

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0747.24

WARD: Emerson Park **Date Received:** 28th May 2024

ADDRESS: 10 Romney Chase
Hornchurch

PROPOSAL: Detached 4 bedroom house and improvements to existing pond

DRAWING NO(S): 021-022-10 Romney Chase_SK02
021-022-10 Romney Chase_TS01
021-022-10 Romney Chase_VOL01
PL-01
PL-02
PL-03
PL-04

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The site is located to the east (in front) of nos. 8 - 10 Romney Chase, to the south of no. 5 and to the southwestern side of no.4 Romney Chase - a cul-de-sac. The subject site consist of an existing natural pond within an established residential area. The site is located within the Emerson Park Policy Area (SPD 2009) - Sector 4, which considers natural environment to be of significant importance for the residents.

According to the Council's historical mapping, the pond dated back to at least 1870 with a site area of approximately 741sq.m.

The area around the subject site has a distinctive nature, characterised by mostly chalet style detached bungalows. The key features of the site are the pond and the mature trees surrounding the site, with an associated openness and green spaces between the dwellings in surrounding area. Another feature is the generally consistent building form with brick exterior and gable end roofs.

DESCRIPTION OF PROPOSAL

The applicant propose a detached 4 bedroom house and improvements to existing pond. The new house would front Romney Chase. The ground floor would contain kitchen/dining, lounge study and utility. The first floor would contain four bedrooms. The dwelling would have dual front and back gabled roof design with height ranging from approximately 6.7m to 7.4m to the top of the ridge, with

dormer windows and rear Juliet balconies. No significant landscaping details submitted with the application.

It is noted that some of the plans were not drawn to scale, however, this has not affected the assessment on the proposals.

RELEVANT HISTORY

A pre-application enquiry was made under ref: W0071.23 for the development of one detached dwelling house on a site, which is currently amenity land within an established residential setting, within which there is a natural pond.

Officer's comments:

Notwithstanding the principle objection regarding the substantial loss of the pond, the applicant is advised to revisit the proposals, in terms of its access, sitting, scale, trees, waste, parking and its relationship with surrounding neighbours. Additional details would need to be provided before any further consultation request is sought. Therefore, officers will suggest that a follow-up pre-application is sought prior to the submission of a formal application.

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of adjoining properties. Three letters of objection were received raising the following concerns:

- It is an inappropriate use of this land, destroying the beauty and peace of this quiet, nature filled area, an oasis in this small cul-de-sac.
- The proposal would have adverse impact on trees, especially two less common native species.
- The application will disturb and destroy bird nesting and resting areas as well as bat roosting, with the felling of bat roosting trees on site. The bats are not commuting bats, as described in the Ecological Assessment.
- The application would interrupt the existing views from neighbouring properties - too close to existing properties.
 - The application would lead to unacceptable and dangerous added traffic in a very tight area of Romney Chase.
- Too close to the access road to residents' garages, potentially restricting access in and out of this area.
- Compromise the privacy of our property and back garden, as its design incorporates large window space, spanning the height of the property.
- Additional unwanted noise, smell and pollution and refuse waste.
- The loss of open appearance.
- The dwelling is out of character with the area.
- Impact from the development in terms of overlooking of the adjoining properties.
- Length of works on site; dust; damage to other properties

Others:

Anglia Water: No comments

Street Name & Numbering: standard guidance given

LFB - water - No additional hydrant is required

LBH Highways - car parking spaces and hard surfacing materials not provided gravel or loose materials not acceptable.

LBH - EH - no objections subject to conditions

LBH - waste - standard guidance given

Ecology consultants - Inadequate ecological information

LFB - No objection

LBH - Policy - inadequate details in terms of Statutory Biodiversity Metric, Biodiversity condition assessment or baseline assessment and Great Crested Newt Surveys and any mitigation requirements.

RELEVANT POLICIES

NPPF (2023)

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

London Plan (2021)

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

Policy H1 Increasing housing supply

Policy H2 Small sites

Policy H9 Ensuring the best use of stock

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI 4 Managing heat risk

Policy SI 5 Water infrastructure

Policy SI 6 Digital connectivity infrastructure

Policy SI 12 Flood risk management

Policy SI 13 Sustainable drainage

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T9 Funding transport infrastructure through planning
Policy DF1 Delivery of the Plan and Planning Obligations
Policy G6 Biodiversity and access to nature

Local Plan (2016 - 2031)

Policy 3 Housing supply
Policy 7 Residential design and amenity
Policy 12 Healthy communities
Policy 24 Parking provision and design
Policy 25 Digital connections
Policy 26 Urban design
Policy 27 Landscaping
Policy 30 Biodiversity and geodiversity
Policy 32 Flood management
Policy 33 Air quality
Policy 34 Managing pollution
Policy 35 On-site waste management
Policy 36 Low carbon design, decentralised energy and renewable energy

Supplementary Planning Guidance

Emerson Park Policy Area Supplementary Planning Document (2009)
LB Havering 'Waste Management Practice Planning Guidance For Architects and Developers'
Havering Nature Conservation and Biodiversity Strategy (2014)

London Plan Housing SPG (2023)
London Plan Control of Dust and Emissions SPG (2014)
London Plan Character and Context SPG (2023)
London Plan Accessible London SPG (2014)

MAYORAL CIL IMPLICATIONS

The proposals would incur a Mayoral CIL contribution of £6,700 at a rate of £25 per sq.m (268m² x 25).

The proposal is also liable for the Havering Community Infrastructure Levy (HCIL), which has a charging rate of £125 per square metre of net additional 33,500.

Each contribution would be subject to indexation.

STAFF COMMENTS

Pre-application advice was sought under reference W0071.23 for the Construction of a 4 bedroom dwelling see officers' comments under the planning history as highlighted above).

The current application is different from the pre-app scheme in terms of its layout, scale and location of the parking spaces.

In accordance with the current criteria for site visits, an in-person site visit was not considered necessary. Site photos were provided by the agent in support of the application. In determining this application, photos, Google Street View, aerial view images and submitted drawings were used to assess the site constraints.

The key issues for consideration are the impact on the pond, natural habitat, streetscene and neighbourhood character, amenity impacts, highways, suitability for development of the site and compliance with relevant policies.

Please note that officer's suggestion for a follow up pre-application enquiry prior to the submission of the full planning application was not taken.

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework 2023 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 London Plan also (Policy D3) states that development should optimise housing output subject to local context and character.

The National Planning Policy Framework (NPPF) seeks to boost the supply of homes and advises of the importance that a sufficient amount and variety of land can come forward where it is needed. The NPPF promotes residential development that would utilise previously-developed or 'brownfield' land. The site would be considered to be a brownfield land, given that it is part of the rear garden of no. 10 Romney Chase.

On the 19th December 2023, the Government published the Housing Delivery Test result for 2022. The Housing Delivery Test Result for 2022 is 55%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies.

In terms of housing supply, based on the latest (2019) Housing Trajectory, 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 update to the trajectory is being prepared but there is no firm date for the work to be completed. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the "Presumption" due to housing supply is applied.

The Presumption refers to the tilted balance set out 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 minor contribution to housing supply and delivery and this would weigh in favour of the development. However, chapter 12 of the NPPF require high quality design, consideration of character and a high standard of amenity for existing and future users. For the reasons outlined within this report, the proposed development is unacceptable in regard to its resultant impacts on the character of the site and surrounding area, natural habitat, the streetscene, residential amenity, which could impact on the living standards of nearby residents - these are key aspect of sustainable development.

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

The site is located within Emerson Park sector 4 which states that the sector contain in the main medium sized family houses and there is little scope for any further infilling. In light of this, the proposed infilling might be judged to be unacceptable, based on the site constraints - mainly the pond and the open character nature of site and surrounding area.

DENSITY/SITE LAYOUT

Quality of Accommodation

Policy 26, LP D6 and paragraph 135 of the Framework seeks to promote high quality design and ensure a high standard of amenity for existing and future users.

The London Plan 2021 at Policy D6 and the London Housing design guidance requires new development to adequately-sized rooms with comfortable and functional layouts, including an acceptable arrangement of private amenity space which are fit for purpose and meet the needs of

Londoners without differentiating between tenures.

The proposed dwelling would comply with the internal space requirement by London Plan policy D6 (Table 3.1). No amenity/garden space indicated, it would be considered that the deck areas might be useable amenity areas, although this would be out of character with the long established rear garden character in the area. The unit would have a minimum floor to ceiling height of 2.6m. However, details of the quality and functionality of the amenity space provision will be discussed below.

The permeable patios to the sides would not be internally accessible, and the rear patio is not likely to serve the functions of private amenity area, as they appear segregated with no boundary details, therefore the functionality of the proposed amenity areas would not be considered acceptable.

Given the dual aspect nature, it would have adequate level of light and outlook. The proposals would be possibly a 4b9p dwelling, with generous internal circulation.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. The National Planning Policy Framework 2023 (NPPF) reinforces this by placing emphasis on good quality, design and architecture. The NPPF requires that planning decisions ensure developments are sympathetic to local character and history.

Scale Bulk and Massing

The submitted plans show that the proposals would be 13m wide with a staggered depth ranging from approximately 9m - 15m with height of approximately 6.7m to 7.4m to the top of the ridge. Given the limited site context is submitted with the application, it is not possible to compare the scale, mass and height with the immediate vicinity of site, however, given surrounding properties with rooms in the roof, it would appear to be two storey form of development, therefore, a two storey might not be considered to be out of scale and character with the surrounding area.

Given that some of the plans are not to scale, it has not been possible to accurately measure the separation distances between the proposed dwellings and the elevations of properties nos. 8 - 10 Romney Chase, however, given that the separation distances would be similar to the existing distance between no. 5 and no. 7 Romney Chase, it might be considered acceptable.

A two-storey front and rear gable design is not a feature in the area, would accentuate the scale of the proposed dwelling. The proposed cladding material would be alien and out of character with the surrounding area, not acceptable.

The proposed Juliet balconies design is not part of the features of properties in the area, would be judged to be out of character with the site and surrounding area. Depending on the effect of the proposals on the existing vegetation, there could be loss of privacy or perceive overlooking, which would be unacceptable.

In light of the above, the scheme in its current form is considered to be contrary to Policy 26 of the Council's Local Plan 2021 in relation to its design and layout, as the development would fail to enhance or improve the local character, London Plan (2021) Policy D4. The proposal would also

conflict with the National Planning Policy Framework (the Framework) in respect of requiring good design.

IMPACT ON AMENITY

The application proposes rear Juliet balconies to the first floor rear bedrooms windows and dormer windows at roof level. This would have the potential to impact on the amenity of the adjoining premises at nos. 8, 9 and 10 Romney Chase in terms of perceived overlooking, and all the objectors are concerned about potential loss of privacy. Although the separation distances might be able to mitigate the impact, however, given that balcony is not a common feature in the area, it might be considered to be an intrusive and incongruous addition, resulting in visual impact.

The proposed cladding material would be considered alien and visually intrusive out of character with the surrounding context, largely brick and tiles.

The proposals would result in the loss of substantial part of the pond with no justification, considered to be an environmental and amenity impact which would not be acceptable.

HIGHWAY/PARKING

The PTAL rating for the site is 1b, which translates to a very poor level of access to public transport, and the Council's policy 24 would apply which requires a minimum of 1.5 car parking spaces. The proposal would provide a double integral garage and forecourt parking for at least 2 cars, to comply with the minimum parking requirements.

Cycle parking and refuse storage provision are indicated within the site, to comply with policy requirements.

The Council's highways team have raised concerns with plans not drawn to scale, inadequate details regarding the proposed landscaping materials, these were not requested from the applicant given that the application was recommended for refusal on other grounds. Details can be achieved via conditions if minded to approve.

OTHER ISSUES

Pond

Given the age of the pond and it being a natural pond, it is considered to be a natural environment. As a natural environment, this is considered to be of significant importance for the residents. Policy 30 of the Council's Local Plan echoes the importance of the Council's natural environment including rivers and ponds, which are important for a number of protected and priority animal and plant species. The Havering Nature Conservation and Biodiversity Strategy (2014) sets out how the Council and its partners will promote, protect and enhance biodiversity in the borough. The proposals would result in the loss of significant and substantial part of the pond with no adequate information to demonstrate the environmental impact of the loss, would therefore be considered to be unacceptable and contrary to the policies and guidance.

Although the description includes improvement to the existing pond, however, no detail provided on how the ecology of the existing pond and its setting will be improved.

At pre-app stage, the applicant mentioned that an ecological report was carried out in April 2022, which officer advised the applicant to submit an updated version of the report with any future application; this opportunity was not taken, as the old version report of 2022 was submitted with the application. Given the age of the report submitted, it has not been possible to determine the environmental and ecological implications of the proposals and whether they can be successfully mitigated.

The 10% mandatory measurable Biodiversity Net Gain has not been provided with no justification, and this is a requirement since 02/04/2024, therefore the proposals would be considered unacceptable.

Following consultation, the Council's ecological consultant has raised concerns with the level of details submitted and the out of date ecological report, and therefore would not support the proposals.

In light of the above, officers would consider the proposals to be contrary to its requirements on protected and priority species by s.40 NERC Act 2006, policy 30 of the Local Plan and Havering Nature Conservation and Biodiversity Strategy (2014), would therefore be unacceptable.

Trees

An Arboricultural Method Statement AMS 01 (arbtech, March 2024) was submitted with the application which was reviewed by the Council's Arboriculturist and considered acceptable, with conditions if minded to approve.

Access

Access would be taken from the end of Romney Chase - a cul-de-sac, the Council's highways team have raised no objection to the proposed access, would therefore be considered acceptable.

Flood Risk

Policy 32 states that the Council will support development that seeks to avoid flood risk to people and property and manages residual risk by applying the Sequential Test and, if necessary, the Exception Test as set out in the NPPF.

It was suggested to the applicant at the pre-application meeting that based on the importance of the pond, it would be beneficial to know whether it serve a potential role in reducing flooding locally and whether it is an historical remnant of something like a moat for an old manor house. Applicant has failed to provide any information on flooding in relation to the pond. Subsequent application would require this information including sustainable drainage systems (SuDS) to comply with policy 32 and London Plan policies SI 12 and SI 13.

KEY ISSUES/CONCLUSIONS

Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered that the objectives of the development plan have not been met, and it is therefore recommended that permission be REFUSED.

RECOMMENDATION:

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

1 Reason for refusal - Streetscene

The proposed development would, by reason of its design, siting at the end of the cul-de-sac, including the use of alien materials, appear as an unacceptably dominant and visually intrusive feature in the streetscene that would adversely impact on the openness of the area, and be harmful to the character and appearance of the surrounding area contrary to Policy 26 of the Local Plan 2021.

2 Refusal non standard

The proposals by reasons of its scale and siting, would result in the substantial loss of the pond, which would be considered to be a loss of a significant landscape feature contributing to the character of the area and to have potential adverse environmental and ecological impacts contrary to Havering Nature Conservation and Biodiversity Strategy (2014), Policy 30 of the Local Plan 2021, Policies G6 of London Plan 2021 and s.40 NERC Act 2006 (as amended).

3 Refusal non standard

In the absence of the required ecological information, the proposals would be considered to impacts on protected and priority species and its habitat, and has failed to demonstrate its compliance with its statutory duties and its biodiversity duties under s.4 NERC Act 2006 (as amended) and Policy 30 of the Local Plan 2021.

4 Refusal non standard

The proposals has failed to deliver a mandatory 10% measurable biodiversity net gain, contrary to the Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024, Policy 30 of the Local Plan 2021 and Havering Nature Conservation and Biodiversity Strategy (2014).

INFORMATIVES

1 Refusal - No negotiation ENTER DETAILS

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, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments which would have significantly delayed the application

Authorising Officer:



Neil Goate

23rd August 2024