



# REGULATORY SERVICES COMMITTEE

9 January 2013

# REPORT

**Subject Heading:**

**P0945.13 – Three Horseshoes Farm,  
Noak Hill Road, Romford**

**Demolition of existing stabling, storage  
and residential properties on site and  
construction of 5 dwellings,  
landscaping and associated works  
(Application received 15 August 2013)**

**Report Author and contact details:**

Helen Oakerbee (Planning Control  
Manager) 01708 432800

**Policy context:**

Local Development Framework  
London Plan  
National Planning Policy

**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 checked="" 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 planning application proposes the demolition of existing stabling, storage, and residential buildings and the erection of five houses, along with landscaping and associated works.

The application was brought before Members on 24<sup>th</sup> October, 2013 (see Appendix A.) Members resolved to defer the application to allow for a committee site visit and for clarification relating to several issues. The applicants have subsequently decided to appeal against non-determination; Members are therefore asked to give a determination as to the Council's case at appeal.

## **RECOMMENDATIONS**

Mindful that the applicant has lodged an appeal to the Secretary of State against non-determination within the statutory period, that:-

A) The proposal be supported, subject to the use of the conditions, and the applicant entering into the Section 106 Legal Agreement outlined in Appendix A.

Or,

B) In the absence of a completed legal agreement, the Council object to the proposal on the grounds that there would be inadequate provision made for the securing of contributions towards infrastructure costs, contrary to Policy DC72 of the LDF, or the removal of existing structures benefitting from certificates of lawfulness, contrary to Policy DC61 of the LDF and the Green Belt guidance contained in the NPPF.

## **REPORT DETAIL**

### 1. Report Detail

1.1 The application was brought before Members on 24<sup>th</sup> October, 2013 (see Appendix A.) Members resolved to defer the application to allow for a committee site visit and for clarification relating to several issues. The applicants have subsequently decided to appeal against non-determination; Members are therefore asked to give a determination as to the Council's case at appeal.

1.2 In relation to those matters that Members were seeking clarification on, Staff comments are as follows:

- *Detail of the enforcement history especially in the period immediately preceding and since the first creation of the 4 lawful residential units. (Aerial photo shows building that may have been subject of a refused application)*

The enforcement history for this site is as follows:

ENF/458/06/HT (2006) – Erection of three unauthorised buildings – Enforcement notice issued. Appeal (APP/B5480/C/09/2102568) dismissed.

ENF/475/06/HT (2006) – Alleged unauthorised chalet structures under construction – case closed.

ENF/486/06/HT (2006) – Erection of three unauthorised buildings – case closed.

The above three cases related to the same breach of planning control reported to officers by separate complainants. The buildings were removed by July 2010.

ENF/332/09/HT (2009) – Alleged additional building – Enforcement notice served in 2010 – Notice complied with in 2011.

ENF/93/12/HT (2012) – Alleged unauthorised erection of three residential buildings – Application (E0020.12) submitted and certificate of lawfulness for 4 residential units subsequently granted.

- *Basis of evidence submitted to gain the 4 Lawful Use Certificates?*

The evidence considered included aerial photographs, a written statement, and statutory declarations. Officers also visited the site and took photographs, both inside and outside the four residential units. Officers considered the submitted evidence to be sufficient to justify the granting of the certificates, having regard to Government guidance and case law, in particular *Gabbitas v Secretary of State for the Environment and London Borough of Newham* (1985) on the burden of proof. The relevant certificates of lawfulness have been granted by the Council. The process involved in determining the application for certificates of lawfulness is not a material consideration in the determination of this application.

- *Is access road wide enough to enable 2 vehicles to pass?*

The proposed access road would be approximately 6m in width, which it is considered would be sufficient to permit the passing of two typical cars. There would, in any case, be passing places at the entrance and developed end of the access road, so users of the access road would be able to negotiate a passage along the road. In any case, it is considered that the current use of the site and access is likely to be more intense than the proposed residential use.

- *Explanation of the LDC process and detail of the dates of submission/approval, including details of agreed curtilage.*

Building operations, including change of use to residential units, that have been undertaken without the benefit of planning permission may, under the provisions of the Town and Country Planning Act 1990, become immune from planning control after a period of four years. Under these circumstances, a landowner is entitled to have this immunity from planning control confirmed by means of a Certificate of Lawfulness for Existing Use and Development. As discussed, the process involved in determining the application for certificates of lawfulness is not a material consideration in the determination of this application. However, for information, the certificates for each of the four units are as follows:

Certificate Reference E0029.12 (a) application received 30 July 2012,  
issued on 6 December 2012  
Certificate Reference E0029.12 (b) application received 30 July 2012,  
issued on 6 December 2012  
Certificate Reference E0029.12(c) application received 30 July 2012,  
issued on 6 December 2012  
Certificate Reference E0029.12 (d) application received 30 July 2012,  
issued on 6 December 2012.

The Certificates made no determination on curtilage.

- *When was the hardstanding laid?*

This information is unknown.

- *Is front car park in the proposal and can it be reverted to Green Belt land.*

The area being referred to, at the junction between the main access road and the public highway, does form part of the proposal and would act as a vehicle passing place. It is considered, given the useful function of this space, and the negligible benefits to the Green Belt of removing such a small area of hardstanding, that it would not be desirable for it to be returned to Green Belt.

- *Need plan edged red/blue so can clearly identify current and proposed land in applicant control.*

This information has not been submitted by the applicants.

- *Clearly identify which buildings/car parking and areas of hardstanding currently exist.*

The existing development is detailed in the submitted information. Further clarification may have been gained through the undertaking of a Member site visit, but this was cancelled following the submission of the planning appeal.

- *Will access road be adopted?*

The applicants may or may not apply to have the access road adopted should planning permission be granted. Confirmation has not been provided either way, and adoption is not a planning consideration.

- *Precise details of proposed boundary treatment (suited to Green Belt).*

No additional details have been received since the submission of the planning appeal.

- *Allegation that one of the LDC residential units now accommodates horses.*

We do not have information about this matter. Further clarification may have been gained through the undertaking of a Member site visit, but this was cancelled following the submission of the planning appeal.

- *Further explanation of considerations around argument that 4 small LDC residential units can justify 5 large houses in Green Belt terms. Also clarify how existing commercial development in Green Belt can justify change to residential properties.*

These matters are discussed in detail in the committee report previously considered by Members (Appendix A.) The removal of the four authorised residential units does not, in itself, justify the proposed development. It is the removal of these units, along with a number of substantial commercial buildings that, in the opinion of officers, makes the proposal acceptable in planning terms. As discussed in the previous committee report, the guidance contained in the NPPF states that the redevelopment of existing sites need not be inappropriate development in the Green Belt providing redevelopment would not be more harmful to the openness of the Green Belt, or conflict with the purposes of including land in the Green Belt.

The report set out below is the same as that previously presented to committee. As the applicant has now submitted an appeal against non-determination, Members are invited to resolve what decision they would have made if the Council still had the ability to determine the application.

Appendix A

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

24 October, 2013

**Subject Heading:**

**P0945.13 – Three Horseshoes Farm,  
Noak Hill Road, Romford**

**Demolition of existing stabling, storage  
and residential properties on site and  
construction of 5 dwellings,  
landscaping and associated works  
(application received 15<sup>th</sup> August,  
2013.)**

**Report Author and contact details:**

Helen Oakerbee (Planning Control  
Manager) 01708 432800

**Policy context:**

Local Development Framework  
London Plan  
National Planning Policy

**Financial summary:**

None

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

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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 planning application proposes the demolition of existing stabling, storage, and residential buildings and the erection of five houses, along with landscaping and associated works.

## RECOMMENDATIONS

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

- The sum of £30,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- That the applicant/owner of the application site agrees that on the issue of the Decision Notice pursuant to the Planning Permission (Reference P0945.13) the following Certificates of Existing Lawful Use or Development granted under section 191 of the Town and Country Planning Act 1990 (as amended) have no further legal effect in respect of the unrestricted residential use of accommodation units existing on site. For the avoidance of doubt from the issue of the Decision Notice the units subject to the following Certificates shall no longer be used lawfully for unrestricted residential use:-
  1. Certificate Reference E0029.12(a) issued on 6 December 2012;
  2. Certificate Reference E0029.12(b) issued on 6 December 2012;
  3. Certificate Reference E0029.12(c) issued on 6 December 2012;
  4. Certificate Reference E0029.12(d) issued on 6 December 2012;
- 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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 by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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

3. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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.

4. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.



5. 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 LDF Development Control Policies Development Plan Document Policy DC61.

6. Cycle storage - Prior to the completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

7. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment shall be retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

9. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the

development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

10. Hours of construction - 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.

11. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and used at relevant entrances to the site throughout the course 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.

12. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;

- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

13. Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

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

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

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

14. Land Contamination - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

15. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, 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 protecting the openness of the Green Belt and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

16. Ecology – No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how the development will be undertaken in accordance with the recommendations of the submitted ecological assessment (June 2013). The development shall be undertaken in accordance with the approved details.

Reason: In the interests of nature conservation and in accordance with the NPPF.

17. Ecology – No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority relating to the proposed installation of bat and bird boxes within the development. The development shall be undertaken in accordance with the approved details and retained for the life of the development.

Reason: In the interests of nature conservation and in accordance with the NPPF.

18. Ecology – Should demolition works at the site fail to be completed by 28<sup>th</sup> June 2014, then a further bat survey shall be undertaken and submitted and approved in writing by the local planning authority prior to any further demolition works taking place.

Reason: In the interests of nature conservation and in accordance with the NPPF.

19. Demolition – No development shall take place until all of the existing buildings at the site have been demolished.

Reason: In the interests of maintaining the openness of the Green Belt, and in accordance with the guidance contained in the NPPF.

20. No development shall take place until a scheme for protecting the site's existing hedgerows has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: Reason: In the interests of nature conservation and in accordance with the NPPF.

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

Reason:-

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

22. 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.

## **INFORMATIVES**

1. In aiming to satisfy condition 8 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

### **Planning Obligations**

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The proposed area of development is located approximately 75m to the north of Noak Hill Road, and is accessed by a private track leading to the public highway. The Site is in use as an equine stabling business but includes four residential units that benefit from certificates of lawfulness. The site is located within the Green Belt and the Havering Ridge Area of Special Character. A Borough Site of Nature Conservation Importance is located immediately to the west, whilst the Whitworth and Broxhill Site Specific Allocation is located approximately 30m to the west.
- 1.2 The development site comprises an irregular area of land with areas of hardstanding and buildings, along with two open areas of land used for exercising horses. The built development is mainly concentrated at the southern end of the Site and includes stable blocks, storage buildings, an office, and a residential unit. A further cluster of smaller buildings, comprising three residential units and a storage building, are located at the northern end of the Site. The Site is mainly bounded by open countryside although the western side of the access track runs alongside a residential property known as The Bungalow.
- 1.3 The existing buildings at the site, of which there are nine, range in area from around 31sqm to 345sqm, with the tallest building being approximately 6m in height, although the remainder are around 3m in height. The existing built development covers a total area of 1154sqm and has a total volume of 3819m<sup>3</sup>. The proposed buildings would be in excess of 100m from the nearest neighbouring dwellings located to the south of the site along Noak Hill Road.

### 2. Description of Proposal

- 2.1 This planning application proposes the demolition of the existing buildings and the removal of much of the hardstanding, and the erection of five, detached residential properties, each of which would have a private garden and garage. The proposal would be accessed from the same point along the public highway as the existing development, with an internal access road serving the proposed dwellings and the farmland beyond. Areas of the site that are currently developed would be landscaped and left open.
- 2.2 The proposed dwellings would be 1-2 storey, pitch roofed properties with accommodation contained in the roof spaces, facilitated by dormer extensions. Each would include a two storey, projecting gable feature extension and a garage in addition to driveways with 1-2 parking spaces. Two of the dwellings would have four bedrooms, and the remaining three

would have five. Existing hedgerows and trees would be retained, and new planting undertaken.

- 2.3 The proposed buildings, including the garages, would have a combined footprint of approximately 700sqm and a combined volume of approximately 3554m<sup>3</sup>. Each of the dwellings would have a maximum height of around 7.5m.

### **3. Relevant History**

- 3.1 The previous planning decisions of most relevance to this application are as follows:

E0020.12 - Certificate of Lawfulness for retention of 4 self-contained residential units – Approved.

P2492.07 - Retention of outbuildings – Refused.

P0163.00 - Hay and straw storage barn (to replace existing containers) – Refused.

P0763.98 - Retention of use as a livery yard together with stable buildings and ancillary facilities – Approved.

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

- 4.1 The application has been advertised on site and in the local press. Neighbour notification letters have also been sent to 32 local addresses.

- 4.2 A petition containing 79 signatures has been received, objecting to the proposal.

- 4.2 Objection letters have been received from 12 neighbours raising the following concerns:

- a) The proposal would undermine the semi-rural character of the site;
- b) The application could be followed by further development proposals in the Green Belt;
- c) The proposal would cause additional traffic problems and disturbance in the area;
- d) The proposal would harm the outlook from neighbouring properties;
- e) The proposal would be detrimental to highway safety;
- f) The loss of the stabling business, which serves the area;
- g) The proposal would be harmful to the Green Belt;
- h) The area is being over developed with other developments in the area;
- i) The proposal would exacerbate drainage problems in the area;
- j) Overlooking to neighbouring properties.

- 4.3 Comments have also been received from the following:



The Environment Agency  
No objections.

Crime Prevention Design Advisor  
No objections; condition and informative recommended.

Thames Water  
No objections.

London Fire Brigade  
No objections on planning grounds.

Environmental Health (Contaminated Land)  
No objections; condition recommended.

Highway Authority  
No objections.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

National Planning Policy Framework (“the NPPF”)

### **5.2 Regional Planning Policy**

The London Plan (2011)

### **5.3 Local Planning Policy**

Policies DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC45, DC49, DC50, DC51, DC53, DC55, DC61, DC63, DC69, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and the Planning Obligations SPD are also material considerations in this case.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, highway and parking issues, community infrastructure, and other considerations.

## 7. Principle of Development

7.1.1 The Site is located in the Metropolitan Green Belt. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.

b) If the development is considered not to be inappropriate, the application should be determined on its own merits.

c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.2 The proposal would involve the demolition and removal of existing structures and their replacement with five dwellings and associated development, including garages and residential curtilages. The guidance contained in the NPPF states that the erection of new buildings will constitute inappropriate development in the Green Belt, except in given instances, including:

*“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing building.” (Paragraph 89)*

7.1.3 It is considered that those parts of the site comprising buildings and hardstandings constitute previously developed land. The open areas employed for exercising horses are not considered to constitute previously developed land.

7.1.4 The proposed development would involve the removal of a number of buildings, which have a combined footprint of 1154sqm, and a combined volume of 3819m<sup>3</sup>. The proposed development would result in buildings with a combined foot print of around 700sqm, and a combined volume of around 3554m<sup>3</sup>. The proposal would therefore result in a built footprint reduction of approximately 39%, and a reduction in the built volume of approximately 7%. The proposed dwellings would be taller than the tallest existing building, although the proposed buildings would have pitched roofs, which would reduce their impact higher up. Moreover, the proposed buildings would have a more discrete nature compared to those existing, which fill the site to a much greater extent.

7.1.5 Given that the proposal would result in a significantly less extensive development than is existing in terms of ground coverage, and would also be less voluminous, and given the siting, scale, and design of the proposal, it is considered that it would not have a greater impact on the openness of

the Green Belt or the purposes of including land in the Green Belt. Given the existing condition of the site, it is considered that the proposal would, in fact, result in a significant improvement to its visual and overall condition. As will be discussed below, it is considered that the proposal would not result in any significant harm, and that it would not therefore constitute inappropriate development in the Green Belt.

## **7.2 Design Considerations**

- 7.2.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC69 states that the character of the Havering Ridge Special Character Area will be protected. The SPD contains guidance in relation to the design of residential development. Neighbouring occupiers have objected to the proposal on the grounds that it would be harmful to the visual amenities of the area and the Green Belt.
- 7.2.2 The site currently has a ramshackle appearance with significant areas of hardstanding and a range of buildings covering much of the site area. These include wooden chalet structures in residential use, and larger structures being used as stables and for storage, constructed from a range of materials. The proposal would result in the removal of these buildings and much of the hardstanding. The proposed buildings would cover around 60% of the site area covered by the existing structures. The area currently occupied by the residential units and a storage building at the north western end of the site, along with a horse exercising area, would be restored to open land and not developed.
- 7.2.3 It is considered that the proposed dwellings and their associated curtilages, along with the other aspects of the proposal that would create open land, would result in a significant improvement to the visual condition of the site. The proposed units would be taller than the tallest existing structures, however, their pitched roofs and more discrete nature would result in less of an impact on the openness of the Green Belt and its visual amenities. It is recommended that conditions be imposed requiring the approval of details in relation to cladding materials, landscaping, boundary treatment, bin, and bicycle storage. A condition should also be imposed removing permitted development rights to ensure that approval is sought for the erection of curtilage structures and house extensions.
- 7.2.4 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policies DC61 and DC69 of the LDF, subject to the afore mentioned conditions.

### **7.3 Layout and Amenity Considerations**

- 7.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings. Neighbouring occupiers have objected to the proposal on the grounds that it would result in an over development of the site.
- 7.3.2 The development would result in a low site density of approximately 10 dwellings per hectare, which is considered to be appropriate to what is a semi-rural location in the Green Belt.
- 7.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 7.3.4 In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed dwellings would be accompanied by private gardens. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 7.3.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the units are considered to be acceptable. Two of the units would directly face one another with a separation distance of just under 12m. Whilst this separation distance is not ideal from an amenity perspective, it is considered acceptable as both units have significant open spaces to the rear, and the close proximity to the front contributes to a more intimate, rural, mews character, which is considered suitable in this location. The proposed dwellings would not include flank windows. It is therefore considered that there would not be any significant adverse impacts between units in terms of outlook and overlooking.
- 7.3.6 It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate

amount of privacy would be provided both within the site, and between the site and the surrounding area. A further condition should remove permitted development rights to prevent the insertion of flank windows and other extensions in future, which may be harmful to neighbouring amenities.

7.3.7 In relation to the impact the proposal would have on existing, neighbouring occupiers, the proposed dwellings would be in excess of 100m from the nearest neighbouring properties. Given the siting of the proposed units, along with their scale and design, it is considered that there would be no significant adverse impacts on the amenities of existing occupiers in the surrounding area.

7.3.8 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

## **7.4 Environmental Impact**

7.4.1 Neighbouring occupiers have objected to the proposal on the grounds that it would adversely affect drainage arrangements in the area. It is considered unlikely that the proposal would have a worse impact on drainage than the existing development. The site is located in Flood Zone 1 and the Environment Agency has raised no objections.

7.4.2 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination. It is recommended that these be employed should planning permission be granted.

7.4.3 Based on the information submitted, it is considered that the proposal would not result in any significant harm to nature conservation interests. A bat survey has identified no bat roosts within the existing building and this report will be reliable for a year, after which further survey work is recommended. The general ecology survey submitted identifies no protected species on site, but does make recommendations to avoid harm to nature conservation interests. Conditions are recommended to ensure that further bat survey work is undertaken if demolition occurs more than a year from the date of the submitted survey. A condition is also recommended requiring a scheme to indicate how the ecological recommendations will be adhered to. It is also considered that a scheme of bat bird box installations should be required.

## **7.5 Parking and Highway Issues**

7.5.1 The application proposes the retention of the site's existing access onto Noak Hill Road. Neighbouring occupiers have objected to the proposal stating that it would result in an increase in traffic congestion in the local area and diminish highway safety.

7.5.2 The proposal development would be accessed along a private internal road connecting with the public highway. Each of the proposed dwellings would be accompanied by a parking garage and at least one additional parking space. The proposal is likely to result in a significant reduction in vehicle movements at the site compared to the existing use. Access would be allowed for vehicles needing to access the agricultural fields to the north and west of the site, and bin lorries would be able to manoeuvre within the site using a proposed turning head, with refuse being collected from outside the proposed dwellings.

7.5.3 The Council's Highway officers have raised no objections to the proposal and it is therefore considered that the proposal would have an acceptable highway impact, and be in accordance with Policy DC32 of the LDF.

## **7.6 Community Infrastructure**

7.6.1 Given the amount of floor space to be created (1,027sqm) and that to be removed (1,154sqm), which has been in use for at least six of the past twelve months, the proposed development would not give rise to a contribution as part of the Mayor's Community Infrastructure Levy (CIL) .

7.6.2 This planning application is subject to the Council's tariff under the Planning Obligations SPD. The proposal would give rise to a contribution of £30,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **7.7 Other Considerations**

7.7.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

## **8. Conclusion**

8.1 The proposal is considered to be acceptable having had regard to Policies DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC45, DC49, DC50, DC51, DC53, DC55, DC61, DC63, DC69 and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and compliance with conditions.

## **IMPLICATIONS AND RISKS**

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

None.

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

Legal resources will be required to prepare and complete the legal agreement.

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

None.

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

The Council's planning policies are implemented with regard to equality and diversity.

## **BACKGROUND PAPERS**

Planning application P0945.13, all submitted information and plans.