

## OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

**APPLICATION NO:** P1005.23

**WARD:** Rainham & Wennington

**Date Received:** 23rd June 2023

**ADDRESS:** The Manor Hotel, Berwick Pond Road  
Rainham

**PROPOSAL:** Change of use from Hotel with associated food and beverage to create 8No. terraced dwellings and 1No. 5xbed detached dwelling following demolition of adjacent coach house with associated parking, landscaping and amenities.

**DRAWING NO(S):** 010  
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**RECOMMENDATION:** It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

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## CALL-IN

The application has been subject to a call-in by Councillor Jackie McArdle on the grounds that the there would be harm to the Grade II Listed building and the development would be out of character and an overdevelopment of the site.

As the proposals are recommended for refusal a decision can be taken using delegated powers and will be issued on that basis without being presented to the Planning Committee.

## SITE DESCRIPTION

The application site is The Manor Hotel. The hotel comprises of sections of the remaining Berwick Manor, which is a Grade II listed building which along with the former Coach House was substantially damaged due to a fire within the building. Extensive work has been approved within the site that has significantly increased the size of the building and the scale of use. The application site benefits from large grounds with the main building being set back substantially from Berwick Pond Road.

The site is located within the Metropolitan Green Belt.

## DESCRIPTION OF PROPOSAL

Consent is sought for the conversion of the existing Hotel to create eight terraced dwellings with associated areas of landscaping. In addition the proposals are seeking to form one no. five bedroom detached dwelling through the demolition and redevelopment of the former Coach House with

associated parking, landscaping and amenities.

By way of background pre-application advice was given dated 21 September 2020 (prior to the adoption of the Havering Local Plan 2016-2031). The advice given was limited and concerned a materially different scheme than that sought in this instance. This did not extend to the conversion of the main building or its loss for residential and retained the Hotel/Function suite.

## RELEVANT HISTORY

|          |                                                                                                                                                                                                                                      |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| L0004.23 | Change of use from Hotel with associated F&B to create 8No. terraced dwellings and 1No. 5xbed detached dwelling following demolition of adjacent coach house with associated parking, landscaping and amenities<br>Awaiting Decision |
| P1726.22 | Temporary marquee (Retrospective)<br>Apprv with cons                      14-12-2022                                                                                                                                                 |

## CONSULTATIONS/REPRESENTATIONS

### PUBLIC CONSULTATION

Letters were sent to surrounding neighbouring occupiers with one letter of representation received. The scheme was also advertised in the local press and a site notice was displayed adjacent to the site. The comments received are summarised below:

- Noise during works

OFFICER RESPONSE: Disturbance during works is not a material planning consideration however if recommended for approval the development would be required to comply with standard hours of work which would align with the threshold given by the resident in writing.

In addition to this the following comments were received from other stakeholders:

Anglian Water - No objection  
GLAAS - Objection, recommended refusal  
DOCO - No objection  
Waste/Recycling - No objection  
Public Protection - No objection subject to conditions  
Council's Heritage Advisor - Objection

### CALL-IN

The application has been subject to a call-in by Councillor Jackie McArdle on the grounds that there would be harm to the Grade II Listed building and the development would be out of character and an overdevelopment. As the proposals are recommended for refusal a decision will be issued on that basis.

## RELEVANT POLICIES

Havering Local Plan 2016-2031 Policies 7, 23, 24, 26, 28 and 34

London Plan 2021, in particular Policies H1, D1, D4, D6, G2, T6.

NPPF

Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72).

## **MAYORAL CIL IMPLICATIONS**

Proposals would be liable for contributions under the CIL regulations however as the development relates to conversion of existing floor space, much of this would be offset. From information provided the indication is that new floor area would equate to 184.6 sqm of new floor area which translates to the following:

Havering CIL (125 per sqm) - £23,075

Mayoral CIL (25 per sqm) - £4,615

## **STAFF COMMENTS**

Policy 4 of the Havering Local Plan 2016-2031 requires that all developments of 10 or more dwellings or residential developments with a site area of more than 1,000 sq m are required to provide at least 35% affordable housing based on habitable rooms (gross). Given the overall site area this element of the policy would be engaged.

The applicant has provided a statement which outlines that the proposals could have split into two separate submissions which may have overcome this mechanism which would have accordingly reduced the site area. The applicant reasons that the submission was made as the proposals were below the ten unit threshold.

The primary function of Policy 4 is to prevent intentional under-development of a site. Through the Local Plan work the Council established that development sites of more than 1000 square metres are potentially able to be configured to deliver 10 or more residential dwellings and, therefore, contribute to affordable housing provision.

The applicant contends that as the site is within the Metropolitan Green Belt that the opportunity to develop the site is limited, compounded further by the heritage implications of the Grade II assets. The proposals concern a floor area of 768 square metres (floor area) with the grounds of the site making up the extent that engages the 1000 square metre threshold for a major development.

On balance, given the site constraints there is no evidence before officers that the proposals are an intentional seeking to under-develop the site, rather that the proposals are a response to the individual constraints of the site and those which are not entirely successful in any case. As such officers do not consider that there would be a conflict with Policy 4 and that the need for consideration of affordable housing is not engaged. In reaching this view officers are mindful of identified grounds for refusal which will follow in this report which correlate with the exceptions given by the applicant.

## **BACKGROUND**

### **PRINCIPLE OF DEVELOPMENT**

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation. The provision of additional accommodation is consistent with the NPPF and the objectives of the Havering Local Plan 2016-2031 which at Policy 3 is supportive of housing provision in sustainable locations. In addition the London Plan 2021 notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality at Policy H1 whilst also acknowledging that development should optimise housing output subject to local context and character at Policy D1.

In addition to the above the Housing Delivery Test results found that the Council has seen a shortfall in the level of housing delivery compared to the housing requirement over the measured three years. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged. Paragraph 11(d)(ii) requires an assessment of the proposal against the policies in the Framework taken as a whole or where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development.

The main constraint is that the application site comprises Grade II listed Berwick Manor Country Club (List Entry Number: 1079915), formerly Berwick Manor Farmhouse. The historic core of the building is dated to seventeenth and eighteenth century with nineteenth century alterations. Furthermore the development is located within the Metropolitan Green Belt. These matters and other policy considerations will be explored below.

### **GREEN BELT IMPLICATIONS**

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. A number of exceptions are given at Paragraphs 149 and 150.

Chapter 13 of the Framework attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. The Framework accepts that the reuse of existing buildings does not represent inappropriate development, requiring that the development preserve openness but also more fundamentally not conflict with the purposes of including land in the Green Belt.

Openness is not empirically defined in national policy and has been held to have a spatial as well as visual aspect. In the Court of Appeal Judgement, *Samuel Smith Old Brewery (Tadcaster) & Oxtou Farm v North Yorkshire CC & Darrington Quarries Ltd* EWCA Civ 489 which indicated that when a

development was likely to have visual effects within the Green Belt, the decision-maker was required to consider how those effects bore on the question of whether the development would preserve the openness of the Green Belt. There can then be an effect on openness even if there is no additional visual intrusion. To elaborate upon this, a material change in character could be viewed to contribute to harm to openness.

With regards to the conversion of the main building, in Green Belt terms, there is no in principle objection to the repurposing of the Hotel, to an extent the repurposing of buildings is encouraged by the Framework at Para 150(d). It is observed that there would be some alterations to the main building through additions/alterations therefore the considerations of Para 149(c) are relevant, namely whether the proposals would result in disproportionate additions over and above that of the original building. There would be no substantial additions to the subject building as such, other than the formation of an enlarged flat roofed section in the historic part of the building and a replacement single storey projection to the rear. The altered roof section would form a conspicuous addition visually when viewed from the south and also over longer distances from other perspectives. Due to the extent of the works approved since the near destruction of the manor building, the cumulative volumetric increase has exceeded the 50% guideline and this is reflected in earlier decision making for the site.

The question then is whether the increased flat roofed area (to create bedroom 3 for each of units 3 and 4 respectively) results in disproportionate additions over and above that of the original building. To that end, given the increase present and observed historically by officers as noted above it is suggested that this would be the case. The design of this element in so far as that it would add another unrelated roof form to the site and would increase the mass of the building at roof level conspicuously are sufficient for officers to reach this view in conjunction with the historic volumetric increase. Whilst the applicant has sought to demonstrate that the volume of built form would be reduced, albeit by a very minor amount. Officers have no reason to dispute the conclusions given, however do not regard the removal of the beer cellar and existing outbuilding, both subordinate ground level features (as shown in the DAS), as offsetting the harm identified from the increased massing at roof level.

The above is to an extent exacerbated by the formation of a single shared rear projection in place of the existing single storey projections. On the face of it the development footprint would appear to reflect the existing however the overall visual impression and massing officers would contend would be removed from this arrangement. Where there were several rear extensions with differing roof forms a cohesive flat roofed projection to the rear would be well removed from the existing. In seeking to provide terraced areas, where there would be an expectation of some means of privacy screening this would hold the potential to increase visual bulk further. Officers are not convinced that the approach shown is the most appropriate in responding to the Green Belt and Heritage considerations.

Turning then to the Coach House redevelopment the NPPF as above allows for the the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building at Para 149(c). More applicable to the demolition of the Coach House as is intended is the the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces at Para 149(d). To that end, the applicant has within the DAS provided sought to outline that the volumetric increase would be minor. It is evident that the former Coach House would appear to have a two storey section in the middle, flanked by single storey side wings. The applicant has sought to demonstrate that the volume increase would

be minor, however officers do not consider that this is the sole consideration in isolation of the visual and character impacts of this element of the proposals. Given the existing situation there would be a significant increase in mass and there is no evidence before officers that the building was of a scale comparable to what is sought.

The proposals appear focused on providing a high quality living environment for future occupants and would present as a large two storey dwelling house for all intents. The two storey flanking sections and other changes present would give rise to a more overtly residential appearance. Accommodation within the roof and throughout when illuminated at night would highlight the building in an otherwise dark setting. The building would have a more overtly domesticated and urban quality as a result, a departure far removed from its existing state and any former use in the absence of any evidence otherwise. Whilst officers are not opposed to the redevelopment of this part of the site in principle, there is a sense that the current proposals are overly ambitious which are reflected in heritage comments received for the proposals.

There is no evidence before officers that visually the building would not be a marked contrast from its historic use and a more simpler, rustic design. Whilst there would be limited public views of the resultant dwelling owing to its set-back and suggested landscaping, there would be views of the building from adjacent sites, particularly in winter months and at greater distances through illumination. It is unlikely that this would have occurred to the extent shown by the former use of the building and is symptomatic of potentially a harmful change in character in the opinion of officers and the changes sought moreso being overly ambitious and inappropriate. This would be compounded in a sense by seeking to extricate the the Coach house from the broader site with its own defined curtilage and associated areas of landscaping/garden.

Appeal inspectors have long held the view that a more tended and defined garden space with associated domestic paraphernalia diminished the open character of the Green Belt. Such dedicated space was considered to detract from the more informal countryside and semi-rural qualities of the broader area through the provision of domestic paraphernalia and enclosure resulting from formalised boundary treatment. However the changes to the site generally in respect of the main building would reduce the amount and extent of hardstanding and would offer opportunity to improve the green character of the site as is suggested from drawings provided.

It is evident that vehicles have attended site in the past and it would be difficult to quantify whether the frequency attending the site in association with the domestic dwellings as sought would increase over that of the former use of the site. Officers consider it reasonable to conclude that this would be much reduced and therefore do not identify any material harm by way of loss of openness through character change in this respect. The arrangement of amenity spaces is well considered also in seeking to reduce those wider impacts with regards to layout of the site around the main building even in the case of the Coach House as it would maintain a shared access. However as with preceding sections this part of the site lends itself more to a low-key redevelopment rather than a dwelling of the scale shown.

Officers consider that there would be conflict with the exceptions given through resulting in a disproportionately larger building (in the case of the main building) given historic additions and the design approach adopted (Para 149c). In the case of the Coach House, in the absence of any evidence otherwise the resultant building would be materially larger than that which it replaces (Para 149d). There is no evidence before officers that the replacement dwelling would be of a scale commensurate with what existed historically. Officers are mindful that permission was granted for a

building of equivalent scale in 2012 (ref: P1390.09/L0011.09) and recognise that the proposals would incorporate a more sensitive approach in terms of detailing/massing but nevertheless consider that this decision has little relevance. The decision was in excess of a decade ago and was issued on the same day that the NPPF was adopted.

In view of the above, it is for the applicant to show why permission should be granted. The NPPF advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 148). No very special circumstances case has been made by the applicant. Accordingly the proposals are not considered to meet with the requirements of any of the other given exceptions fully. In the absence of any VSC the proposed development is unacceptable in principle is harmful to the Green Belt, in contrast to the objectives of the NPPF including the purposes of including land within the Green Belt and Policy G2 of the London Plan 2021.

In reaching the above view, officers are mindful of the Council's housing delivery and shortfall that is present. However the benefits associated with the proposed development would not outweigh the wider character and in principle harm identified to the Green Belt. It is the opinion of officers that the site lends itself to sympathetic redevelopment however the current proposals would not be representative of this. It is considered that in this instance a decision to refuse permission may help to inform a resubmission.

## **LISTED BUILDING**

The application site comprises Grade II listed Berwick Manor Country Club (List Entry Number: 1079915), formerly Berwick Manor Farmhouse. The historic core of the building is dated to seventeenth and eighteenth century with nineteenth century alterations.

Policy 28 of the Havering Local Plan 2016-2031 requires that development conserve and enhance the significance of heritage assets at risk within the borough. More broadly any decisions relating to listed buildings and their settings and conservation areas must also address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72).

S66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Council has sought specialist heritage advice and this has resulted in an objection having been made. The view is that the proposals would, as a whole, fail to preserve the special architectural interest and the setting of the listed building, contrary to Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, the impact is considered to cause a medium level of 'less than substantial harm' to the significance of the listed building, making the application subject to a planning balance under Paragraph 202 of the NPPF.

The building suffered major fire damage in 1999, which caused the roof to collapse and the loss of much of the building's original fabric. Later, it was reconstructed, however there were some significant side and rear extensions. The historic core of the structure can still be seen in some

sections of the historic walls and chimneys that survived the fire. The original form and double-pile roofscape were sympathetically restored.

#### Main Building:

The proposed change of use from hotel to residential does not contradict the inherent character of the listed building, therefore would be considered acceptable in principle. Internal alterations within the modern side and rear extensions are also considered non-contentious on balance. However the the proposed party walls separating Flats 3, 4, 5, and 6 within the historic portion of the building entirely erode the legibility of the historic extent in the planform. These party walls divide up the legible historic core of the building unsympathetically. The party wall between Flat 3 and 4 is shown to run in front of one of the chimneys, whilst the former north-south longitudinal loadbearing wall that supported the double-pile roof has been completely disregarded. Consequently, the remaining architectural and archaeological interest of the building would be harmed by the scheme. The proposal to introduce a large crown element between the two parallel roofs, which form the double pile configuration, is considered unsympathetic and harmful to the architectural character of the building.

With regard to the redevelopment of the rear extensions and additions into one large single storey block here is significant concern over the overall bulk and design. The existing single-storey extensions to the rear are subservient to the principal historic building in terms of scale, form and design; and represent a more informal utilitarian range. Whereas the proposed has a significantly higher massing and formal appearance that would undermine pre-eminence of the historic core of the building and its architectural character.

#### Coach House:

Remnants of an associated former coach house is located about 40 metre southeast of the listed building. The building has historically been present on the site within the curtilage in the same relationship to the listed building.

Proposal for change of use from hotel to residential does not contradict to the inherent character of the listed building, therefore, considered acceptable. Internal alterations within the modern side and rear extensions are also considered noncontentious. However, the proposed party walls separating Flats 3, 4, 5, and 6 within the historic portion of the building entirely erode the legibility of the historic extent in the planform. These party walls divide up the legible historic core of the building unsympathetically. The party wall between Flat 3 and 4 runs in front of one of the chimneys, whilst the former north-south longitudinal loadbearing wall that supported the double-pile roof has been completely disregarded. Consequently, the remaining architectural and archaeological interest of the building would be harmed by the scheme. The proposal to introduce a large crown element between the two parallel roofs, which form the double pile configuration, is considered unsympathetic and harmful to the architectural character of the building.

The proposal to redevelop the former Coach House is not opposed in principle. Whilst a scheme similar to the current proposal, in terms of scale and bulk, was approved previously, permissions were never implemented and the consent has since lapsed. It is important to note that planning permissions prior to the implementation of the NPPF in 2012 are generally not considered to reflect present best practice in relation to caring for the historic environment. The former coach house building appears to have a two-storey section in the middle with two single-storey side wings. However, the proposed redevelopment seeks to increase the overall bulk of the building significantly

with an overall two-storey mass. Whilst it is not suggested that the resultant height and massing would be overly dominant to the listed building, its historic character as a modest coach house and its subservient and utilitarian association with the listed building would be lost. Significant concern is held over the overtly formal design sought, which not only fails to reflect its context and its historic relationship with the listed building but would also compete with the listed building. Consequently it would be highly incongruous to the prevalent setting of the listed buildings, visually dominant and distract views of the assets.

The scheme as a whole would therefore fail to contribute positively to the local character and distinctiveness, as required by Paragraph 197(c) of the NPPF as well as being contrary to Havering Local Plan Policy 28, London Plan Policy HC1 and the objectives of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72).

## **DENSITY/SITE LAYOUT**

Policy D6 (Housing Quality and Standards) of the London Plan advises that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. To that end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. The minimum gross internal floor area requirements and room sizes takes into account commonly required furniture and the spaces needed for different activities and moving around.

New dwellings must also demonstrate an acceptable arrangement of private amenity space. The Adopted Residential Design SPD states that private amenity space should be provided in single, high quality, usable, enclosed blocks which benefit from both natural sunlight and shading. The Residential Design SPD does not prescribe fixed standards for private amenity space, which can be restrictive on small and awkward sites. The London Plan (2021) offers guidance on this matter in the sense that minimum standards are present in Policy D6. These standards are reflected in the Havering Local Plan 2016.2031 at Policy 7 which requires compliance with the space standards referenced above.

The Coach House would comply with the required standards entirely, exceeding the required GIA significantly. It would present as a large detached house with spacious internals and access to a generously sized external space. There is no evidence that this dwelling would not receive adequate natural light and would not represent a high standard of accommodation. Given that this dwelling represents a new building it is not unexpected that this is achieved. However the conversion of the main building presents a number of challenges. In most cases the dwellings within the main building would have a GIA well in excess of that required for the stated occupancy.

The London Plan requires that decision makers are mindful of dwellings that are well in excess of standards given, seeking to resist those in view of housing need and making efficient use of land. In the case of the Coach House, this is reflective of the inappropriate scale of the replacement building and ties into concerns raised over the setting of the Listed Building and Green Belt siting. With regards to the main building, in light of comments made by the Council's heritage advisor it is accepted that there might be compromises needed to be made in the historic part of the building

which may have a bearing on the number of units achievable and their layout.

Units 2, 3, 6 and 7 would all be single aspect (6 is observed to have flank windows in the rear projection but these would need to be obscurely glazed due to relationship with adjacent terraced area). Whether or not this would translate to a poor living environment in each case is questionable, given the significant floor area of each. However a daylight/sunlight study has not been provided by the applicant, which to an extent weighs against the proposals. It is observed that mainly circulation space/bathrooms are present in the spaces that are not directly served by openings and officers accept given the constraints of the site that there may be some compromises made. Nevertheless there are other concerns which present from the layout and arrangement shown.

Whilst the Coach House would make adequate provision for private outside space, as would those units benefiting from the first floor terrace/ground floor arrangement (units 5, 6, 7 and 8) in the case of units 1, 2, 3 and 4 the availability of private outside space is not clear from the plans submitted.

Other units as outlined would benefit from private terraced areas that are shown at ground and the flat roofed section of the rear projection. It is not inconceivable that these areas might be adequately screened to enable privacy (notwithstanding the other harm identified as a result) but in the case of units 1, 2 and 3 no dedicated private provision is made. Units 2 and 3 are both single aspect and lack any defined and meaningful private area. It is accepted that the area of planting immediately to the front of each of those units might provide an outside space, however whether this would offer good amenity is questionable and has not been demonstrated to be appropriate.

With regards to Unit 1, this is shown to have doors opening out to the side of the building as well as the front, however cycle storage is shown in this location as well as a means of circulating around the building to the communal space. The quality of and how useable this might be when it could be used by other occupants of the building speaks to the appropriateness of the layout shown. Turning then to Unit 4 this may potentially have free roam of the green space framing the corner of the building, however whilst generously sized, in much the same way as for units 1, 2 and 3 whether or not this area is secure or fit for purpose is unclear. The amenity spaces for each would in any event require further justification which is not present in this submission and the presence of quality communal space as is shown would not outweigh this harm even in light of the other site constraints.

On balance the applicant has not demonstrated that the proposals would comply fully with the objectives of Policy 7 of the HLP, or London Plan Policy D6 and that a suitably high standard of amenity would be achieved through single aspect units which lack dedicated private amenity space.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities. However an overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. The framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character

and quality of an area. The Council is keen to ensure new residential development respects and enhances the positive features of Havering's character and local distinctiveness.

Notwithstanding the impact of the development on the Green Belt and the Listed Building officers are not convinced that the design approach taken in respect of the main building (flat roofed section at roof level) would be in keeping with the character of the main building. It would introduce another unrelated feature to the main building and would be visually incongruous. Similarly with regards to the Coach House, the replacement building would not appear to be of a scale in keeping with the setting.

The National Planning Policy Framework promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The benefits of this would however need to outweigh the other potential harm arising and in this case the additional units achieved through the roof alterations and replacement of the Coach House would not outweigh the other harm identified. Accordingly, officers do not consider that the proposals would align fully with the objectives of the Havering Local Plan 2016-2031, the NPPF and the London Plan 2021.

## **IMPACT ON AMENITY**

Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.

Dwellings in this location of the form shown would not give rise to any adverse amenity impacts. Subject to flank windows in Unit 6 the relationship of units to one another is not regarded as unacceptable. It is envisaged that some form of privacy screening could be introduced to protect the proposed accommodation from one another however whether this would exacerbate other harms is not clear. With regards to surrounding residential amenity, the proposals are well removed from other nearby residences to the extent that the amenity impacts are limited to occupants of the site itself.

## **HIGHWAY/PARKING**

Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031. The PTAL rating for the site is 0 which translates to the lowest rated access to public transport. This would translate to a high provision of parking being required.

Public Transport Accessibility Levels (PTALs) are used by TFL to produce a consistent London wide public transport access mapping facility to help boroughs with locational planning and assessment of appropriate parking provision by measuring broad public transport accessibility levels. There is evidence that car use reduces as access to public transport (as measured by PTALs) increases. Given the need to avoid over-provision, car parking should reduce as public transport accessibility

increases. London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

In light of the PTAL rating for the site, officers do not consider that the arrangement shown is unacceptable with 12 spaces shown (to 11.5 policy requirement) for the main building. Adequate parking arrangements would be shown for the Coach House also. No objection has been made by the Highway Authority on matters of access and highway safety. It is considered that in the event of approval that a scheme outlining how parking would be allocated would be necessary in order to ensure that the locations of parking spaces are convenient for future occupants in light of what could otherwise be perceived as a disconnect. Nevertheless this is not considered to be sufficiently harmful in light of the other benefits associated with the scheme through the creation of more landscaped areas/reduced hard-standing.

## **TREES**

At Paragraph 131 of the NPPF it is recognised that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. The Framework requires planning policies and decisions to ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. These objectives are reflected in Havering Local Plan Policies 27 and 30.

There are no preserved trees on the site, or on neighbouring sites which would be impacted by the proposed development. There is no indication that the proposals would require the removal of any trees from the site which are in good health based on the survey provided. In fact it is reasonable to conclude that there are opportunities to improve further the green character of the site through a comprehensive scheme of planting as is shown indicatively on submitted drawings. In the event of approval Officers consider that it would be necessary that a full AMS prior to commencement of any works shall be submitted for approval which shall extend to methodology and a scheme of tree protection to be adhered to throughout the course of development.

On the basis of the above there are no grounds for refusal and subject to compliance with the agreed condition no conflict with Local Plan Policies 27 and 30, as well as the objectives of the Framework.

## **KEY ISSUES/CONCLUSIONS**

On the 30th May 2022, the Government issued Havering with an updated Housing Delivery Test result for 2021. The update takes account of the adoption of the Havering Local Plan in November 2021 and reflects the stepped housing targets set out with the Plan for the period 2016-2031. The updated Housing Delivery Test Result is 78%. In accordance with the NPPF the "Presumption" due to housing delivery therefore does not apply.

Based on the latest Housing Trajectory (initially published in 2019 and updated in 2023 through the

Havering Authority Monitoring Report), Havering cannot currently demonstrate a five year supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply. The Inspector's report concluded:

"85. Ordinarily, the demonstration of a 5-year supply of deliverable housing land is a prerequisite of a sound plan in terms of the need to deliver a wide choice of homes. However, in the circumstances of this Plan, where the housing requirement has increased at a late stage in the examination, I ultimately conclude that the Plan, as proposed to be modified, is sound in this regard subject to an immediate review.

86. This is a pragmatic approach which is consistent with the findings of the Dacorum judgement. It aims to ensure that an adopted plan is put in place in the interim period before the update is adopted and the 5-year housing land supply situation is established."

The Council is committed to an immediate update of the Local Plan and this is set out in the Council's Local Development Scheme. An full update to the trajectory will be prepared as part of the ongoing work on the Havering Local Plan

Therefore, in the meantime whilst the position with regard to housing supply is uncertain, consideration has been given to the effect of the tilted balance referred to in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged.

Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The proposed development would offer a modest contribution to housing supply and delivery and this would weigh in favour of the development. However, for the reasons given above there would be conflict with Section 13 of the NPPF, which seeks to oppose inappropriate development and preserve the Green Belt. Furthermore the applicant has failed to demonstrate that the proposals would not harm the setting of the nearby designated heritage assets. For the reasons outlined within this report the proposed development is inappropriate in principle and the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF.

Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF.

Having regard to the above and in doing so all relevant planning policy and material considerations REFUSAL is recommended accordingly.

## **RECOMMENDATION:**

It is recommended that **planning permission be REFUSED** for the following reason(s)

## 1 Green Belt

The site is within the Metropolitan Green Belt and the proposed development would not align fully with any of the exceptions set out in Section 13 of the NPPF. The proposed alterations to the main building, mindful of historic development and their design concept, would result in disproportionate additions over and above that of the original building. Furthermore the replacement Coach House building, in the absence of any compelling evidence otherwise, would result in a building materially larger than that which it replaces. Through its overtly residential appearance and defined curtilage it would hold the potential to be detrimental to the open character of the site through urbanisation. Through this resultant conflict with Paras 149/150 of the Framework and the purposes of including land within the Green Belt the proposals as a whole are regarded as inappropriate development. In the absence of any Very Special Circumstances which would outweigh the harm of inappropriateness and harm to openness the proposed development is unacceptable in principle and in contrast to the objectives of the NPPF and Policy G2 of the London Plan 2021

## 2 Listed Building

Through alterations to the subject building internally and externally the proposals would be detrimental to the the historic core of the main building and its architectural character. This presents in incongruous additions to the roof of the historic part of the building and internal alterations which diminish the legibility of the asset and its plan form. Through the increased scale, bulk and mass of the single storey projection to the rear of the modern part of the building in conjunction with those other alterations the scheme as a whole would fail to contribute positively to local character and distinctiveness, as required by Paragraph 197(c) of the NPPF. Furthermore the development would be contrary to Havering Local Plan Policy 28, London Plan Policy HC1 and the objectives of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72).

## 3 Design

The proposed replacement Coach House building would fail to reflect its historic character as a modest coach house and its subservient and utilitarian association with the listed building would be lost. The overtly formal design would fail to reflect its context and its historic relationship with the listed building but would also compete with it. The scheme as a whole would therefore fail to contribute positively to the local character and distinctiveness, as required by Paragraph 197(c) of the NPPF as well as being contrary to Havering Local Plan Policy 28, London Plan Policy HC1 and the objectives of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72).

## 4 Amenity of future occupants

The alterations to the main building to facilitate the proposals include a prominent flat roofed section in the historic part of the building. This would present as an incongruous design feature which would be detrimental to the character and appearance of the subject building. Furthermore the replacement Coach House building would read as a visually dominant and intrusive feature out of scale with its setting. The development as proposed fails to comply with the objectives of Havering Local Plan Policies 7 and 26, in addition to Para 130 of the Framework which requires that development add to the overall quality of the area.

## 5 Refusal non standard

Through the lack of dedicated amenity provision for Units 1, 2 and 3 and single aspect of units 2, 3, 6 and 7 the applicant has failed to demonstrate that the proposals would comply fully with

the minimum prescribed standards set out by London Plan Policy D7 and that the development would make suitable provision for the amenity of future occupants having regard to those standards and objectives. The proposals therefore fail to comply with Policy D6 of the London Plan, Policy 7 of the Havering Local Plan and the objectives of the Framework, specifically Para 130(f) which requires fundamentally that development make provision for a high standard of amenity for existing and future users.

## 7 Reason for refusal - CIL

The proposal, if granted planning permission on appeal, would be liable for the Havering Community Infrastructure Levy (HCIL) and Mayoral Community Infrastructure Levy (MCIL). Based upon the information supplied with the application, the Levy payable are (subject to indexation).

New floor area of 184.6 sqm:

Havering CIL (125 per sqm) - £23,075

Mayoral CIL (25 per sqm) - £4615

Further details with regard to CIL are available from the councils website.

## INFORMATIVES

### 1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the applicant in writing 13-12-2023.

**Authorising Officer:**



Raphael Adenegan

13th December 2023