



# REGULATORY SERVICES COMMITTEE

5 December 2013

# REPORT

**Subject Heading:**

P0151.13 – Former Coach Depot Land south of Reginald Road – Demolition of existing building and the redevelopment to create 9, no. 2-, 3- and 4-bedroom detached and semi-detached houses and a flat, with associated roads, paths, car parking, landscaping and landscaping enhancements to the site of the coach depot (received 7/03/13; revisions received 24/5/13, 26/10/13, 31/10/13; additional information received 30/10/13)

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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 demolition of the existing coach works buildings and the associated bungalow and the erection of 9 dwellings in the form of 8 houses and one flat over garages. The proposal would also involve the removal of extensive hard landscaping and the creation of an open space and flood alleviation measures adjoining the Ingrebourne River. Staff consider that the proposal is acceptable in respect of housing, Green Belt, Flood Risk, environment and highways policies and therefore approval is 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 919m<sup>2</sup>. Excluding the existing building/dwelling's 481 sq.m, this would be net 448 sq.m. This equates, at £20 per sq.m, to a Mayoral CIL payment of £8,960 (subject to indexation). Please note however that the existing building (though not the dwelling) was vacant at the time of the site visit and that this figure may need to be adjusted accordingly, increasing this figure.

-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 £48,000 to be used towards infrastructure costs in accordance with the 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.
- A scheme of management and maintenance of the new open area adjoining the River Ingrebourne in perpetuity
- 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 that upon the completion of the legal agreement that 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 Act 1990.

2. External Samples: 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.

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.

4. Refuse and Recycling: 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 amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

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 and existing 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 Works/Hours: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

10. Landscaping Scheme: Prior to commencement, a landscaping plan should be submitted showing all hard and soft landscaping. Once approved in writing by the Local Planning Authority, 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. Secured by Design/Crime Prevention: 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.

12. Construction Method 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.

13. **Wheel Washing:** Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

**Reason:** In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

14. **Highway Alterations:** The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

**Reason:** In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. **Highway Agreements:** The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

**Reason:** To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. **Obscure glazing:** The proposed windows to the bathrooms to Plots 5 and 6 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

17. **Restriction of additional windows/openings:** 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. Restriction 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 under Classes A, B, D and E namely extensions, roof extensions, porches or outbuildings (or other structures in the curtilage), 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.

19. Archaeology: A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.  
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).  
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

**Reason:** Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and historic buildings assessment followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in PPS5/NPPF.

20. 8m buffer zone: No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Ingrebourne shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include details of management, landscaping and planting within 8 metres of the top of the bank of the River Ingrebourne.

Reason: To ensure that the ecological value of the corridor of the River Ingrebourne is maximised and enhanced throughout the lifetime of the development.

21. Ecological assessment: No development shall take place until a detailed ecological assessment of whether any invasive species are present on site has been undertaken and submitted to the local planning authority. If Invasive species are present at the site the applicant should also submit a detailed method statement for removing any invasive species present on the site. The method statement shall include measures that will be used to prevent the spread of any invasive species present on site during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: Invasive species such as Japanese Knotweed and Giant Hogweed are known to be present within the catchment but no Ecological Survey has been submitted with this application. This condition will ensure that any invasive species present on site are identified and disposed of appropriately before development commences.

22. Flood Risk Mitigation Measures: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2013, reference number ST2202/FRA-1301 (Revision 2) received 26<sup>th</sup> September 2013 and the following mitigation measures detailed within the FRA:

- . Completion of a detailed flood storage compensation scheme (section 5.14 page 10).
- . Finished floor levels for Plots shall be set at the levels outlined below:
  - . 1 and 2 are set 24.94mAOD (section 5.13 page 10)
  - . 7 and 8 are set at 24.7m AOD (section 5.13 page 10)
  - . 9 is contained on the first floor with a finished floor level well above the 1:100 year (+20% climate change) flood level.
- . 3, 4, 5 and 6 are set at a minimum of whichever is the higher of:
  - . 300mm above the general ground level of the site.
  - . 600mm above the 1:100 (+20% climate change) flood level (section 5.12 page 10).
- . Incorporation of a raised dry access route from the first floor residential dwelling (Plot 9) to an area outside the 1 in 100 year plus 20% climate change flood zone.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.



Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

23. Flood Storage Compensation Scheme: The development hereby permitted shall not be commenced until such time as a scheme to provide an acceptable flood storage compensation scheme on a level for level and volume for volume basis at the site has been submitted to, and approved in writing by, the local planning authority. The fluvial flood storage compensation area shall be constructed prior to construction of the new residential properties to ensure that there is no loss of flood storage compensation at any point during the construction period. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure there is no loss of fluvial flood storage during the construction works and to reduce the risk of flooding to the proposed development, future occupants and third parties.

24. Risk and Contamination Assessment: With the exception of Phase 1 works no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of the water environment. From the report submitted (Ground Investigation report number:13384SI) we are not satisfied that the risks to controlled have been considered appropriately. Further investigation works required by this condition should focus on the risks posed to controlled waters.

25. Previously Unidentified Contamination: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the quality of the water environment by ensuring that any contamination encountered is disposed of appropriately.

26. Remediation Verification Report: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect the quality of the water environment by ensuring any remedial work required by the previous two conditions is undertaken and demonstrated that there is no risk to controlled waters.

27. Water Surface Drainage/infiltration: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water would provide potential pathway for contamination at the surface to migrate into the underlying Secondary Aquifer. The design of SuDS and other infiltration systems should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal.

## INFORMATIVES

### 1. Community Safety - Informative:

In aiming to satisfy Condition 11, 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 heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. 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 the National Planning Policy Framework 2012.
6. 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  $919\text{m}^2 - 481\text{ m}^2 = 488\text{ m}^2$  which, at £20 per  $\text{m}^2$ , equates to a Mayoral CIL payment of £8,960 (subject to indexation).

## REPORT DETAIL

### 1. Site Description

- 1.1 The site comprises a detached former coach depot building with outbuildings and a single-storey detached dwelling. The site is located to the south of Reginald Road extending to the Ingrebourne River to the south/east and to the rear of no.s 6-32 Woodlands Avenue and 1, Reginald Road to the north of the application site and 2&4 Woodlands Avenue and 5-15 Ronald Road to the west. The application site is partly within the Green Belt and partly the urban area and also partly within the functional flood plain and flood areas associated with the river. The site area is 0.56 hectares.
- 1.2 The surrounding area otherwise is of mainly residential dwellings to the north and west and open undeveloped areas to the south and east.
- 1.3 Land levels fall towards the river, nonetheless in more recent years a large bund has been constructed adjacent to the river bank. There are a number of trees on site towards the river bank which mainly appear self-seeded.

### 2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings including the main coach workshop building and a single-storey dwelling and the erection of 9 dwellings. The 2-storey, semi-detached dwellings on Plots 1 – 8 would be located to the north-west of the site on the land currently accommodating the single bungalow and its garden area with the 9<sup>th</sup> unit located to the east of the proposed access road directly to the south of 1, Reginald Road. This 9<sup>th</sup> unit would be in the form of a flat above 4 garages. The proposal would include a new access road, car parking and separate private amenity space together with an open space to the south-east.
- 2.2 The proposed layout has an access road which extends south from Reginald Road then west to enable access to the new 2-storey properties. The proposed dwellings would all front onto the access road with amenity space to the rear and parking provided either in curtilage or as garages below Unit 9.
- 2.3 The semi-detached houses are similar in form, size and appearance although there are some variations, such as the single-storey section to the rear of Plots 1, 2 and 8 and the attached garage to Plot 4 with use of either red brick with plain tiles or yellow brick with slate effect tiles. They would

nonetheless have similar same basic dimensions of 7.25m or 8m wide, 7.8/8m deep with hip, pitched roofs and a ridge height of 8.5/8.10m.

- 2.4 The proposed houses would have rear amenity areas of a minimum of between just under 85 sq.m (Plot 5) and 130 sq.m (Plot 1) and a minimum depth 6.3m (Plot 8) and maximum of 11.75m (Plots 1 and 2).
- 2.5 The proposed Unit 9 would differ from the other units as it would be the only unit located to the east of the proposed access road and it would be the only flat. Also, this building would be located within the Green Belt and partly within the functional flood plain. The 3-bed flat is proposed to be provided above 4 garages in a single building which would have a maximum width of 12.8m, maximum depth of 9.15m with a hip, pitched roof-form with the higher ridge just under 8m above ground level. The flat's rear amenity area would be located to the eastern side of the building and would be 57 sq.m. Juliette balconies would be provided to the south and eastern elevations to the living and dining room areas, overlooking the open area.
- 2.5 It is proposed that the area adjoining the Ingrebourne River would be open and accessible to the general public. Nonetheless it would be maintained by the residents of the 9 Units and the occupiers of the dwellings would be in a position to close the access to this area as and when necessary. It is proposed that a management company would undertake the initial work and then maintain the open area. However, it is not intended that there would be any hard landscaping, paths, benches etc. and that it would be a natural meadow to enable greater enjoyment of the river and the surrounding open green belt area while providing an improved flood alleviation measure.
- 2.6 The access road would be provided with a turning head at the entrance to the open area. The pedestrian access to Ronald Road would be retained between No.s 5 and 7 Ronald Road.
- 2.7 There would be a minimum of 2 parking spaces provided for each of the 2-storey semi-detached houses, however those for Plot 2 would not be in curtilage with one provided as a garage under Unit 9 and a second space provided as a parking spaces directly outside this designated garage. The 3 spaces for Plot 8 would be provided as a single parking space in curtilage with one garage and a parking space under/outside Unit 9. The plans for Unit 9 show that the flat would have a maximum of 3 parking spaces with 2 as garages, however the applicant has indicated that the "garage" nearest the open area may be used to store any equipment associated with its maintenance.
- 2.8 A Flood Risk Assessment was submitted together with proposed flood alleviation measures have been submitted with the application, together with details of a safe access in times of flooding for occupiers of the proposed flat. A transport/traffic assessment, Design and Access Statement and Ground Investigation Report were also submitted.

2.9 A Case for Special Circumstances has been submitted which is summarised later in the report.

### 3. **History**

3.1 No recent, relevant planning history.

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

4.1 35 neighbouring occupiers were notified of the proposal. A site notice was posted and a press notice issued. There were 19 replies; 5 raising no objections and 14 objecting to the proposal on the following grounds:

– the proposed Plot 9 is in the green belt and in the floodplain this is likely to result in greater floodrisk and waterlogged gardens to existing development

- Flooding occurs more regularly and this scheme would result in flood water to the north of the river affecting surrounding properties
- the layout suggests that there may be further development in future
- the style of development is totally out of character in this semi-rural area
- lack of security for existing residential development
- the retention of the pedestrian access onto Ronald Road is unnecessary
- the pedestrian access would be used as a meeting place for gangs or a short cut for unruly people eg motorcyclists and people may be attacked using the access
- the proposal will spoil the current quiet area
- asbestos removal would be a worry and would need to be carefully controlled
- there is no indication who would own and maintain the landscaped area
- increase in traffic resulting in more parking in the area
- the existing unmade road is not suitable for an increase in traffic during the construction phase or by new residents vehicles as potholes will be caused; the Council should be responsible for this
- the view from existing properties of the rural area will be adversely affected
- bungalows should be built rather than houses
- the green belt part of the site should not be built on
- the proposed open space should only be exclusive to the owners of the proposed houses for their communal use only
- loss of privacy from plots 3, 4, 5, 6, 7 and 8
- loss of light – the plans submitted with regard to light are inaccurate
- dust caused during the construction phase
- no additional gravel should be added to the private road without consent
- some of the proposed dwellings would be located only 4m/8m away from existing residential boundaries which is unacceptable
- the planning application does not show enough attention to detail including that no photovoltaic/hot water panels are shown on the drawings which will be unsightly

- The Thames Chase Community Forest does not have any interest in the proposed public area and there is no proper management plan for the open area such that it will become an unsightly wasteland
- If the open area is public then it will result in security risks to existing properties
- There is a need for more security fencing and features
- Exceptional Circumstances must be made to allow development in the green belt
- No flats should be allowed as this is not in character with existing development
- Loss of value of surrounding properties
- Urbanisation of a currently rural site
- Increase in noise and pollution
- If permission is given for flatted development, this would set a precedent for more flats
- possibly insufficient parking resulting in parking on Woodlands Road which is private
- traffic flow for the existing and proposed developments is under-declared as other people will visit the development
- congestion of existing driveways to Reginald Road
- refuse areas should not be located adjacent to existing residential properties as it will cause bad smells, infestation etc
- will the existing road be developed into tamac ?
- a greenhouse would be overshadowed by a 1.8m wall

4.2 Thames Water has written to advise that the development should be installed with non-return valves to avoid the risk of backflow during storm conditions, any development within 3m of a public sewer will require the separate consent of Thames Water, no impact piling shall take place without a filing method statement, petrol/oil interceptors would be needed, a condition will need to be attached in respect of a drainage strategy as initial investigation indicates that the existing waste water infrastructure cannot accommodated the needs of this application.

4.3 The Metropolitan Police Crime Prevention Design Advisor advises that conditions and an informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage would be appropriate if permission is granted.

4.4 The Fire Brigade (LFEP) indicate that they are satisfied providing the access road is a minimum width of 3.7m between kerbs throughout its length.

4.5 The Environment Agency have written indicating that the proposed development will not be at an unacceptable risk of flooding providing suitable conditions are attached to any grant of planning permission.

4.6 English Heritage has written advising that the site is likely to contain palaeoenvironmental and geoarchaeological evidence. A condition should

be attached to any grant of planning permission to ensure that any archaeological evidence is the subject of investigation.

5. **Staff Comments:**

5.1 The issues in this case are the principle of development, impact on the open character of the Green Belt, its impact in the streetscene, on residential amenity, flood risk and parking/highways/servicing. Policies CP1, CP14, CP17 DC1, DC2, DC4, DC33, DC35, DC36, DC45, DC48, DC53, DC55, DC57, DC60, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, and the SPDs on Residential Design, Landscaping and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 6.13, 7.3, 7.4, 7.6, 7.16 and 8.3as well as the NPPF.

5.2 *Principle of development*

5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. Approximately half the site lies in the existing urban area (where the bungalow and its garden are located) and the other half (where the vacant coach depot is located) lies in the Green Belt. The National Planning Policy Framework (NPPF) indicates that back gardens do not form “brownfield” sites. The NPPF does not however preclude all development of back gardens and if there are material circumstances which suggest that development might be appropriate then this can be considered as justification for back garden development. The proposal would result in the construction of 8 houses to replace the existing bungalow and its rear garden together with a flat/garage block within the green belt. Staff consider that the proposal for the 8 houses is acceptable in principle but that the proposal for the flat in the green belt is inappropriate development which results in “in principle” harm to the green belt and the reasons for including land within it.

5.2.2 If the flat/garage block is to be considered to be an acceptable form of development then a special circumstances case would need to be made to outweigh the presumption against development in the green belt. Consideration is first given as to whether any other harm arises before any special circumstances case is considered for this dwelling/residential garage block.

5.2.3 The proposed flat/garage development would also be within the functional flood plain; a sequential test would be needed before such development. The conclusions of the Sequential Test are that while there would be other areas outside the functional floodplain where a single dwellinghouse could be located, there are mitigating measures associated with the proposed development, and the Environmental Agency have expressed no objection, such that the proposal would pass the Sequential Test.



### 5.3 *Impact on the Openness of the Green Belt.*

- 5.3.1 The proposed development would demolish the existing buildings at the coach depot site which are located in the middle of the section of the application site which is within the Green Belt and remove extensive hardstanding. This would be replaced by a two-storey building to the northern part of the Green Belt part of the application site which would be used as a first-floor dwelling with ground floor rear amenity space and garaging and parking spaces totalling 7 spaces, for the flat and other properties within the proposed development.
- 5.3.2 The proposal would retain views of the open green belt land currently gained from Reginald Road but closer views at the original gate would be opened up with the removal of the bulky industrial corrugated iron building and the outbuildings to its west. Staff consider that the new flat/garage building would be read as part of the urban area, nonetheless as it does result in a significant reduction in volume of the existing buildings on the Green Belt part of the application site, that this, together with the extensive improvement works and planting proposed to the new open area adjacent to the River Ingrebourne are considered to increase openness of the application site within the Green Belt section.

### 5.4 *Density/Site Layout*

- 5.4.1 Policy DC2 indicates that the density range for the urban area would be 30-50 units per hectare. While the total site area is 0.56 hectares, the proposed development envelope would be 0.27 hectares. The proposal is for 9 dwellings and therefore the proposed density would be 33.4 units per hectare which is within the density range indicated.
- 5.4.2 The proposed development involves the extension of the existing access to the coach depot, i.e., Reginald Road and the fronting onto the road of three units on plots 1 & 2 (a semi-detached pair) and 9 (a flat over domestic garages). The Road then makes a 90 degree turn to the west with the provision of 6 more (semi-detached pairs) dwellings fronting directly onto this access road. Each property would have access to an outside amenity area, including the flatted unit (9), to the rear of each property and, in addition, a large open space would be provided which would be maintained by the new owners of the units. Parking would either be provided in curtilage to the side of each property or within the flat/garage development. It is considered that the site layout would be similar to other frontage/corner development in the locality.
- 5.4.3 The proposal would meet the minimum space standards set out in The London Plan at Policy 3.5 (Table 3.3).

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

- 5.5.1 The proposal is for similarly designed 2-storey houses together with a flat/garage development with the same external materials palette, similar

ridge heights and roof forms and a cohesive arrangement around an extended access road.

- 5.5.2 The existing streetscene to Reginald Road would be affected by the removal of the bungalow and industrial/commercial buildings and their replacement with 3 new properties fronting Reginald Road. Those to the west, would be in a similar position (albeit closer to the highway) as the existing bungalow and the flat/garage to the other side of the access would be the flat/garage/parking spaces which would be set back a similar distance from the road as the two-storey existing property, 1 Reginald Road. It is considered that these properties would be read as a group of 4 with 2 on each side. While these would not be similar to those in the vicinity which included detached, semi-detached and terraced houses, Staff consider that this existing variety of housing types means that this mixed group would be in character and not result in any adverse impact in the streetscene.
- 5.5.3 Staff consider that apart from glimpses further into the application site and along the footpath from Ronald Road, there would be no impact on visual amenity to Ronald Road or Woodlands Avenue.
- 5.5.4 In relation to the rear garden environment, it is considered that there would be significant impact replacing the single-storey bungalow and relatively distant commercial buildings with 9, 2-storey residential dwellings relatively closer to the existing residential buildings rear and side fences.
- 5.5.5 In relation to the nearest elevation of No. 20 Woodlands Avenue, the minimum distance would be approximately 17m to the side elevation of Unit 1. In relation to No.1 Reginald Road the side elevations would be approximately 5.6m apart and the nearest unit to 5 Ronald Road would be just over 10.6m away with the nearest unit to No. 7 Ronald Road being approximately 12.4m from its nearest rear extension and similarly just over 12m away from the nearest rear extension of No.9 Ronald Road. Staff consider that as these measurements measure rear to side relationships (rather than back-to back) that whilst the new properties would clearly be visible in the rear garden environment, that they would not result in an overbearing or visually intrusive form of development. There is clearly an element of judgement here and Members may take the view that this is not acceptable.

## 5.6 *Impact on Amenity*

- 5.6.1 There are existing residential properties to Woodlands Road, Reginald Road and Ronald Road.
- 5.6.2 Given the distances between properties (of over 17m) to those closest in Woodlands Road, although the new 2-storey dwellings would be more visible than the existing bungalow, Staff do not consider that there would be any significant loss of amenity for these existing occupiers from the proposed development.

- 5.6.3 The relative distances to No.s 5, 7 and 9 Ronald Road are relatively closer at between 10m and 12.5m. In relation to the properties fronting west onto Ronald Road, the proposed properties are at right-angles to them. In this respect, Staff consider that while visible, at these distances and given the orientation, the new properties would not result in direct overlooking or loss of privacy within the existing dwellings. In relation to No. 7 Ronald Road with its relatively short garden and No. 9 Ronald Road, as a bathroom with obscure glazing (to plot 5) would be the nearest rear window, Staff consider that there would not be any undue loss of privacy.
- 5.6.4 No. 9 Ronald Road has a long rear garden, as do the two properties to its south in Ronald Road. The proposed 2-storey semi-detached properties on plots 5, 6, 7 & 8 would be located a minimum of 7.7m from the side boundary. It is also considered that some landscaping to the boundary could act as a green screen. As a matter of judgement, while recognising that existing gardens would be overlooked, Staff consider that as there would be no significant loss of privacy within the properties, this would be acceptable in respect of existing residential amenity.
- 5.6.5 In relation to No.1 Reginald Road, the proposed flatted development would be located to its south, the other side of its shared side boundary. While No.1 does have side dormer windows, it is considered that the proposed development would not result in any loss of amenity, in part as it would have a significantly reduced depth in relation to No.1. It is likely that the proposed amenity area for Unit 9 would be overlooked by the occupiers of No.1 nonetheless the flat has Juliette balconies to the south/south-eastern corner which would overlook the new open amenity area and Staff do not consider that this relationship with the existing development would compromise the new occupiers amenity to a significant degree.
- 5.6.6 A suitable condition will be attached to ensure that noise and disturbance during construction is kept to a reasonable level.

## 5.7 *Flood Risk*

- 5.7.1 As a result of the River Ingrebourne forming the eastern and southern boundaries and approximately half of the site falls within the flood plain. Specifically Unit 9 is within the functional floodplain. The dwelling would be at first floor level and a suitable safe access has been provided to the north-west outside the floodplain.
- 5.7.2 In addition, the proposal would result in the removal of a commercial building(s) and extensive hardstanding, the removal of bunding along the river edge and the naturalisation of the site, except where the flat/garage building would be located. The Environment Agency have written indicating their support for the proposed works and that the proposed dwelling would have acceptable flood mitigation measures employed. A number of conditions will be attached to any approval with regard to the proposed works and a legal agreement will ensure the maintenance of the open area to ensure a more natural and controlled flooding of the Ingrebourne River

can occur. Staff therefore consider that while the development of one of the 9 dwellings would be within the functional flood plan that the associated works would have an overall positive impact on the River and the naturalisation of its environment.

## 5.6 *Highway/Parking/Servicing*

5.6.1 The proposal would provide a minimum of 2 parking spaces/garages for each dwelling and cycle parking can be provided in the proposed amenity area (subject to a suitable condition being attached to any grant of planning permission)

5.6.2 Tracking details have been submitted for refuse vehicle access and there are no objections from the Fire Service in respect of access for their appliances.

5.6.3 There are no highways objections to the proposed development.

## 6. *Special Circumstances Case:*

6.1 The NPPF indicates that if development is inappropriate in principle, as for example a dwelling and domestic garages is, then very special circumstances must exist to outweigh the "in principle" harm and any other harm which arises.

6.2 A Case for Special Circumstances has been submitted which is summarised as follows:

- The current unneighbourly use as a Coach depot would be removed
- The current use could revert to its former full capacity
- The current use could cause unacceptable contamination, noise and disturbance resulting in unacceptable harm to the quality of life for residents
- The current use could result in damage to the River Ingrebourne
- The current use could result in a significant increase in vehicles using the surrounding roads, i.e., coaches, staff, service vehicles, visitors etc
- The site is unsuitable for its current use and access arrangements
- The proposal would remove the uncontrolled use of the land forever resulting in a substantial improvement to the environment and allowing the planning system to control future use of the site
- The proposal would remediate the contamination caused by the coach depot
- The majority of the green belt part of the site would be returned to open, undeveloped green belt with a leisure use as an informal open space which would be maintained in perpetuity
- The development overall which is mainly in the urban area will be an improvement to the visual appearance of the surrounding area
- The proposal allows the creation of a new open space which would be a new community facility

- The proposal would remove the depot buildings which are industrial/commercial in use and appearance resulting in an opening up of the green belt and its “ruralisation”
- The proposed new building in the green belt would be located directly adjacent to an existing house in the urban area and read as part of the built-up area and not viewed as a separate element, therefore it would preserve the openness of the redeveloped site
- The existing building footprint is 225 sq.m/volume 1,450 cu.m. The proposed two storey building would have a footprint of 97 sq.m and volume of 750 cu.m. The new building would be considerably smaller than the existing therefore increasing openness
- The existing use is an inappropriate use in the green belt, as is the form of building and together with the outbuildings is untidy and sprawling and conspicuous in the green belt and detached from the built-up area; the proposed dwelling is higher than the industrial building by 2m but has a suitable external appearance and is suburban in character and would form part of the new streetscene enabling openness of the area to its south and would match the new houses not in the green belt part of the site
- The new dwelling/garage would not be part of any sprawl of the built-up area as it is only one building and abuts the existing dwelling/proposed dwellings in the urban area
- The small scale of the number of units proposed in the green belt means that it would not result in it merging with other towns
- The proposed open area is a reason why a dwelling should be allowed in the green belt
- The proposal would encourage the recycling of derelict land and create a new community facility
- It would accord with NPPF Policy for the Green Belt
- The permanence of the green belt boundary would not be affected by the siting of the dwelling abutting the urban area
- The dwelling proposed in the green belt as one of 9 in the whole scheme is fundamental to enable the development to result in the improvement of the green belt

### 6.3 *Staff Comments:*

The only part of the proposed development within the Green Belt would be the proposed flat/garages/parking spaces Unit 9 development which would directly replace the existing coach depot, its outbuildings and extensive hardstanding. Given that the proposed two-storey building would be significantly smaller both in floorspace and volumes (about half), it is considered that the proposal would result in greater openness. That the building would be moved to be on the edge of the green belt part of the site would further open up the green belt. Staff consider that this of itself is sufficient justification to outweigh the presumption against inappropriate development in the green belt. That the proposal would result in environmental improvements to the River Ingrebourne and provide an open space which would be available to the public for informal leisure, is considered to justify the scheme to a greater degree.

7. *Section 106 agreement*

7.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations, totalling £48,000 (8 additional houses). This contribution will need to be secured by way of legal agreement.

7.2 The proposal includes a proposal for the management/maintenance of the open space in perpetuity. It is proposed that ownership of the site will be transferred to a specialist company experienced in the long term management of green belt land and open spaces associated with residential development and will be subject to covenants benefitting the residential units. Funding for the future management is to be secured through a rent charge attached to the freehold of the residential development. The specialist management company will be obliged to maintain and manage the open space to the agreed specification. Each homeowner is obliged to contribute equally to the cost of the management of the open space on an annual basis. It is proposed that this would ensure that the long term management of the open space will be secure and the legal and financial responsibilities for the area are established from day one, and the future planning purpose of the land can be secured. The specialist company is proposed to be a committed neighbour of the residential occupiers who will be collective stakeholders to ensure that the site is effectively managed and maintained in the same way that common parts and landscaped areas are around a block of apartments. The applicants indicate that it is possible that the area could be made available to local schools and conservation groups for organised visits for observation of the natural environment and wildlife associated with the Ingrebourne River corridor – through arrangement with the specialist management company. Unrestricted public access to the area is not envisaged.

7.3 Details of a management/maintenance scheme for the open space will be required through the submission of a scheme under the legal agreement to ensure that the open space is kept up to an acceptable standard and to ensure that it continues to provide a naturalised environment adjoining the River Ingrebourne.

8. *Mayoral CIL*

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. 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 919m<sup>2</sup> - 481 m<sup>2</sup> = 488 m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £8,960 (subject to indexation).

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.

10. **Conclusions**

10.1 The proposal is for the former coach depot, its outbuildings and No.2 Reginald Road to be demolished and the site redeveloped for 9 dwellings, an open space and associated road, parking and landscaping with environmental improvements. Staff consider that the proposal would be acceptable subject to the signing of a legal agreement which would in part secure the open space in perpetuity.

**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 and to ensure the maintenance of the newly created open area adjoining the River Ingrebourne.

**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 7/3/2013 and subsequent revisions, including 30/31.10.13.