



REGULATORY SERVICES COMMITTEE

19 February 2015

REPORT

Subject Heading:

P1422.14 The Old Forge, Hall Lane,

Ward:

Demolition of drain clearance and design
factory to create 4 no. 3- bedroom
dwellings (2 no. semi-detached
properties)(Application received
29/10/2014)

Harold Wood

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
Suzanne.terry@havering.gov.uk
01708 4322755

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not Relevant

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The site lies in the Green Belt where new residential development would normally be considered inappropriate. However, planning permission has previously been granted (P0783.11) for the same development as currently proposed. In that case it was judged that 'very special circumstances' existed sufficient to justify an exception. There were no objections on highway or amenity terms. Since that decision government guidance on Green Belt development has been revised through the National Planning Policy Framework. This accepts that the redevelopment of brownfield sites such as this one may be appropriate in the Green Belt subject to there being no greater impact on openness. As there have been no material changes to local site circumstances it is considered that the judgement made in 2011 remains relevant and provides weight in favour of the current application. However, staff judge that the development would have a material adverse impact on the openness of the Green Belt and as such would be inappropriate development in the terms of the NPPF. On balance staff consider that the case made for very special circumstances still provides sufficient weight to make the development acceptable. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement. However, should members consider that 'very special circumstances' have not been adequately demonstrated then there would be a case for refusing permission on Green Belt grounds.

RECOMMENDATIONS

1. That the Committee notes that the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. However, in this case as there would be no net increase in internal floorspace no charge would be payable.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Head of Regulatory Services 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* – With the exception of the access details covered separately by condition 8 the development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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 Development Control Policies Development Plan Document Policy DC61.

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been 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.

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

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

7. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document.

8. *Sight Lines* – Notwithstanding the details shown on drawing 996/01B there shall be a single access to the site from Hall Lane which shall be constructed in accordance with details that are to be submitted to and approved in writing by the local planning authority prior to the commencement of development. The access shall be designed to provide a 2.4 metre by 90 metre vehicular visibility splay on either side of the access, set back to the edge of carriageway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

9. *Pedestrian visibility* - Pedestrian visibility splays – Pedestrian visibility splays shall be provided on either side of the access onto Hall Lane of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splay shall be permanently retained and kept free from obstruction or object higher than 0.6 metres.

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

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. *Vehicle cleansing* - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;
- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
 - b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
 - c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
 - d) A description of how vehicles will be cleaned.
 - e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
 - f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

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

12. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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. *Landscaping* - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. 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 Development Control Policies Development Plan Document Policy DC61.

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

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 two parts:

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

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

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

15. *Obscure-glazing* - The proposed flank window to the first floor bathroom of the property nearest the northern boundary of the site identified on drawings no. 996/01B and 996/02 shall be non-opening below 1.7 metres measured from the floor of the bathroom and permanently glazed with obscure glass to a minimum of level 3 and thereafter maintained as such.

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

16. *Boundary Treatment* – No part of the building shall be occupied until screen fencing is provided along the site boundaries in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Reason: To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

17. *Permitted Development* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F, no enlargement, improvement or alteration of the dwellinghouses, no enlargement of a dwellinghouse consisting of an addition or alteration to its roof, no other alteration to the roof, no erection or construction of a porch outside any external door of the dwellinghouses, no curtilage buildings, enclosures, swimming or other pool enclosure or the maintenance, improvement or other alteration of such a building or enclosure, no container for domestic heating purposes for the storage of oil or liquid gas and no hard surface or replacement in whole or in part of such a surface shall take place unless permission under the

provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

18. *Flank Window* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted 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.

19. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, has been 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 that phase of the development and retained thereafter.

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.

20. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway required by condition 8 shall be entered into prior to the commencement of development.

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

21. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

22. *Prior completion of access* - No building shall be occupied or use commenced until the site access has been constructed in accordance with the details approved under condition 8 above.

Reason: In the interests of highway safety in accordance with Policy DC61 of the Development Control Policies DPD.

23. *Site Clearance* No residential development in accordance with this permission shall be commenced until all of the existing buildings and hardstanding have been demolished in their entirety and any waste materials removed from the site.

Reason: To ensure the development is acceptable in accordance with Policies DC3, DC45 and DC61 of the Development Control Policies DPD.

24. *Ground Levels* No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In order to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

Informatives

1. *DMO Statement* - 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 paragraphs 186-187 of the National Planning Policy Framework 2012.

2. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application no CIL is payable as there would be no net increase in internal floorspace arising as a result of the development.

3. *Planning obligation* - The planning obligations required 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.

4. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 432563 to make the necessary arrangements. Further details are available on the Council website.

5. *Highway alterations* – The Highway Authority advises that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The necessary agreement, notice or licence to enable alterations to the public highway (including temporary works) must be entered into prior to the commencement of the works concerned. In order to obtain a licence for the works the applicant should contact Streetcare, Traffic & Engineering on 01708 433750 to commence the submission/licence approval process.

6. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. Site Description

- 1.1 The application site, which amounts to 0.125 hectare lies within the Green Belt on the eastern side of Hall Lane. It comprises a series of linked single storey commercial buildings that extend into the site for much of its depth. There is a single access from Hall Lane that serves concrete hardstanding on the northern side and to the front of the building used for circulation and parking. There is an extensive verge on the highway boundary and mature planting to the rear of the site.
- 1.2 The area is generally open, but with a number of detached dwellings in the vicinity, including two immediately to the north of the site. The area is also well vegetated land with mature hedgerows and areas of significant planting, including the land to the west of Hall Lane planted as part of the Thames Chase Community Forest. The northern boundary with the nearest dwelling (Four Wantz) is fenced and includes a mature hedge.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing commercial buildings and the construction of 4 houses arranged as two pairs of semi-detached houses.
- 2.2 The proposed houses would be set back some 20m from the rear edge of the highway and 1.8m from the shared boundary with Four Wantz. The existing raised embankment to the south of the application site (within the applicant's ownership) would be retained as an open grassed area with the nearest property's flank wall located between 0.75m and 0.9m from the southern

boundary. Units 1 and 2 to the northern part of the site would be located in a setback position 3m behind Units 3 & 4 on the southern part. Rear amenity space would be provided to each property.

- 2.3 Each property would be 5m wide and have a depth of 10m with gabled side elevations with maximum ridge heights of 7.8m above ground level. The houses would be of a chalet-bungalow style with the first floor accommodated within the roof area with large dormer windows to the front and rear of the properties. Two parking spaces would be provided to the front of each property. Originally it was proposed to provide a shared in-out access/egress for the four houses, however, following concerns regarding visibility splays the applicant has agreed to a single access/egress. Planting is proposed along the site frontage.
- 2.4 The application submission seeks to demonstrate that there are 'very special circumstances' that would justify new residential development in the Green Belt. These include a reduction in the volume of buildings on the site that would increase the openness of the site. Planning permission for the same development was granted in 2011 based upon a similar case.

3. Relevant History

- 3.1 P0783.11 Factory to be demolished and construction of 4no. three- bedroom dwellings (2no. semi-detached) – approved.
- 3.2 P0598.90 - Single storey side extension to light industrial building (assembly of window blinds) – approved.

4. Consultation/Representations

- 4.1 The application was advertised on site and through a press notice, in addition neighbours were notified. No representations have been received in response.
- 4.2 Streetcare (Highways) considers that there should be a single shared vehicular access to ensure appropriate visibility splays. Recommend appropriate condition to achieve this. Car parking is considered satisfactory.
- 4.3 London Fire Brigade is happy for the development to go ahead.
- 4.4 Thames Water has no objections, but advises that the proper provision for surface water discharge is the responsibility of the developer.
- 4.5 London Fire and Emergency Planning Authority advise that a fire appliance should be able to approach within 45metres of all points within the dwellings.
- 4.6 Public Protection raises no objections subject to conditions covering ground contamination; construction method statement and hours of construction.
- 4.7 English Heritage advise that no archaeological condition required due to limited groundworks proposed.

5. Relevant Policies

- 5.1 Policies CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes); DC33 (Parking); DC45 (Appropriate Development in the Green Belt), DC55 (Noise), DC60 (Trees and Woodland); DC61 (Urban Design); DC62 (Access); DC7 - Lifetime Homes and Mobility Housing; DC72 (Planning Obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are relevant considerations.
- 5.2 Also relevant are the Planning Obligations SPD and the Residential Design SPD; Policies 3.5 (Quality and Design of Housing Developments); 3.8 (Housing Choice), 6.13 (Parking); 7.3 (Designing out Crime); 7.4 (Local Character); 7.16 (Green Belt) and 8.3 (Community Infrastructure Levy) of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also relevant.

6. Staff Comments

Background

- 6.1 Planning permission was granted for the same proposals in December 2011 (P0783.11) when the committee considered that 'very special circumstances' had been demonstrated that justified a departure from Green Belt policies. It was concluded that the harm that would be caused to the Green Belt was outweighed by other material considerations. The planning permission has not been implemented and has now lapsed. Whilst the relevant LDF policies have remained unchanged the NPPF has been published since the decision.

Principle of the development

- 6.2 The site lies within the Green Belt and the main issue is whether the erection of four new dwellings in place of existing buildings would be appropriate development. If not whether the case for 'very special circumstances' has been demonstrated. The previous grant of planning permission is a material consideration in this regard, although government policy on development in the Green Belt has been modified since the decision. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be permitted if 'very special circumstances' can be demonstrated or where certain exceptions apply. The NPPF also states that isolated new dwellings in the countryside generally should be avoided unless there are special circumstances. These include circumstances where it is essential that someone lives near to their place of work and where redundant or disused buildings are reused. In this case all the existing buildings would be demolished and no details are provided in support of essential need, therefore, the principle of the development falls to be assessed against Green Belt policies. In addition to acceptability in Green Belt terms consideration also needs to be given to the impact on the streetscene and on residential amenity, and there being adequate access and parking provision.

Green Belt considerations

- 6.3 The most recent government guidance on development within Green Belts is set out in paragraphs 88 - 90 of the NPPF. The construction of new dwellings would normally be considered inappropriate development unless one of the exceptions set out in paragraph 89 is applicable. One of these is relevant and concerns the redevelopment of existing brownfield land whether redundant or in continuing use which would not have a greater impact on openness and the purpose of including land within the Green Belt.
- 6.4 London Plan policy 7.16 states that the Green Belt should be protected in accordance with national policy and that inappropriate development should be refused, except in very special circumstances. LDF Policy DC45 limits new buildings to those required for agriculture, forestry, outdoor recreation nature conservation and cemeteries. The 2011 application pre-dated the NPPF and the previous government guidance in PPG2 (Green Belts) did not include the re-development of brownfield sites as one of the possible exceptions to normal restrictions on development in the Green Belt.
- 6.5 The proposal would result in the removal of an existing building which has been extended over time and has an overall footprint of 469 square metres. The existing building is single storey and set back from the highway. It has a parapet roof to the front 4.3 metres high which obscures much of the rest of the building behind which is lower. The height and orientation together with landscaping along the site's boundaries restricts the visual impact and maintains a degree of openness.
- 6.6 The proposed dwellings would have a footprint of about 200 square metres and a floorspace of 380 square metres (over two floors). The two pairs of dwellings would be staggered and set further back into the site compared with the existing buildings. When viewed from the highway most of the site width would be filled with new building, whilst the existing building only fills about 60%. The new building, at eight metres would also be significantly higher. These two factors would make the site appear much more developed resulting in a greater impact on openness. Notwithstanding this the overall volume of the new building would be slightly less than the existing buildings and the footprint significantly smaller.
- 6.7 Openness is not defined in the NPPF and whilst the overall volume of built development is clearly a consideration, height and bulk are also factors that could impinge on openness. In this case the new buildings would be significantly higher and appear bulkier when viewed from Hall Lane. Staff consider, as a matter of judgement, that the overall impact on openness would be significantly greater and as a result the development would be 'inappropriate' in the Green Belt. However, should members judge that the impact would not be any greater, then the development could be considered as appropriate in the Green Belt in accordance with paragraph 89 of the NPPF.
- 6.8 The proposal was considered 'inappropriate development' in 2011 based upon the guidance in PPG2, which did not include the redevelopment of smaller

brownfield sites. However, a case for 'very special circumstances' was put forward and accepted in 2011. This was based upon the following:

- i) a reduction in site coverage and building volume and the increase of open areas as a consequence through the provision of garden areas ;
- ii) an improvement in the appearance of the site, in particular as a result of the removal of commercial buildings and concrete hardstanding and landscaping to the site frontage;
- iii) the fact that the building could not be easily converted and that a new layout would better relate to the Residential Design SPD.

Members judged that these factors taken together amounted to the 'very special circumstances' necessary to justify an exception to Green Belt policy. As the application is for the same development and there have been no material changes in local circumstances staff consider that these factors are still relevant.

- 6.9 Whilst the proposed development would be inappropriate development in the Green Belt staff consider, as a matter of judgment, that the case for 'very special circumstances' has been demonstrated. In reaching this conclusion staff have given weight to the earlier decision which was based upon the same 'very special circumstances case. However, should members give greater weight to the harm to the Green Belt and consider that the case for 'very special circumstances' has not been demonstrated there would be a case for refusal.

Density/site layout

- 6.10 The proposal is for 4 houses on a site of 0.125 hectares. In this location with a low public transport accessibility level, a residential density range of between 30 and 50 units per hectare would be appropriate in accordance with LDF Policy DC2. The proposal would have a density of 32 units per hectare which would fall within this range.
- 6.11 The site would be laid out with a deep landscaping area to the front with parking spaces provided in curtilage to the front of each house. To the rear of each house a garden, each approximately 108 square metres would be provided. The proposed layout is unchanged since the 2011 application and is again considered acceptable. The proposal would have a layout and arrangement of outdoor amenity areas and parking facilities which would, in Staff's view, result in an acceptable level of amenity for new residential occupiers.

Design/impact on streetscene

- 6.12 The proposed development would result in the removal of existing low level buildings and their replacement with residential accommodation. The dwellings would be chalet style and would fill much of the site width when viewed from Hall Lane. However, the new dwellings would be setback into the site much more than the existing commercial buildings. The design is the same as

considered acceptable in 2011. The prevailing character is rural with isolated dwellings or small groupings. There are two large detached dwellings immediately to the north, an extended cottage to the southwest and a group of cottages to the south. The proposed development of two pairs of chalet bungalows would reflect the variety in housing styles in the area.

- 6.13 The spacing between the new dwellings and the Four Wantz dwelling to the north would be less than existing and together with the increase in height would reduce the current spacious character of development in the area. However, given the setback into the site and the retained separation of 12 metres staff consider, as a matter of judgement that there would be no material adverse impact on the character and appearance of the area. In addition the proposed development would improve the overall appearance of the site by removing the existing commercial use and associated activities. The proposed landscaping to the front would also help improve the appearance of the site, which lies within the area of the Thames Chase Community Forest.

Impact on residential amenity

- 6.14 There are two residential properties immediately to the north of the site, the nearest being Four Wantz which shares a boundary with the site. The proposed development would reduce the existing gap between buildings. Staff consider that whilst the main windows to the two-storey Four Wantz property are located in their southern and northern elevations, at a distance of 11m to the nearest side elevation of the proposed development, there would be no significant loss of amenity to the existing occupier. This is due in part to the difference in ground level with the new dwellings being sited on lower ground and also due to the mature hedge and fencing along the common boundary. A condition is recommended requiring agreement of finished ground levels to ensure that an acceptable relationship is maintained.
- 6.15 The window proposed at first floor level facing Four Wantz would be a bathroom. A condition is proposed requiring this window to be fitted with obscure glass and non-opening up to 1.7 metres to prevent any overlooking or loss of privacy to this occupier. Additionally a condition is proposed to prevent the provision of any further flank windows, including to the proposed dormers.
- 6.16 Subject to these conditions staff consider that there would be no significant harm to occupiers of adjoining properties from the development. No objections have been raised to the proposals by any of the neighbours.

Highway/parking issues

- 6.17 In this location where there is a low public transport accessibility level 1.5 - 2 parking spaces is the range of expected provision. The proposal would provide 2 parking spaces in curtilage for each of the properties which would be in this range and is therefore acceptable.
- 6.18 The application as originally submitted proposed a separate access and egress points to be shared by the four dwellings. Following concerns raised by

Streetcare (Highway Authority) the applicant has agreed to a single access/egress point in the centre of the site's frontage, similar to the existing access. A condition is proposed to secure an appropriate layout and visibility splays. Further conditions are proposed to require appropriate cycle and refuse/recycling storage to be provided.

Section 106 Planning Obligations

- 6.19 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations. There would be a net addition of four units and at £6,000 per new dwelling the charge would be £24,000 which would need to be secured through a S106 Planning Obligation.
- 6.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 6.21 The proposal is liable to a contribution of £24,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

7. Mayoral CIL Implications

- 7.1 The proposal is for four new houses and would be liable for Mayoral CIL based upon the net increase in the gross internal floorspace. The floorspace of existing buildings can be taken into account if lawfully used for at least six months over the last three years. In this case the commercial buildings are

currently in lawful use and cover an area of 469 square metres and the total new build would amount to 380 square metres. As a consequence there would be a net reduction in floorspace and there would be no CIL liability.

8. Conclusions

- 8.1 The site lies within the Green Belt where new residential development would normally be considered inappropriate, unless it could be demonstrated that there were 'very special circumstances' that outweighed the harm to the Green Belt. In this case members have previously accepted that such circumstances did exist when granting planning permission for the same development in 2011.
- 8.2 Since the decision new government guidance in the NPPF now includes development of brownfield sites as a category of appropriate development. As there have been no material changes to local site circumstances staff consider that the judgement made in 2011 remains relevant and provides weight in favour of the current application. However, staff judge that the development would have a material adverse impact on the openness of the Green Belt and as such would be inappropriate development in the terms of the NPPF. On balance staff consider that the case made for very special circumstances still provides sufficient weight to make the development acceptable. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement. However, should members consider that 'very special circumstances' have not been adequately demonstrated then there would be a case for refusing permission on Green Belt grounds.
- 8.3 In terms of other impacts the development is considered to be acceptable and the grant of planning permission is recommended subject to the prior completion of a S106 planning obligation to secure a financial contribution towards local infrastructure costs and appropriate conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

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

1. Application form and plans received on 29th October 2014