

# REGULATORY SERVICES COMMITTEE

23 August 2012

# REPORT

**Subject Heading:**

**P1390.11 – Rosary, Southend Arterial Road, Hornchurch**

**Demolition of existing dwelling and construction of replacement dwelling – application for outline planning permission (Application received 22<sup>nd</sup> September 2011)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[x]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ ]
Valuing and enhancing the lives of our residents	[ ]
Delivering high customer satisfaction and a stable council tax	[ ]

## SUMMARY

This report concerns an application for the demolition of the existing dwelling and the construction of a replacement dwelling. The application is for outline permission seeking approval for access and layout. Appearance, landscaping and scale are reserved matters. Staff conclude the proposal to be acceptable. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement to ensure that the existing house is demolished.

## 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:

- Prior to the commencement of the development, the existing dwelling shall be demolished in its entirety and all material arising there from permanently removed from the site unless otherwise agreed. Prior to first occupation of the new dwelling, the site of the former dwelling shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- To pay the Council's planning obligation monitoring fees.

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

It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the appearance, scale and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (General Development Procedure) Order (herein after called "the reserved matters").

Reason:

The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. Pursuant to Condition 1 above, the replacement dwelling hereby approved shall not exceed 2.4 metres in height at eaves level and 6.8 metres in height at ridge level.

Reason: In the interest of residential amenity of the occupiers of the adjoining properties and in order to accord with Policy DC61 of the Development Control Policies Development Plan Document.

3. Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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

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

Reason:-

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

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, no development and hardstanding under Classes A, B, C, D, E and F and fences and boundary treatments under Part 2, Class A shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: To enable to the Local Planning Authority to retain control of future development, given the site's location within the Metropolitan Green Belt and in particular to maintain the openness of the green Belt.

9. The residential curtilage of the new dwelling shall solely comprise of the area outlined in red on the Ordnance survey site plan, drawing No. 6652/0/6 dated 6<sup>th</sup> June 2012.

Reason - To protect the open nature of the Green Belt from residential incursion.

10. Prior to the commencement of the development, the existing dwelling shall be demolished in its entirety and all material arising there from permanently removed from the site. Prior to first occupation, the site shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and openness of the Metropolitan Green Belt and of amenity.

11. Prior to the commencement of the development, details of the surfacing materials to be employed in the extension of the existing driveway to the new dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

12. 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.

13. No construction works or construction related 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 construction related 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.

14. Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, 'Calculation of Road Traffic Noise' 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with Department of Environments and the National Planning Policy Framework.

15. **INFORMATIVES:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP14, CP17, DC3, DC32, DC33, DC60 and DC61 of the Local Development Framework Core Strategy and Development Control Development Plan Document together with Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework.

In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Police Crime Prevention Design Advisor through Havering Development and Building

Control or Romford Police. Mr Tyler is able to provide practical designing against crime advice, taking account of local conditions and risks. You are strongly advised to contact him at the earliest opportunity.

## 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.

## REPORT DETAIL

### 1. **Site Description:**

- 1.1 The application site is a roughly rectangular shaped open piece of land situated some 15 metres to the south of the A127, to the eastern side of the track, from which it takes access. The application plot covers an area of some 0.1 hectares and forms part of a larger area owned by the applicant. The proposal is linked to The Rosary, an existing single storey bungalow. Across the access track is a filling station. The site is within the Metropolitan Green Belt and falls within the Thames Chase Community Forest.

### 2. **Description of development:**

- 2.1 The application seeks planning permission for the demolition of the existing dwelling at The Rosary and the construction of a replacement dwelling to the south east of the existing dwelling. The proposed replacement bungalow measures, at its maximum, 11.5m wide by 7.5m deep with a height of 2.4m to the eaves and 6.8m to the ridge. A similar application had previously been approved, but has now lapsed (P0644.05). The current application is in outline form only. Approval of the access and layout are being sought now, with the appearance, scale and landscaping reserved for future consideration.

### 3. **Relevant History:**

P1455.01 - Replacement dwelling - Outline – Approved.

P0644.05 – Demolition of existing dwelling and construction of replacement dwelling – Outline – Approved.

P0685.10 – Demolition of existing dwelling and construction of replacement dwelling – outline – Withdrawn.

### 4. **Consultations/Representations:**

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Six neighbouring occupiers were notified of the planning application. At the time of drafting this report, the consultation period had yet to expire. Members will be verbally updated of any representations received.
- 4.2 Environmental Health – Recommend a condition in respect of contamination if minded to grant planning permission.
- 4.3 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.
- 4.4 The Highway Authority has no comment or objection to the application as the road leading to the proposed development is not adopted by the London Borough of Havering.
- 4.5 London Fire and Emergency Planning Authority – Access should comply with Section 11 of ADB volume 1. A pump appliance should be able to approach to within 45m of all points within the dwelling. Any roadway should be a minimum of 3.7m between kerbs and be capable of supporting a vehicle of 14 tonnes. Turning facilities should be provided in any access road which is more than 20m in length.

5. **Staff Comments:**

- 5.1 This application is brought before committee because a Section 106 Agreement is required to ensure that the existing house is demolished.
  - 5.1.1 The application is in outline form only with approval of access and layout being sought now. As such, the main issues in this case are considered to be the principle of development, the impact upon the character and appearance of the Green Belt and the Thames Chase Community Forest, the impact on the streetscene, impact on local amenity and parking and highways issues.
  - 5.1.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC32 (The Road Network), DC33 (Car Parking), DC45 (Green Belt), DC60 (Trees and Woodlands), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Design Supplementary Planning Document.
  - 5.1.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 7.16 (green belt) of the London Plan 2011 are relevant.



5.1.4 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

## **5.2 Background**

5.2.1 Planning permission was granted for an outline application to demolish the existing dwelling and construct a replacement dwelling in 2005, although this was not implemented. This application seeks permission for a replacement dwelling, which would be located in a different position to that approved under application P0644.05.

## **5.3 Principle of Development**

5.3.1 Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within the National Planning Policy Framework (NPPF) advises that the essential characteristics of Green Belts are their openness and their permanence. Chapter 9 (protecting green belt land) of the NPPF states that the construction of new buildings are inappropriate in the Green Belt, with the exception of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5.3.2 Policy DC45 states that the replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. In this regard, the policy has regard to the size of the original dwelling and where proposals involve properties which were small, more substantial rebuilding may in some circumstances be appropriate. It is noted that a single storey rear extension and alterations were constructed to the existing dwelling under a building notice in 1991 (BN/9080/91). As the current application is in outline form only, details have not been provided in order for a full assessment to be made in respect of the cubic capacity the proposed replacement dwelling would occupy. However, having carefully reviewed the indicative plans submitted with the application, based on the footprint alone, the replacement dwelling appears to be of a very similar size to that of the existing dwelling including its single storey rear extension.

5.3.3 Drawings of the existing bungalow have been submitted. The existing bungalow has a maximum depth of approximately 14.9 metres, a width of 10.4 metres and a height of 3.5 metres to the eaves and 6.85 metres to the ridge. According to the submitted plans, the replacement dwelling would have a maximum depth of approximately 9 metres and a width of 11.5 metres. The agent advised that the replacement dwelling would have a height of 2.4m to the eaves and 6.8m to the ridge. The agent advised that there is no intention to have floor space at first floor level for the replacement dwelling. Staff are, therefore, of the view that it is likely that a replacement dwelling could reasonably be constructed on the site within the acceptable volume limits,

which would not result in disproportionate additions over and above the size of the original building. Therefore, it is considered that the proposed development would be acceptable in principle and comply with Policy in Chapter 9 of the NPPF and Policy DC45 of the Local Development Framework Development Plan Document.

#### **5.4 Impact on the character and appearance of the Green Belt**

- 5.4.1 Although the application is for the replacement of the bungalow at The Rosary, the replacement dwelling would not be sited in the location of the existing dwelling, but would occupy the adjacent land. While the existing dwelling appears to be in a structurally sound condition, the building is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition. Furthermore, the alternative location of the replacement dwelling further away from the A127 would also allow a greater impression of space.
- 5.4.2 The replacement dwelling would be screened by the stables as well as numerous mature trees adjacent to the northern and eastern boundaries of the site. In addition, the conifer hedgerows on the western boundary of the site would provide further screening. Given the size of the application site and the open land surrounding the site, it is considered that a replacement dwelling could reasonably be achieved on the site, without compromising the impression of space around the building. As such, it is considered that the outline proposals would not compromise the open character of the Metropolitan Green Belt and therefore, the proposed layout is deemed to be acceptable. Furthermore, the principle of the replacement dwelling had previously been accepted under planning permission P0644.05 (outline) which has since lapsed.
- 5.4.3 Given the siting of the proposed bungalow in comparison to the siting of the existing bungalow, to prevent a scenario where one bungalow is retained and one bungalow is constructed, which would cause harm to the character and appearance of the Green Belt, Staff recommend that the applicant enters into a Section 106 Agreement to ensure that the existing house is demolished prior to the commencement of the development.
- 5.4.4 The Council supports the concept of the Thames Chase Community Forest in which the application site is situated. It is considered that the replacement dwelling would not have an adverse impact on the open character of the locality, particularly as the existing dwelling would be demolished.

#### **5.5 Site Layout**

- 5.5.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight,

trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. Amenity space provision for the dwelling accords with the Residential Design Supplementary Planning Document.

## **5.6 Design/impact on street/Garden scene**

5.6.1 Following a site visit, it is noted that the existing dwelling is not directly visible in the streetscene, as it is screened by conifer hedgerows on the western boundary of the site. The replacement dwelling would be more visible in the streetscene than the existing dwelling, as it would be located at the end of the existing driveway which has a relatively open aspect when viewed through the gated entrance. Although it is Staff's view that the replacement dwelling would not appear unduly prominent in the streetscene, as it would be sited at an oblique angle and set back further in the site than the existing dwelling (approximately 41 metres from the front of the site).

## **5.7 Impact on amenity**

5.7.1 As the site is bounded by open fields to the north, east and west, it is not considered that it would appear unduly overbearing or dominant or give rise to an unacceptable loss of privacy or amenity.

## **5.8 Highway/parking issues**

5.8.1 The application site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are required for each property. The replacement dwelling would benefit from 2 no. driveway spaces, therefore no objection is raised in this regard.

5.8.2 The replacement dwelling would utilise the existing vehicular access from the Southend Arterial Road, which is deemed to be acceptable. The Fire Brigade has no objection to the proposal.

## **5.9 The Mayor's Community Infrastructure Levy**

5.9.1 The proposal is not liable for the Mayoral Community Infrastructure Levy, as it is an outline planning application. The Mayoral CIL would apply to the reserved matters planning application.

## **6. Planning Obligations**

6.1 The proposal does not require a financial contribution of £6,000 towards infrastructure costs, as it is a replacement dwelling.

## **7. Conclusion**

- 7.1 It is considered that the proposed development would be acceptable in principle and comply with Policy 9 of the NPPF and Policy DC45 of the Local Development Framework Development Plan Document. It is considered that the outline proposals would not compromise the open character of the Metropolitan Green Belt on the basis that the existing dwelling is required to be removed as a prerequisite to the commencement of the proposed development. The proposal is considered to be acceptable in terms of its site layout, the impact on the streetscene and would not result in any material harm to neighbouring amenity. There are no highway or parking issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that to ensure that the existing house is demolished prior to the commencement of the development.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

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

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

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

## BACKGROUND PAPERS

Application forms and plans received 22/09/2011.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.

5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.