

# REGULATORY SERVICES COMMITTEE

6 April 2017

# REPORT

**Subject Heading:**

P1474.13 - White Bungalow, Southend Arterial Road, Upminster - Demolition of existing bungalow and erection of 1 no. single storey dwelling (received 29/11/13)

**Lead Officer:**

Helen Oakerbee - Planning Manager Applications

**Report Author and contact details:**

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**Ward**

Emerson Park

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

**SUMMARY**

The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling.

This application was previously considered by Committee on 7 March 2014, when it was resolved that it be delegated to the Head of Regulatory Services to grant planning permission contrary to recommendation subject to the completion of a legal agreement to revoke without compensation the previous permission (P1079.11), payment of the Council's Legal fees for the agreement and Planning Obligation Monitoring Fee and subject to conditions based on those attached to the previous permission and any other conditions considered necessary by Head of Regulatory Services including requirement for a domestic sprinkler system.

Planning permission P1079.11 for the demolition of the existing bungalow and the erection of 1 no. single storey dwelling expired on 20<sup>th</sup> December 2016. Therefore, this application is brought back to committee to amend the resolution and determine this planning application without the need for a Section 106 Legal Agreement to revoke planning permission P1079.11.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £3,220.00, subject to indexation. This is based on the creation of 161 square metres of new gross internal floor space.

That planning permission be granted subject to the conditions set out below.

1. Time Limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Materials - No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external

construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

4. Curtilage - The residential curtilage of the new dwelling shall solely comprise of the whole width of the plot from its boundary with the Southend Arterial Road to a depth of 15 metres taken from the recessed rear façade of the dwelling hereby approved.

**Reason:** To protect the open nature of the Green Belt from residential incursion.

5. Demolition of outbuildings - Prior to the commencement of the development, the existing bungalow and all outbuildings shall be demolished in their entirety and all material arising there from permanently removed from the site. Prior to first occupation, the site shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of the character and openness of the Metropolitan Green Belt and of amenity.

6. Surfacing materials – Notwithstanding the details shown on the application form, prior to the commencement of the development details of a permeable or suitable drained surface for the access road, drive and turning area shall be submitted to and approved and approved in writing by the Local Planning Authority and thereafter the access road, drive and turning area shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the surfacing materials. Submission of this detail prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Vehicle access - Prior to the commencement of the development, the design of the vehicular access to the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The access shall provide satisfactory visibility splays, allowing for safe access from and egress on to Southend Arterial Road. The access and sight splays shall be provided prior to the first occupation of the dwelling and thereafter permanently retained and maintained.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the vehicle access. Submission of this detail prior to commencement will ensure good design and ensure public safety and comply

with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

8. Road traffic noise - Prior to the commencement of development, an assessment shall be undertaken of the impact of the road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, Calculation of Road Traffic Noise, 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

**Reason:** Insufficient information has been supplied with the application to judge road traffic noise. Submission of this detail prior to commencement will protect future residents against the impact of road noise in accordance with Department of Environments, Planning Policy Guidance Note 24, Planning and Noise.

9. Contaminated land - (1) 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 the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
  - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
  - c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  - d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for

contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to assess the contaminated land on the site. Submission of this detail prior to commencement will protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

10. Contaminated land - (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

**Reason:** Submission of this detail will ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

11. Air Quality Assessment - '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 full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)

b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).

c) The air quality assessment shall predict air quality with the development in place (with development).

d) The air quality assessment should also consider the following information:

- A description containing information relevant to the air quality assessment.
- The policy context for the assessment- national, regional and local policies should be taken into account.
- Description of the relevant air quality standards and objectives.
- The basis for determining the significance of impacts.
- Details of assessment methods.

- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

**Reason:** Insufficient information has been supplied with the application to assess the air quality. Submission of this detail prior to commencement will protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

12. Domestic sprinklers - Prior to the first occupation of the development hereby permitted, a domestic sprinkler system shall be installed and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of safety.

13. Protected species - Prior to the commencement of any works pursuant to this permission, a desktop study to verify if there are any protected species on the site shall be submitted to and approved in writing by the Local Planning Authority. If protected species are found on site, the desktop study shall be accompanied by a mitigation strategy, which shall also be approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the mitigation strategy.

**Reason:** Insufficient information has been supplied with the application to assess protected species on the site. Submission of this detail prior to commencement of any works will protect biodiversity and geodiversity on the site and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC16.

14. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Article 3, Schedule 2, Part 1, no development and hardstanding under Classes A, B, C, D and E and no fences and boundary treatments under Part 2, Class A 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.

15. Refuse – No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

**Reason:** Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. 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.

17. Pedestrian Visibility Splay - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. 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.

18. Boundary treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that

the development accords with the Development Control Policies Development Plan Document Policy DC61.

19. Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

**Reason:** In order to comply with Policy 5.15 of the London Plan.

20. Building Regulations – All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

**Reason:** In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

21. 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 the planting of native species on all perimeters of the application site to supplement the existing screening on the site boundaries, 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:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

## **INFORMATIVES**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,220.00. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.



3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
4. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:  
<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>
5. Transport for London - The footway and carriageway on Southend Arterial Road must not be blocked during construction. Temporary obstructions must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on this road. No skips or construction materials should be kept on the footway or carriageway of this road at any time, and vehicles associated with construction must only stop and park at permitted locations and within the time periods permitted by existing on-street restrictions.

<b>REPORT DETAIL</b>
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1. **Background**
  - 1.1 This application was previously considered by Committee on 7 March 2014, when it was resolved that it be delegated to the Head of Regulatory Services to grant planning permission contrary to recommendation subject to the completion of a legal agreement to revoke without compensation the previous permission (P1079.11), payment of the Council's Legal fees for the agreement and Planning Obligation Monitoring Fee and subject to conditions based on those attached to the previous permission and any other conditions considered necessary by Head of Regulatory Services including requirement for a domestic sprinkler system.
  - 1.2 Planning permission P1079.11 for the demolition of the existing bungalow and the erection of 1 no. single storey dwelling expired on 20<sup>th</sup> December 2016. Therefore, this application is brought back to committee to amend the resolution and determine this planning application without the need for a Section 106 Legal Agreement to revoke planning permission P1079.11.

- 1.3 The report presented to the Committee on 7 March 2014 is appended. The legal agreement was needed to prevent a dwelling being built on another part of the site.

## 2. **Site Description:**

- 2.1 The site is roughly rectangular in shape, measures approximately 30m wide by 100m maximum depth and is located on the northern side of the Southend Arterial Road, west of its junction with the M25.
- 2.2 A number of derelict outbuildings are located on the site, which is bounded by open fields to the north, east and west. The site forms part of the Metropolitan Green Belt.
- 2.3 Vehicular access to the site in its current form is achieved via a dropped kerb from Southend Arterial Road.

## 3. **Description of development:**

- 3.1 The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling. The proposed replacement bungalow measures 20m wide by 8.9m deep by 6.2m high. The bungalow is proposed to be set approximately 49m due north of the back edge of the footway, with access obtained via a driveway.

## 4. **Relevant History:**

- 4.1 P1079.11 – Demolition of existing bungalow and erection of 1 No. single storey dwelling – Approved.

P0404.11 - Extension of time limit on application P0239.08, renewal of P1296.99 and P2206.04 – replacement bungalow – Approved.

P0239.08 – Replacement bungalow, renewal of permission P1296.99 and P2206.04 – Approved.

P2206.04 – Variation of condition 1 of planning permission P1296.99 to permit erection of bungalow after 23.12.04 – Extension of time limit – Approved.

P1296.99 – Replacement bungalow – Approved.

P1417.95 – Part demolish and extend bungalow – Approved.

P0430.93 – Demolish existing bungalow and construct new bungalow – Refused and dismissed on appeal.

## 5. **Consultations/Representations:**

- 5.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Ten neighbouring occupiers

were notified of the planning application. One letter of objection was received with detailed comments that have been summarised as follows:

- The scale and location of the proposed dwelling would have an unacceptably adverse impact on the open nature of the Green Belt and would be contrary to Policy.

- 5.2 Environmental Health – Recommend conditions if minded to grant planning permission.
- 5.3 Transport for London has no objection to the proposed development.
- 5.4 London Fire and Emergency Planning Authority – Access should comply with Section 11 of ADB volume 1. A pump appliance should be able to approach to within 45m of all points within the dwelling. Any roadway should be a minimum of 3.7m between kerbs and be capable of supporting a vehicle of 14 tonnes. Turning facilities should be provided in any access road which is more than 20m in length. This Authority strongly recommends that sprinklers are considered for this development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life.

## 6. **Staff Comments:**

- 6.1 The main issues in this case are considered to be whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues.
- 6.2 Planning permission was granted on 20<sup>th</sup> December 2013 for a two bedroom replacement dwelling on the site under planning application P1079.11, which would have been set approximately 49m due north of the back edge of the footway, with access obtained via a driveway. This permission has now lapsed. This application seeks consent for a larger three bedroom dwelling on the site.
- 6.3 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC3 (Housing Design and Layout), DC32 (The road network), DC33 (Car Parking), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Design Supplementary Design Guidance, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document, Protecting and Enhancing the Borough's Biodiversity Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to

emergency), 7.16 (Green Belt), 7.19 (Biodiversity and Access to Nature), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant. Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 9 (Protecting Green Belt land) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

## **6.4 Background**

6.4.1 Planning permission was originally granted to part demolish and extend the existing bungalow in 1995, although this was not implemented. A replacement bungalow was approved in 1999. Planning permission was subsequently granted for extension of time applications for a replacement bungalow in 2004, 2008 and 2011. Planning application, P0404.11, sought permission for a replacement bungalow which was set further away from the road, 31m due north of the back edge of the footway, which was approved. Planning application P1079.11, sought permission for a replacement bungalow which was set approximately 49m due north of the back edge of the footway with access obtained via a driveway, which was approved subject to conditions and a Section 106 Agreement that revoked the previous planning approval for application P0404.11 without compensation. P1079.11 has now lapsed.

## **6.5 Principle of Development**

6.5.1 The proposed construction of a residential dwelling represents inappropriate development in a Green Belt location contrary to national and local planning policies. However, this application was previously considered by Committee on 7 March 2014, when it was resolved that it be delegated to the Head of Regulatory Services to grant planning permission contrary to recommendation subject to the completion of a legal agreement to revoke without compensation the previous permission.

## **6.6 Impact on the character and appearance of the Green Belt**

6.6.1 Members resolved to grant planning permission for this application and took into account the following factors: The resultant building was not a disproportionate increase in comparison with the extant approval. The building reflected the size necessary to achieve a decent standard of conventional modern family occupation. The proposal significantly enhanced the site's impact in the streetscene, which is a main thoroughfare into the Borough. Due to the topography, the proposal had limited impact on visual amenity and character. The proposed development could be further screened by the imposition of a landscaping condition. Overall, Members judged that the proposal would not be materially harmful to the Metropolitan Green Belt.

## **6.7 Site Layout**

6.7.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens,

courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. Amenity space provision for the dwelling accords with the Supplementary Planning Guidance on Residential Amenity Space.

## **6.8 Design/impact on street/Garden scene**

6.8.1 It is considered that the dwelling would not be harmful to the streetscene, as it would be set back 49 metres from the Southend Arterial Road and is single storey. Furthermore, there is a change in ground levels across the site and the dwelling would not be directly visible from the open fields adjoining the site to the west, north and east including the footpath near Pages Wood. In addition, there is extensive landscaping that surrounds the site, including a copse to the rear of the site, which provides screening and would help to mitigate the impact of the proposal. A landscaping condition is recommended to include the planting of native species on all perimeters of the application site to supplement the existing screening on the site boundaries.

## **6.9 Impact on amenity**

6.9.1 As the site is bounded by open fields to the north, east and west, it is not considered that it would appear unduly overbearing or dominant or give rise to an unacceptable loss of privacy or amenity.

## **7. Highway/parking issues**

7.1 The application site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are required for each property. The dwelling would benefit from a minimum of 3 car parking spaces, therefore no objection is raised in this regard.

7.2 Vehicular access to and from the site would be obtained directly from the Southend Arterial Road, which is a very busy major route through the Borough. Given that the site has an existing vehicular access, an objection in principle to the vehicular access would be difficult to substantiate. However, a condition requiring the provision of visibility splays is recommended to ensure safe access and egress from the site.

7.3 The Fire Brigade objected to the proposals as the proposed driveway is not suitable for a Brigade appliance, therefore access is calculated from the public highway, the distance to the furthest part of the proposed building is in excess of the prescribed 45 metres. The Fire Brigade confirmed that the provision of domestic sprinklers to the proposed dwelling would be an acceptable solution to the extended access distance. The installation of a domestic sprinkler system can be achieved by condition.

## **8. Other issues - Site of Nature Conservation Importance**

- 8.1 The site is located in the Green Belt and within the Ingrebourne Valley Metropolitan Site of Importance for Nature Conservation. Policies DC58 and DC59 state that biodiversity and geodiversity will be protected and enhanced throughout the borough by protecting and enhancing Sites of Special Scientific Interest, and all sites of metropolitan, borough or local importance for nature conservation as identified in Protecting & Enhancing the Borough's Biodiversity SPD. Planning permission for development that adversely affects any of these sites will not be granted unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation can be provided and no alternative site is available.
- 8.2 It is noted that all previous planning applications, P1079.11, P0404.11, P0239.08, P2206.04, P1296.99 and P1417.95 were granted planning permission without an upfront desktop study to verify if there were any protected species on the site. Therefore, it is considered difficult to justify a refusal in the absence of an upfront desktop study. Given that planning permission has been granted for a dwelling, which is similar in terms of siting to the proposal, it is Staff's view that a larger dwelling would not be materially more harmful to Ingrebourne Valley. Nonetheless, for completeness, a condition can still be imposed requesting a desktop study to verify if there are any protected species on the site prior to the commencement of the development.

## 9. **The Mayor's Community Infrastructure Levy**

- 9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for a dwelling. According to the CIL form, the new dwelling would have a floor space of 161 square metres. On this basis, the CIL liability equals  $161 \times 20 = \text{£}3,220$ . (subject to indexation).

## 10. **Planning Obligations**

- 10.1 The proposal is a replacement dwelling and as such, a financial contribution is not required.

## 11. **The Case for Very Special Circumstances**

- 11.1 A statement of very special circumstances has been submitted in support of the application, which Members took into account when resolving to grant planning permission for this proposal.

- The proposal would be a sustainable form of development and incorporate various energy saving methods compared with the existing building.
- The proposed dwelling would be attractive, well-proportioned and including good quality external materials. It would be more attractive than the existing dwelling.

- Taking landscape and architectural together, the overall composition would be well considered and provide balance of built and natural features that would appear appropriate in this green belt location.
- This layout and position of the proposed dwelling would not cause any adverse impact on neighbours living conditions.
- All landscaping will be designed to maximise biodiversity.
- The proposal removes an existing dwelling and outbuildings allowing the construction of a replacement dwelling to meet the needs of a modern family.
- The removal of dilapidated structures that currently have an intrusive impact on the visual amenity of the area.

## 12. Conclusion

- 12.1 The proposed construction of a residential dwelling represents inappropriate development in a Green Belt location contrary to national and local planning policies. However, this application was previously considered by Committee on 7 March 2014, when it was resolved that it be delegated to the Head of Regulatory Services to grant planning permission contrary to recommendation subject to the completion of a legal agreement to revoke without compensation the previous permission.
- 12.2 Planning application P1079.11 for the demolition of the existing bungalow and the erection of 1 no. single storey dwelling expired on 20<sup>th</sup> December 2016. Therefore, this application is brought back to committee to amend the resolution and determine this planning application without the need for a Section 106 Legal Agreement to revoke planning permission P1079.11.

## IMPLICATIONS AND RISKS

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

None.

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

None.

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

None.

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

The Council's planning policies are implemented with regard to Equalities and Diversity.

**BACKGROUND PAPERS**

Application forms and plans received 29/11/2013.