

# REGULATORY SERVICES COMMITTEE

# REPORT

31 January 2012

**Subject Heading:**

P1128.12 – Former Boyd Hall, St Mary’s Lane, Upminster – Erection of 9 detached dwellings (2 No. 5-bedroom houses and 7 No. 4-bedroom houses) including new rectory (received 1 October 2012; revised plans received 7<sup>th</sup>, 13<sup>th</sup> and 29<sup>th</sup> November 2012 and 20th December 2012)

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy 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 checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This report concerns an application for the erection of 9 detached houses with new driveway access extending from Litchfield Gardens and ancillary parking. Staff

consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

## RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,518.2m<sup>2</sup> which equates to a Mayoral CIL payment of £30,364.

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:

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- 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.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

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

**Reason:** To comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

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

Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61 and DC68.

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

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

4. Refuse/Recycling Storage: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the local planning authority.

**Reason:** In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. Cycle Storage: Prior to completion of the development 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, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

6. Sound Insulation: The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. Screen Fencing: Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the

new properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

8. External Lighting: The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

**Reason:** In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

9. Construction Hours: 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 LDF Development Control Policies Development Plan Document Policy DC61.

10. Soft and Hard Landscaping: Prior to the commencement of the development, a soft and hard landscaping scheme, shall be submitted to the Local Planning Authority which accords with the general landscaping scheme as shown on the site plan P1106/03 Revision E. Once approved in writing the scheme shall be implemented in accordance with the approved details. All planting, seeding or turfing 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

11. Contaminated Land: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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):

a) 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) 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 two parts:

Part A - Remediation Scheme 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.

c) 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

d) 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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

13. Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

14. Construction Methodology Statement: Before commencement of the proposed development, 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.

17. No additional flank windows: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved 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.

18. Archaeology: 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: Important archaeological remains may exist on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in Policy PPG16, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

19. removal of permitted development allowances: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place to Unit 1 and Unit 6 under Classes A, B, C, D, E, F, G or H 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.

20. access road materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the construction of the proposed access road 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.

21. tree protection measures: No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect retained trees which are subject to a Tree Preservation Order in accordance with Policy DC60 of the LF Core Strategy and Development Control Policies DPD and the SPD on the Protection of Trees during Development.

22. soft felling of ash tree: The applicant shall soft fell the ash tree to the rear boundary identified in the Biodiversity statement as having potential as a bat roost; should evidence of bat use be identified the applicant shall follow the course of action identified in the Biodiversity statement.

Reason: To ensure that protected species are not harmed during the course of development in accordance with Policy DC58.

23. Biodiversity: The development shall be carried out in accordance with the recommendations set out in paragraph 4.0 of the Ecological Scoping Survey dated June 2012.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

24. Reptile Survey – Prior to commencement of the development a reptile survey shall be undertaken between May and September; the details of which shall then be submitted to the Local Planning Authority together with an assessment of the likelihood of reptiles being present; and, as appropriate details of any mitigation requirements for development. Once approved, any mitigation measures shall be undertaken in accordance with the approved details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

25. visibility splays: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

## INFORMATIVES

### 1. Community Safety - Informative:

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).



2. **Archaeology – Informative:**

The development of this site is likely to damage archaeological remains. The applicant should, therefore, submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage Guidelines.

3. **Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010:**

Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para. 186-187 of NPPF 2012.

4. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC34, DC36, DC37, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 and the NPPF.

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 £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.

5. 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.

**Mayoral CIL**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,518.2m<sup>2</sup> which equates to a Mayoral CIL payment of £30,364. This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here is based on a gross internal floor area at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued on discharge of the last pre-commencement condition should planning permission be granted.

## REPORT DETAIL

### Background

Boyd Hall was previously on the List of Buildings of Architectural or Historical Interest having been spot-listed without a full survey of the site being undertaken. An application for de-listing was made and English Heritage, following a full survey, decided that Boyd Hall should be de-listed in February 2006. While the Hall remained of local historical interest, planning permission was not at the time required for its demolition and Boyd Hall was subsequently demolished along with its outbuildings.

### 1. Site Description

- 1.1 The application site comprises an area of land located to the north of St Mary's Lane, Upminster, east of its junction with Front Lane. The L-shaped site wraps around to the rear of Nos.419-431 St Mary's Lane and formerly comprised the Boyd Hall, a former school which had two, one-storey outbuildings. Boyd Hall was single storey with a high ridge over the main part of the building with a two-storey wing to the western elevation. There are extensive areas of hardstanding to the eastern part of the application site. The site extends to a maximum depth of 64m and a maximum width of 86m. The frontage width onto St Mary's Lane is 40m. The application site has an area of approximately 0.36 hectares.
- 1.2 There is an existing vehicular access onto St Mary's Lane which is towards the eastern boundary of the site. A pedestrian access to the eastern boundary allows access directly onto Litchfield Terrace. The western vehicular access to Westbury Terrace is directly opposite the application site.
- 1.3 St Mary's Lane at this point, including Litchfield and Westbury Terraces, is residential in character with mainly two-storey semi-detached properties. To the South/south-west of the site is Judith Anne Court, a flatted development of 3-storey height adjacent to the railway embankment.
- 1.4 Tree Preservation Orders 28/73 and 04/05 cover the application site. The former includes 16 individual trees including the Holm Oak to the east of the application site, together with a group of 12 Silver Birches located to the rear of 421-431 St Mary's Lane. The 2005 TPO covers 6 trees, including the Holm Oak to the west of the application site. The total number of trees covered by the two preservation orders is 34.

### 2. Description of Proposal

- 2.1 Those buildings previously on the site have already been removed and the proposal is for the erection of 9 detached houses with a new vehicular access onto Litchfield Terrace and a driveway forming an extension to the existing cul-de-sac. As previously (Planning ref. P0083.07) one of the units would be a new Rectory (Unit 1) in association with All Saint's Church, Cranham.

- 2.2 The site would be laid out with 4 houses (Units 6, 7, 8 and 9) fronting onto St Mary's Lane adjacent to No.1 Litchfield Terrace and fronting onto the extended highway of Litchfield Terrace. There would be 2 houses to the rear of these (Units 4 and 5) and 3 houses (including the new Rectory, Unit 1) located to the west of the application site to the rear of Nos.419-431 St Mary's Lane. The rear houses would be located either side of the extended driveway access.
- 2.3 Units 6, 7, 8 and 9 would be located between 10m and 14.5m back from the rear edge of the existing highway of St Mary's Lane and between 2.5m and 10m from the proposed new driveway access. In order to accommodate the retained Holm Oak, Unit 6 would be set back furthest from the new driveway access with the others stepping forward from east to west across the site. Each of these 4-bedroomed properties has a two-storey front gable and each have dimensions of: Unit 6 – 6.1m wide and 13m deep; Unit 7 – 6m wide and 14m deep; Unit 8– 6m wide, 13m deep; Unit 9 – 6m wide and 13.5m deep. There would be a shared ridge height of 9m above ground level. They all have accommodation in the roofspace with a rear dormer in the roof slope. Garden sizes vary from a minimum of 69/70 sq.m for Units 7 and 8 to 96 sq.m for Unit 6.
- 2.4 Units 4 (5-bedroom) and Unit 5 (5-bedroom) are located to the rear of the properties proposed to front onto St Mary's Road/Litchfield Terrace. Unit 5 is closest to these frontage properties at a minimum distance of 8.4m away; it has dimensions of 8.15m wide and 13.5m deep and a ridge height of 9.35m above ground level with an attached garage with accommodation over. Unit 4 which has an integral garage is located at the rear of the site between 0.75m and 1.5m from the shared boundary with No. 4 Pond Walk; it has dimensions of 8.35m wide, 15.1m deep and 9m (ridge height) and would be staggered back in relation to Unit 5 such that its rear wall would be located some 4m behind the nearest part of Unit 5. Garden sizes are 148 sq.m for Unit 4 and 132 sq.m for Unit 5.
- 2.5 Units 1, 2 and 3 are located to the west of the application site behind No.s 419-431 St Mary's Lane. Unit 1 is located a minimum of 1m from the shared rear boundaries with No.s 425 & 427 St Marys Lane and Unit 3 is located a minimum of 1m from the shared rear boundary with No.2 Pond Walk and 1.2m from the shared rear boundary with No. 14 Front Lane. Unit 1, the Rectory is the largest unit with 4 bedrooms being a maximum of 9.4m wide, 15.6m deep and with a hipped pitched roof with a maximum ridge height of 8.8m above ground level. Units 2 and 3 have dimensions as follows: Unit 2 (4-bed) - 6.5m wide, 13.2m deep with 9.4m ridge height; and Unit 3 (4-bed) – 6.85m wide and 11.2m deep with a 9.2m ridge height. Garden sizes for these three properties vary from 120/126 sq.m (Unit 3/4) to 215 sq.m (Rectory).
- 2.6 While there would be a variety of detached houses in size and form there would be a common material palate of brick and tile with gables, front or rear dormers and some timberwork.
- 2.7 The houses would be provided with two parking spaces each (some in garages), with the Rectory provided with 2 parking spaces and a single garage.

- 2.8 To St. Mary's Lane would be a wall with a landscaping strip behind such that there would be no direct access either for vehicles or pedestrians onto St Mary's Lane. The proposed 90m long driveway access would be L-shaped with the longer section extending from the footway to St Mary's Lane adjacent to No.431 St Mary's Lane to the rear of the application site and the shorter section exiting out onto Litchfield Terrace. It would be 4.5m wide with two passing bays one on each section (minimum width of 5m). Two turning areas would also be provided, one at the front of the application site adjacent to No.431 St Mary's Lane and the other (a hammer-head) at the end of the cul-de-sac to the rear of the site adjoining the shared boundary with properties fronting Pond Walk.
- 2.9 An Arboricultural Implications Assessment has been submitted with the application which indicates that there are 21 individual trees and three tree groups at the application site, including two Holm Oaks. Two preserved trees (the two Holm Oaks) would be retained to the front of the application site. The remaining preserved trees would be removed. A landscaping scheme would include 16 replacement trees with 4 located along the landscaping strip to St Mary's Lane and 5 along the shared rear boundary with Pond Walk properties and 2 new trees to the shared boundary with properties fronting onto Front Lane and 2 to the boundary with No. 431 St Mary's Lane.
- 2.10 A Transport Statement has been submitted which concludes that the site has close links to buses and reasonable links to rail, local leisure, retail and education facilities and would have an acceptable impact on the highway network. An Energy Statement has also been submitted which indicates that the proposal can achieve the 2011 London Plan Policy 5.2 requirement of 25% emissions reductions and Ene1 of the Code for Sustainable Homes Level 4.

### 3. **History**

- 3.1 P0065.00 Demolition of church hall and outbuildings and erection of new hall and three detached houses – withdrawn 30-7-03.

P1417.03 - demolition of garages and erection of four detached houses (including rectory) plus service road - resolution to approve subject to the signing of a section 106 agreement in relation to the implementation of repairs to the then Listed Boyd Hall and submission of a listed building application - no agreement has been signed and therefore permission has not been granted. The Hall was subsequently been de-listed and the legal agreement was not signed and the application was deemed refused on 19-6-09.

- 3.2 P0083.07 - Demolition of existing buildings and garages and erection of 4 detached, 2-storey houses and 3, 2-storey blocks containing 14 flats - Refused 26-04-2007

The reasons for refusal of the P0083.07 scheme were:

"1. The proposed development would, by reason of its siting, bulk and massing, adversely impact on the visual amenity of the street scene and would be out of character in the locality contrary to Policy ENV1 of the Havering Unitary Development Plan.

2. The proposed development by reason of the proximity of the access to other nearby adjacent and opposite junctions would provide an unsuitable junction with St Mary's Lane. Furthermore, the site has insufficient on site parking leading to possible unacceptable pressure for parking elsewhere. The proposal would therefore give rise to highway danger contrary to Policies ENV1, TRN2 and Appendix 2 of the Havering Unitary Development Plan and Interim Planning Guidance on Housing Density

3. The proposed development would be likely to result in the loss of protected trees contrary to Policy ENV5 of the Havering Unitary Development Plan

4. The proposed block nearest No.431 St. Mary's Lane would, due to its depth and height beyond the rear of the existing development result in an adverse impact in the rear garden environment contrary to Policy ENV1 of the Havering Unitary Development Plan.”

#### 4. **Consultation/Representations**

4.1 37 neighbouring occupiers were notified of the proposal. There were 7 replies; 3 commenting but not rising any objections and 3 objecting to the proposal on the following grounds:

- too many houses for the site
- too large and too close to adjoining garden boundaries
- unacceptable increase in noise and disruption
- preserved trees are not all shown on the plans
- the proposed entrance onto St Mary's Lane would be a highway hazard
- no parking would be provided for existing properties to St Mary's Lane
- unacceptable loss of loss of protected trees including a 100-year old Horse Chestnut tree and Orchard
- loss of semi-rural character of this part of Upminster
- insufficient parking for the 4 and 5 bedroomed properties and their visitors resulting in parking on surrounding streets
- loss of wildlife
- possible loss of privacy
- there is no change from the reasons given to refuse the earlier 3 schemes and this scheme should also be refused on the same grounds
- the report submitted indicating that there would be no traffic problem is not correct and misleading
- Litchfield Terrace should be used for access rather than St Mary's Lane
- The tree report suggests that the trees should fit in around the plans. As they are protected trees this should be the other way round where development takes account of the protected trees
- the proposed trees and shrub planting would not make up for the loss of the preserved trees

4.2 Thames Water have written to advise that this scheme is not within their area. Essex and Suffolk Water have not commented on the planning application.

- 4.3 The Metropolitan Police Crime Prevention Design Advisor has written to advise that the scheme does show crime prevention measures. He requests the addition of a condition and informative regarding Secured by Design and ones for boundary treatments, external lighting, landscaping and details of cycle storage if permission is granted.
- 4.4 English Heritage indicate that the site is within an Archaeological Priority Area and that it is likely, given that there appears to be limited modern disturbance, that there are archaeological remains located at the application site. They request a condition and informative are attached to any grant of planning permission.
- 4.5 The Fire Brigade (LFEDA) indicate that access should meet B5 of ADB Volume 1. These are the Building Regulations documents and a separate Buildings Regulations application would be needed.

## 5. **Staff Comments:**

5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP2, CP17, DC2, DC3, DC33, DC34, DC35, DC36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD. The SPD on Residential Extensions and Alterations (as relevant), SPD on Residential Design, SPD on Sustainable Design and Construction and draft SPD on Planning Obligations. London Plan Policies 2.15, 3.3, 3.5, 3.8, 3.9, 4.2, 4.7, 6.9, 6.13, 7.3, 7.4 and 7.6, as well as the National Planning Policy Framework (NPPF) are applicable.

### 5.2 *Principle of development*

5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the existing urban area. The National Planning Policy Framework (NPPF) indicates that such sites are “brownfield” sites and that the proposal would be acceptable in principle.

5.2.2 The NPPF indicates that sustainable development should normally be granted planning permission and the site would be in a sustainable location. The details of the scheme will be important in deciding whether the proposed development is acceptable.

### 5.3 *Density/Site Layout*

5.3.1 The proposal is erect 9 detached houses. The application site area is 0.36 hectares and therefore the density would be approximately 25 units per hectare. Policy DC2 indicates that in this location, the range would be 30-50 units per hectare and this proposal would be below the range. However the scheme includes a new road access which reduces the land area available for residential development and the scheme is for entirely detached houses such that a lower density may be acceptable. The main consideration is whether the scheme is of

a high standard of design and layout in accordance with Policies DC2 and DC61.

5.3.2 The London Plan indicates at Policy 3.5 (and Table 3.3) that 4-bed houses for 5 people should be a minimum of 100 sq.m (gross internal area, gia) and 4-bed houses for 6 people should be a minimum of 107 sq.m. For houses for more than 6 people, para 3.36 indicates that a further 10 sq.m should be allowed for each extra bed space/person. The proposed Unit 4 would provide 5 double beds (10 bedspaces) and the London Plan indicates that this should have a minimum size of 147 sq.m; the actual size proposed would be 195.8 sq.m which is in excess of the minimum. Unit 3 provides 4 double beds (8 bedspaces) and the London Plan indicates that the minimum size should be 127 sq.m; the gia for this unit would be 167.3 sq.m, similarly, Unit 2 at 149 sq.m is also in excess of the minimum. The other units would also all be in excess of the minimum internal space standards.

5.3.3 In respect of the site layout, the new driveway access would extend from the existing western end of Litchfield Terrace behind St Mary's Lane and then turn at right-angles and northward away from St Mary's Lane extending to the rear of the site with houses on both sides of the new cul-de-sac. Private gardens would be provided to the rear of each house with 2 parking spaces provided to the front of each property or within garages (integral or otherwise) with 3 for the proposed Rectory (Unit 1).

5.3.4 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. The proposed separate amenity space for each property at a minimum of 69 sq.m (Unit 7) and maximum of 215 sq.m to Unit 1 (Rectory) are considered by staff to be appropriate to the nature and size of the proposed units such that this scheme would provide an acceptable level of amenity space. In addition, while they are generally shorter and smaller than those immediately surrounding the application site, staff do not consider that this of itself would be so harmful to the character of the area as to refuse planning permission.

5.3.5 Staff therefore consider that the proposed layout would be acceptable.

#### 5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The surrounding area, with the exception of the 3-storey flatted blocks, is of mainly 2-storey semi-detached houses. The proposal would result in 9 detached houses, nonetheless only the four houses located directly adjacent to No. 1 Litchfield Terrace would be directly visible in the existing streetscene with the others forming a new street scene behind the frontage properties.

5.4.2 To the St Mary's Lane frontage, the four houses would be stepped back from west to east following the existing building line. The 4 new properties would

have a higher ridge line than the adjoining properties, i.e., 9m compared to 8.4m and be detached houses rather than semi-detached houses. Staff nonetheless consider that there is a variety of house styles in the locality and the two existing Holm Oak trees would be retained to the front of the application site, such that the proposed development would have an acceptable impact on visual amenity in the streetscene to Litchfield Terrace/St Mary's Lane.

- 5.4.3 A new streetscene would be formed to the rear of the frontage properties with 2 detached houses to the east of the driveway access and 3 detached houses to the west of the access road. It is considered that the proposed arrangement with properties set well back with some front landscaping and vehicle parking to the front of each property would not appear overly dominant and obtrusive along this frontage. Together with a landscaping area at the northern boundary to the rear of the proposed hammer-head turning area, it is considered that the proposals would form an acceptable arrangement in terms of visual amenity in its streetscene, in line with the Residential Design SPD.
- 5.4.4 The proposal involves the development of an area behind the proposed frontage area and to the west of the application site behind St Mary's Lane properties. The western part of the application site has previously been the subject of a planning resolution to approve 3 houses (subject to the signing of a legal agreement in connection with works to the then Listed Boyd Hall) and it is therefore considered that a precedent has been set that 3 detached houses here would be acceptable, subject to the details of these properties also being acceptable in the rear garden environment. The nearest properties to these proposed dwellings are those fronting onto St Mary's Lane and Front Lane and to Pond Walk. While the properties are on two storeys and the flank elevations are a minimum of 1m from the shared side boundaries, the nearest properties are a minimum of 26m/28.5m from the rear of the nearest St Mary's Lane and Pond Walk properties respectively. Front to back distances relating to Front Lane properties would also be a minimum of 37m and Staff therefore consider that these properties would not result in harm to the rear garden environment.
- 5.4.5 The proposed properties directly to the rear of the proposed frontage properties, i.e., Units 4 and 5, would be located with the nearest side elevation (Unit 4) some 32m from the rear of the nearest rear elevation to a property in Pond Walk and a minimum of 21.5m from (Unit 4) the rear of No.1 Litchfield Terrace. In addition, Proposed Unit 6 would not extend beyond the rear of No. 1 Litchfield Terrace and Staff consider that at these distances there would no significant adverse impact in the rear garden environment of the existing properties.
- 5.4.6 Staff therefore consider that the design and siting of the proposed dwellings would not appear materially obtrusive in the street scene, nor would it have an adverse impact on the rear garden environment. They would introduce an element of backland development, nonetheless Staff consider that it would not result in it being overbearing or intrusive.



## 5.5 *Impact on Amenity*

- 5.5.1 The development is proposed to be located to the east of No. 431 St Mary's Lane and west of 1 Litchfield Terrace in an existing gap in the street (formed by the demolition of the previous Boyd Hall building) and to the north of the St Mary's Lane properties. The minimum distance between properties fronting onto Front Lane would be 37m and, while these existing properties are located on a slightly lower land level, it is not considered that Units 1, 2 or 3 would result in any adverse impact by reason of overlooking, loss of privacy or outlook.
- 5.5.2 In relation to the proposed properties fronting onto the Litchfield Terrace extension, there would be no side windows and Unit 6 would not extend beyond the rear of the existing frontage development. While Unit 9 would extend well beyond the rear of No.431 St Mary's Lane, at a minimum distance of over 12m away and with no flank windows to habitable rooms (which could be obscure glazed), Staff do not consider that the proposal would result in any loss of light, visual intrusion or loss of privacy to these existing properties' occupiers.
- 5.5.3 In relation to Units 4 and 5, located behind the 4 proposed frontage properties, both properties would be orientated east/west such their rear windows would enable viewing across the gardens of properties in Litchfield Terrace. Unit 4 is located closest to the rear elevation of No. 1 Litchfield Terrace, nonetheless at a minimum distance of 21m and given the somewhat oblique angle, Staff consider that there would be no undue loss of privacy or overlooking into this existing property.
- 5.5.4 Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree.

## 5.6 *Highway/Parking/Servicing*

- 5.6.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. 2 parking spaces are proposed to each of the 9 dwellings with 3 spaces for the proposed Rectory. This would be acceptable.
- 5.6.2 In respect of access, the proposed development would take access from Litchfield Terrace. Highways have indicated that the access driveway would not be to adoptable standards but otherwise have no objections to the proposed driveway exiting onto Litchfield Terrace.
- 5.6.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.

## 6. *Section 106 agreement*

- 6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £54,000.

## 7. *Mayoral CIL*

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,518.2m<sup>2</sup> which equates to a Mayoral CIL payment of £30,364.

## 8. *Landscaping*

- 8.1 The proposal would result in the loss of a number of trees covered by the two Tree Preservation Orders. Having considered the arboricultural report and the condition of the trees it is considered acceptable that the scheme's proposal to retain only the two Holm Oak trees and to remove the other trees and replace them with new ones would be acceptable. However, if the ash tree to the rear of the site is found to be used for bat roosting, then this may also be retained if appropriate in accordance with the Bio-diversity Assessment Statement. The Landscaping Scheme would need to be implemented in accordance with drawing No. 1106/03 Revision E in order to ensure that the amenity afforded by the preserved trees is not unduly undermined by the proposed development.

## 9. *Other Issues*

- 9.1 The Secured by Design Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage, boundary treatment and landscaping.
- 9.2 The site lies in an Archaeological Priority Area and a suitable condition to enable investigation of possible archaeology would be attached to any grant of planning permission.
- 9.3 The Bio-diversity statement indicates that the site has some potential for reptiles, stag beetles and bats, among other plants/animals. It makes a number of recommendations, including the need for a Reptile Survey (which would be the subject of a condition) and the need to take care not to affect nesting birds/bats as they are protected. It also makes a number of recommendations with regard to providing bird and bat boxes and planting shrubs etc which are particularly attractive to insects, including bees. In line with Policies DC58 and DC59, these recommendations are supported and are included in appropriately-worded conditions.

## 10. **Conclusions**

- 10.1 The proposal is for 9 detached houses. Staff consider that the proposal would be acceptable in principle and that the details of the scheme are acceptable such that the scheme would be in accordance with Policies DC2, DC33, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

## IMPLICATIONS AND RISKS

### **Financial Implications and risks:**

None

### **Legal Implications and risks:**

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

### **Human Resource Implications:**

None

### **Equalities and Social Inclusion Implications:**

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

## BACKGROUND PAPERS

1. Application forms and plans received 1 October 2012; and revisions received 7<sup>th</sup>, 13<sup>th</sup> and 29<sup>th</sup> November 2012 and 20<sup>th</sup> December 2012.