

# REGULATORY SERVICES COMMITTEE

4 September 2014

# REPORT

**Subject Heading:**

P0923.14 – Land adjacent to Mole End, Noak Hill Road, Romford – Demolish existing double garage and tack room and erect 1 No. 2 bedroom, 4 person single storey house (received 14/07/14)

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
suzanne.terry@havering.gov.uk  
01708 432755

**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

The application seeks planning permission to demolish the existing double garage and tack room and erect one, two bedroom, four person single storey house. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## 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 £696.85, subject to indexation. This is based on the creation of 35 square metres of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with 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 Agreement, prior to completion of the Agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff 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. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), including the window frames, shall be submitted to and approved in writing by the Local Planning Authority and 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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

**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.

4. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any amendment of that Order or successor order), 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.

5. Landscaping - No development shall take place 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

6. 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 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.

7. Cycle storage - Prior to the first occupation 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.

8. 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.

9. Obscure glazing - The high level bathroom window on the southern elevation of the dwelling as shown on the approved Drawing No. 1069/04A shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority.

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

10. Boundary fencing – 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:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

11. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwelling house and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, 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.

12. Soil contamination

Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

**Reason:** To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

13. Land Contamination

The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and whether remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

**Reason:** To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.

Car parking – Before the dwelling hereby permitted is first occupied, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 2no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

## INFORMATIVES

1.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 £696.85. 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.

2.Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

3.Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request is needed.

4. The developer is advised that if 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.

5. The planning obligations recommended in this report 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.

6. 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 is located on the north western side of Noak Hill Road. There is a two storey detached dwelling entitled 'Mole End' and the application site comprises the adjacent detached single storey double garage and tack room. Rose Cottages are Grade II listed and are located to the south west of the site, with a detached garage adjacent to the south western boundary of the site. Ground levels fall from north east to south west. The application site and the surrounding area are located within the Metropolitan Green Belt.

### 2. **Description of development:**

- 2.1 The application seeks full planning permission for the demolition of the existing double garage and tack room and the erection of one, two bedroom, single storey house on land adjacent to 'Mole End', Noak Hill Road. The proposed dwelling would measure 10.6 metres in depth, with a width of 8 metres. The gabled roof would be 4.3 metres in height at the ridge and 2.5 metres to the eaves.

### 3. **Relevant History:**

- 3.1 P1343.13 – Demolition of the existing double garage and tack room and erection of a detached dwelling – Refused.

D0022.07 – Certificate of Lawfulness use of garage/store building as a dwellinghouse ancillary to the enjoyment of the dwellinghouse at Mole End, Noak Hill Road – Planning permission not required.

P0379.92 – Single storey rear extension – Approved.

### 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. No letters of representation were received.
- 4.2 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.

- 4.3 The Highway Authority has no objections to the proposal.
- 4.4 London Fire and Emergency Planning Authority– Insufficient detail provided to assess if access for fire brigade vehicles complies with Section 11 of the ADB volume 1.
- 4.5 London Fire Brigade Water Team – No objection.
- 4.6 Council’s Heritage Officer – No objection.
- 4.7 Environmental Health – It is important to ensure that any soil imported to site is free from significant contamination and pose no risk to human health, property, ecological system and controlled water. To safeguard the situation, it is recommended that two conditions are placed regarding soil and land contamination.
- 4.8 English Heritage – Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, it is concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

**5. Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP17 (Design), CP18 (Heritage), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC45 (Green Belt), DC53 (Contaminated land), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Residential Design Supplementary Planning Document, the Residential Extensions and Alterations Supplementary Planning Document and the Planning Obligation Supplementary Planning Document.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London’s neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character), 7.8 (Heritage Assets and Archaeology) and 8.2 (Planning obligations) of the London Plan are relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 9 (Protecting Green Belt land) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.



## 6. **Staff Comments:**

6.1 This proposal follows a previous application P1343.13 for the demolition of the existing double garage and tack room and the erection of a detached dwelling, which was refused planning permission for the following reasons:

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 and no very special circumstances have been submitted in this case to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the National Planning Policy Framework.

2. The proposed dwelling would, due to its proposed design, height, scale and bulk, be out of character with the local pattern of development and appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. The demolition of the double garage and tack room and construction of a new dwelling would create a discordant feature in the streetscene and detract from the sense of age and vernacular architecture of neighbouring development, thereby having a detrimental impact on the setting of Rose Cottages, which are Grade II Listed contrary to Policies DC61 and DC67 of the LDF Core Strategy and Development Control Policies DPD and the Heritage SPD.

6.2 The current application differs from the refused scheme in the following key areas:

- The accommodation in the roof space has been removed.
- The height of the dwelling has been reduced from 6.1 to 4.3 metres.
- The footprint of the dwelling has been increased.
- The appearance of the dwelling has changed.

6.3 The issues arising from this application are the principle of development, the impact upon the character and openness Metropolitan Green Belt, the impact on the streetscene and the setting of the adjacent Grade II listed Rose Cottages, amenity implications, any highway and parking issues and the case for very special circumstances.

## 6.4 Principle of Development

6.4.1 The application site lies within Metropolitan Green Belt. The proposal is for the demolition of the existing double garage and tack room and the erection of a single storey detached dwelling. Policy 9 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.

6.4.2 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.

6.4.3 It is noted that the proposed dwelling would replace the existing double garage and tack room, although it would not be in the same use. It is also judged not to comprise the extension or alteration of a building, as the existing garage and tack room would be removed to make way for the new dwelling. The provision of a new residential dwelling is not one of the specified purposes listed in Policy 9 of the NPPF and as such this proposal is inappropriate in principle. Policy 9 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 infilling this is relating to sites designated as a major development site in accordance with Policy DC46, which does not include the application site.

6.4.4 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.

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

6.5.1 Policy 9 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.5.2 In this instance, the proposed dwelling would be single storey with a gabled roof. It is Staff's view that the site has an open and spacious character. When reviewing the merits of this application, consideration was given to the fact that the proposal involves the demolition of the double garage and tack room. The existing building on the site is single storey, having a maximum height of 3.2m. The current proposal, although single storey and relatively low in height (approximately 4.3m to the ridge) would be taller than the building it replaces. As the proposed building would be higher than that which it replaces, Members may judge that the proposal is harmful to the openness of the Green Belt at this point. However, Staff have taken into consideration that the overall height of the new dwelling is not excessive and that the building would not be as wide as that which it replaces. On balance therefore Staff judge that the replacement building is not materially harmful to the openness of the Green Belt, although it is accepted Members may reach a different view in this respect.

The proposal would have a spacious rear garden. It is not considered that the proposed amenity area would have a material adverse impact on the openness of the Green Belt, as this land already forms part of the residential curtilage of the donor property. The impact of the sub-division of the plot would not, in this case, materially harm openness.

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

6.6.1 Council policy and guidance seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments is compatible with the character of the surrounding area, and would not prejudice the environment of the occupiers and adjacent properties.

6.6.2 The street scene of which the subject site forms part is drawn from single and two storey detached and semi-detached dwellings. The siting of the dwelling is considered to be acceptable, as it would be in general alignment with the donor property, 'Mole End'. The plans have been amended from that previously refused by removing the accommodation in the roof space, reducing the height of the dwelling and altering its design. Staff consider that these revisions have reduced the height, scale and bulk of the proposed dwelling and brought the proposal within the realms of acceptability. Given also that the proposal replaces an existing structure, it is considered that the proposal would relate well with the donor property 'Mole End', integrate

satisfactorily with the streetscene as well as the character and appearance of the surrounding area.

- 6.6.3 The Council's Heritage Officer has no objection to the proposal and considered the overall design of the new building to be sufficiently in keeping with its context, picking up the materials and treatment of the doors and windows from the neighbouring buildings. The materials chosen are considered acceptable although it is recommended that a condition be included requiring details and a sample of the roof tiles and window frames to be submitted.

## **6.7 Listed Building Implications**

- 6.7.1 Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within the National Planning Policy Framework advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

- 6.7.2 The Council's Heritage Officer was consulted on this application and advised that the current building complements its surroundings and contributes in a positive way to the setting of the Grade II listed building. The scale of the building is judged to be appropriate to its position and not to dominate the view of the flanking buildings of historic character, or detract from their setting. It is considered that the proposed building will have little impact on the setting of the listed building next door (Rose Cottage). Having regard to these factors the proposal is considered not to harm the setting of the adjacent listed building and to comply with Policy DC67.

## **6.8 Impact on amenity**

- 6.8.1 With regard to amenity issues, consideration should be given to future occupiers of this property and also the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

- 6.8.2 No. 2 Rose Cottages has one first floor flank window that serves a bedroom and is a secondary light source as there is a dormer window on the rear elevation of the dwelling. It is considered that the proposal would not result in a significant loss of amenity to No. 2 Rose Cottages, as there would be a separation distance of between approximately 6.4 metres between the north eastern flank of this neighbouring property and the south western flank of the proposed dwelling. In addition, there is a detached garage adjacent to No. 2 Rose Cottages, which would help to mitigate the impact of the proposed dwelling.

- 6.8.3 It is considered that the proposed dwelling would not result in any undue overlooking or loss of privacy to neighbouring occupiers, as it is single storey

and details of boundary treatments can be secured by condition if minded to grant planning permission. The high level flank bathroom window can be obscure glazed if minded to grant planning permission.

6.8.4 The donor property entitled 'Mole End' has three ground floor flank windows, two of which (adjacent to the front façade) serve a lounge and are secondary light sources with a window on the front façade. One three pane window serves a kitchen and is a secondary light source and there is a pair of doors to the rear which lead to a conservatory. Staff consider that the outlook from the kitchen window of Mole End would be reduced as a result of the proposal, although the occupiers of this donor property would be aware of this. It is considered that the proposal would not result in a significant loss of amenity to Mole End, as there would be a separation distance of approximately 2 metres between the south western flank of this donor property and the north eastern flank of the proposed dwelling. Also, the proposed dwelling would be in general alignment with the front façade of Mole End. The agent has advised that the terrace area to the rear of the proposed dwelling would be approximately 0.154 metres in height and therefore, Staff consider that this would not result in any undue overlooking or loss of privacy to Mole End.

## 6.9 Highway/parking issues

6.9.1 There is space for two vehicles on existing hardstanding to the front of the proposed dwelling, which is sufficient. There is space for a minimum of two to three vehicles to the front of the donor property, which is sufficient. The Highway Authority has no objection to the proposal. It is considered that the proposal would not create any highway or parking issues.

## 7. The Mayor's Community Infrastructure Levy

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3, as the proposal is for one new dwelling. The existing double garage and tack room with a floor area of 47 square metres are being demolished. According to the CIL form the new dwelling would have a floor space of 82 square metres. On this basis, the CIL liability equals  $82 - 47 = 35$ . Therefore, CIL would be payable up to £696.85 (subject to indexation).

$35 \times \text{£}20 \text{ per sq.m} = \text{£}700.$

$\text{£}700 \times 0.9955 = \text{£}696.85.$

## 8. Planning Obligations

8.1 A legal agreement is required to secure a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

## 9. The Case for Very Special Circumstances

9.1 A statement of very special circumstances has been submitted in support of the application:

- The existing building was given permission in April 2007 to convert into a granny annexe, but the applicants have decided instead to build a small, separate, two bedroom house that would suit their needs better. The applicants intend to sell their large house 'Mole End', but not wishing to move from the area, move into the proposed smaller house. The applicants now live alone as their children have moved away.
- The agent asserts that the intention is to trade off the volume of the proposed house against the volume of the double garage and tack room which is approximately 225 cubic metres, the volume of the proposed house is approximately 210 cubic metres.
- The proposal will not detract from the appearance of the lane and will remove the strange appearance of the existing garage roof. The existing garage is a recent and unsympathetic addition. The intention is to insert a sympathetic low building using materials exactly the same as the donor property, Mole End.

9.2 It is considered that volume of the existing double garage and tack room and the proposed dwelling are broadly similar and therefore, would help to off set the impact of the proposal. Staff consider that as a building already exists in this location the proposal does not have a material impact on the openness of the Green Belt. The current building is not particularly sympathetic to the existing building and the proposed building is considered an acceptable replacement that is not significantly larger than the building it replaces. Staff consider that the case for very special circumstances, together with the demolition of the existing double garage and tack room and the overall proportions of the proposed dwelling, constitute sufficient justification for granting planning permission in this instance.

## 10. **Conclusion**

10.1 The proposed construction of a residential dwelling represents inappropriate development in the Green Belt. However, it is considered that the very special circumstances that have been submitted justify the inappropriate development proposed. It is considered that the proposal would not materially harm the open and spacious character of the Green Belt. Staff consider that the design, form and scale of the proposal would integrate satisfactorily with the streetscene and would have no adverse impact on the setting of the listed building next door (Rose Cottage). Staff consider that the proposal would not be detrimental to neighbouring amenity or create any highway or parking issues.

There would be a financial contribution of £6,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None.

**Legal implications and risks:**

Legal resources are required for the completion of the legal agreement.

**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 14/07/2014.

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.