

REGULATORY SERVICES COMMITTEE

6 March 2014

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)

Report Author and contact details:

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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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the applicant is a Councillor. The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling. Staff consider that the proposal would be

contrary to the Green Belt policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework. It is recommended that planning permission be refused.

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 is refused for the following reason:

1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt. The proposed dwelling would be disproportionate in size compared to the existing dwelling and the dwelling previously approved dwelling under application P1079.11. The proposal would by virtue of its large footprint and resultant impact on the open nature and character of the Green Belt constitute inappropriate development in the Green Belt. The special circumstances that have been submitted in this case do not outweigh the in principle harm to the openness of the Green Belt arising from this proposal. The proposal is therefore contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document and Part 9 of the NPPF.

INFORMATIVES

1. The proposal, if granted planning permission on appeal, would be 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 subject to indexation. Further details with regard to CIL are available from the Council's website.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

3. If the Committee is minded to seek a resolution contrary to the Recommendation of officers members should be mindful of the following Constitutional provisions:-

(b) Decisions contrary to the development plan should:

(i) be identified as soon as possible.

(ii) be advertised in accordance with the Planning and Compensation Act 2004 .

(iii) if it is intended to approve such an application, the material considerations leading to the conclusions must be clearly identified, and how the considerations justify overriding the development plan clearly identified.

(c) If a member of the Regulatory Services Committee is minded to move a motion contrary to staff recommendation the following steps should be actively considered:

(i) encouraging the formation of tentative reasons by discussing a pre-disposition with planning staff prior to the meeting

(ii) writing down the reasons as part of the mover's motion

(iii) adjourning for a few minutes for those reasons to be discussed

(iv) if there is a strong objection by staff on the validity of those reasons, considering deferring to another meeting to have the putative reasons tested and discussed

(d) Where the Regulatory Services Committee makes a decision contrary to a staff member's recommendation:

(i) a detailed minute of the committees reasons should be made and a copy placed on the application file.

(ii) the staff member should be given the opportunity to explain the implications of the contrary decision.

(iii) reasons for departing from the recommendation should be clear and convincing. The personal circumstances of an applicant will rarely provide such grounds (a notable exception is where a planning policy allows for this).

(iv) Members should be prepared to explain in full their reasons for not agreeing with staff recommendations and in doing so should take all material considerations into account and ignore all non-material matters.

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REPORT DETAIL

1. **Site Description:**

1.1 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.

1.2 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.

1.3 Vehicular access to the site in its current form is achieved via a dropped kerb from Southend Arterial Road.

2. **Description of development:**

2.1 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.

3. **Relevant History:**

3.1 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.

4. **Consultations/Representations:**

4.1 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.

4.2 Environmental Health – Recommend conditions if minded to grant planning permission.

4.3 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.

- 4.4 Transport for London has no objection to the proposed development.
- 4.5 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.

5. **Staff Comments:**

- 5.1 This application is brought before committee because it is an application submitted by a Councillor. The application file has been seen by the Monitoring Officer and pursuant to the constitution the Monitoring Officer has confirmed that the application has been processed in accordance with standard procedures.
- 5.1.1 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.
- 5.1.2 Planning permission was granted on 20th December 2013 for a two bedroom replacement dwelling on the site under planning application P1079.11, which would be set approximately 49m due north of the back edge of the footway, with access obtained via a driveway. This application seeks consent for a larger three bedroom dwelling on the site. The judgement here is whether a larger dwelling, (than that previously approved under application P1079.11), would result in material harm to the open and spacious character of the Green Belt, the streetscene and the impact on amenity.
- 5.1.3 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. 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.

5.2 Background

5.2.1 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.

5.3 Principle of Development

5.3.1 The application site lies within Metropolitan Green Belt. The proposal is for the demolition of the garage and the erection of a two storey dwelling. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in Green Belt. The exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.3.2 Policy DC45 of the LDF states that planning permission for new buildings will only be granted for the following purposes - they are essential for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction or park and ride facilities, or they involve limited infilling or

redevelopment on a site designated as a Major Developed Site in accordance with DC46.

- 5.3.3 The provision of a new residential dwelling is not one of the specified purposes listed in of the NPPF. The NPPF states that replacement of a building can be appropriate and this may be a relevant consideration given that there is a planning permission in place for a dwelling in a similar position to that proposed in this application. The NPPF also allows redevelopment of previously developed sites where there is no greater impact on openness. However, the building would be materially larger than that already granted planning permission. The proposed dwelling would have a footprint of 161 square metres in comparison with 62 square metres for the dwelling approved under application P1079.11. The proposed dwelling has a volume of approximately 742 cubic metres compared to 262 cubic metres for the previously approved dwelling under application P1079.11. The impact on the openness of the Green Belt is considered to be such that the NPPF Green Belt exceptions are not met. As such this proposal is inappropriate in principle.
- 5.3.4 The NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. Although Policy DC45 does allow for limited filling this is relating to sites designated as a major development site in accordance with Policy DC46, which does not include the application site. In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

5.4 Impact on the character and appearance of the Green Belt

- 5.4.1 LDF Policy DC45 states that replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the of the original dwelling. In granting permission for the part demolition and extension of the existing bungalow in 1995, the Council accepted that the very limited habitable floorspace of the building warranted an extension greater than 50% of its original volume. In granting permission in 1999 for the erection of a replacement bungalow, weight was given to the fact that the size and footprint of the proposal was the same as that granted in 1995.
- 5.4.2 When reviewing the merits of the previous application P1079.11, it was considered that there were sufficient very special circumstances in that case, namely the extensive planning history for the site, the fallback position of an existing planning permission, the requirement to remove existing buildings and the improvement of living conditions for the future occupants of the property, which collectively outweighed the in principle harm.
- 5.4.3 In this instance, the proposed dwelling would have a footprint of 161 square metres in comparison with 62 square metres for the dwelling approved under application P1079.11. The proposed dwelling has a volume of approximately

742 cubic metres compared to 262 cubic metres for the previously approved dwelling under application P1079.11, representing an increase in cubic capacity of approximately 283% (as per staff calculations), contrary to Policy DC45 of the LDF Development Control Policies DPD.

- 5.4.4 Compared to the building previously granted planning permission, the proposal would appear to take up more of the site with built form. It would appear as a large building within an isolated setting. Compared with the dwelling previously granted permission, it is significantly larger and would have a materially greater impact upon the openness of the Green Belt. It is considered that the proposed dwelling would have an impact on the open nature and character of the Green Belt. Staff consider that the dwelling would result in disproportionate additions over and above the size of the original dwelling it would replace and the replacement dwelling already approved and constitute inappropriate development in the Green Belt, contrary to Policy DC45 and the NPPF.

5.5 Site Layout

- 5.5.1 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.

5.6 Design/impact on street/Garden scene

- 5.6.1 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. Should Members be minded to grant planning permission, a landscaping condition will be placed to include the planting of native species on all perimeters of the application site to supplement the existing screening on the site boundaries.

5.7 Impact on amenity

- 5.7.1 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.

5.8 Highway/parking issues

- 5.8.1 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.
- 5.8.2 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.
- 5.8.3 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.

5.9 Other issues - Site of Nature Conservation Importance

- 5.9.1 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.
- 5.9.2 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.

5.10 The Mayor's Community Infrastructure Levy

5.10.1 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).

6. Planning Obligations

6.1 The proposal would have been subject to a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document. Although, consideration has been given to the demolition of the existing bungalow and the erection of one single storey dwelling on the application site under application P1079.11, which can be implemented and would not be subject to any financial contribution. Given this fallback position, Staff consider that the financial contribution of £6,000 shall not be applied in this instance.

7. The Case for Very Special Circumstances

7.1 A statement of very special circumstances has been submitted in support of the application.

- 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.

7.2 Staff consider that the very special circumstances, in themselves, are not particularly unusual or weigh significantly in favour of the development proposed. The dwelling granted planning permission under reference

P1079.11 was a modest two bedroom bungalow, a reflection of the very small size of the existing dilapidated building currently on the site, but recognising the need to provide a dwelling that provided an acceptable level of living conditions. The proposed dwelling is significantly larger, including large living areas, three double bedrooms, two en-suite bathrooms, dressing rooms and a utility area. It is considered that the proposal does not respond to the existing site conditions and limitations of longstanding national Green Belt policies that seek to limit the amount and type of new development in the Green Belt. It is considered that there are not overriding considerations that outweigh the harm to the open character and appearance of the Green Belt. Therefore, it is recommended that planning permission is refused.

8. Conclusion

- 8.1 The proposed construction of a residential dwelling represents inappropriate development in a Green Belt location contrary to national and local planning policies. Inappropriate development is by definition harmful to the character of the Green Belt and the purposes of including land within it. Staff consider that the proposed dwelling would result in disproportionate additions over and above the size of the original dwelling it would replace and the replacement dwelling already approved under application P1079.11 and constitute inappropriate development in the Green Belt, contrary to Policy DC45 and the NPPF. Staff consider that the very special circumstances are not overriding considerations and do not outweigh the harm to the open character and appearance of the Green Belt. It is therefore recommended that planning permission be refused.
- 8.2 If Members are minded to grant planning permission, Staff suggest that conditions shall be placed similar to those for planning application P1079.11, which shall consist of: time limit, a landscaping scheme, samples of materials, in accordance with plans, permitted development (including no development and hardstanding under Classes A, B, C, D, E and F and fences and boundary treatments), residential curtilage, demolition of existing bungalow and all outbuildings, surfacing materials for access road and driveway, vehicular access, a noise assessment, contamination, a domestic sprinkler system and a desktop study for protected species. Staff also suggest a Section 106 agreement which revokes the previous planning permission for application P0404.11 without compensation.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits and independently from the applicant as a Councillor.

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.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.