposal. It is therefore considered that in this case, the proposal does benefit from the presumption in favour of sustainable development set out in paragraph 11 d) of the NPPF.

6.60 Should Members judge that the loss of open space is in conflict of policy then there needs to be some weighing of whether the degree of harm is such that it does not outweigh the need for the Borough to meet its housing needs and in particularly the Council's poor performance in housing delivery.

**Conclusions**

6.61 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.