



# REGULATORY SERVICES COMMITTEE

2 October 2014

# REPORT

**Subject Heading:**

P1002.14 – 20 Pinewood Road, Havering-  
atte-Bower - Construction of a new 3  
bedroom dwelling (previous approved  
application P1128.11). (received  
14/07/14)

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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**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

The proposal is for the construction of a replacement bungalow comprising 3 bedrooms.

The planning issues are set out in the report below and cover the principle of the development, impact on street scene, residential amenity and highways/parking.

The application site is Council owned land.

It should be noted that the current application is the same as a previous application submitted and approved under P1128.11. The following report is similar to the previous report with the exception of a change to Green Belt Policy references to reflect the National Planning Policy Framework (NPPF) rather than previous policy guidance set out in PPG2.

Staff are of the view that the proposal is acceptable and it is recommended that permission be granted subject to conditions.

## 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 is based on an internal gross floor area of 102.5m<sup>2</sup> and amounts to £2,050.

It is recommended that planning permission be granted subject to the following conditions:

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 Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Parking layout: Before the building hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter this provision shall be made

permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. **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) 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.

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. **Boundary treatment:** The proposal hereby permitted shall not have a residential curtilage established and no means of enclosure or boundary treatment shall be erected at any time without prior consent in writing from the Local Planning Authority.

**Reason:** In order to ensure that the development maintains the open character and appearance of the Green Belt, and in order that the development accords with Development Control Policies Development Plan Document Policy DC45.

7. **Cycle storage:** Prior to completion of the works 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. Construction Method Statement: Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

**Reason:** To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. 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

11. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings 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

- 12 Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. Risk and Contamination Assessment, Part 1: (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 (the Phase I Report having already been submitted to the Local Planning Authority);

a) 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.

b) A Phase III (Remediation Scheme) 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.

c) 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:** To 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.

14. Risk and Contamination Assessment, Part 2: (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:** To 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.

## INFORMATIVES

1. Fee Informative:

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.

2. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
3. 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](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
4. 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.
5. 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 £2,050.00 (subject to indexation). 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 and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site is located to the northern side of Pinewood Road. The site measures approximately 0.31ha and was previously occupied by a single storey bungalow which has now been demolished due to extensive

fire damage. The site is within the Metropolitan Green Belt, forms part of the Havering Ridge Area of Special Character and designated as a Site of Importance for Nature Conservation (SINC). Ground levels on the site drop significantly from east to west. The site is characterised by mature trees and dense vegetation.

- 1.2 There is no other residential development within close proximity to the application site with the nearest being Hillsdene along Clockhouse Lane to the south-west, approximately 260m away. The surrounding area is generally rural in character with dense vegetation forming part of Havering Park and the Green Belt.

## **2. Description of Proposal**

- 2.1 The Council is in receipt of a planning application seeking permission to replace a previously demolished dilapidated, fire damaged bungalow and construct a new 3-bedroom chalet-style bungalow.
- 2.2 The proposal would be in the same location as the existing building. The bungalow would have a width of 9.3m and a depth of 13.4m. The proposal would have a half-gabled roof design to a maximum height of 6.2m above ground level. On ground floor level would be a dining area / family room, kitchen, living room, bathroom and 2 bedrooms and on 1st floor level would be a 3rd bedroom with en-suite.
- 2.3 Windows and doors would generally be to the front and rear of the bungalow with flank windows serving the utility, kitchen and living room on ground floor level. Due to the change in ground levels, there would be an access ramp to the front entrance and a patio towards the rear measuring approximately 700mm above ground level at its highest point.
- 2.4 Although the drawings do not indicate where and how car parking spaces will be provided, the applicant indicated on the application forms that there will be 3 No. car parking spaces.

## **3. History**

- 3.1 On 04 November 2011, planning permission Ref. P1128.11 was approved for the demolition of existing dilapidated and fire damaged dwelling and construction of a new 3 bedroom dwelling. The current proposal is exactly the same.

## **4. Consultation/Representations**

- 4.1 Notification letters have been sent to 6 neighbouring addresses and 3 objections were received raising the following concerns:

- property will result in a distraction from the natural environment
- concerned that the council would sell this property at a later date
- impact on Green Belt and park



- 4.2 The Council's Environmental Health Service requested a soil contamination condition in the event of an approval.
- 4.3 The Highway Authority has raised no objection to the proposal.
- 4.4 The London Fire and Emergency Planning Authority has raised no objection to the proposal.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP14 (Green Belt), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC45 (Appropriate Development in the Green Belt), DC58 (Biodiversity and Geodiversity), DC60 (Trees and Woodlands), DC61 (Urban Design) and DC63 (Crime) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.13 (Parking), 7.16 (Green Belt), 7.19 (Biodiversity and 7.21 (Trees and Woodlands)
- 5.3 National Planning Policy Framework (NPPF).

## **6. Staff comments**

- 6.1 The issues arising from this application are whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development; the impact on the character and openness of the Green Belt, the impact on the street scene, the Havering Ridge Area of Special Character and adjoining Conservation Area, impact on local amenity, parking and highway issues.
- 6.2 It should be noted that the current application is the same as a previous scheme approved in 2011 by the Regulatory Services Committee under P1128.11. The current scheme has been resubmitted in order to give the applicant more time to implement. There has been no material change in site conditions and the issues arising from this application are exactly the same. The only difference would be a change in Green Belt Policy from PPG2 to the NPPF (National Planning Policy Framework). The change in policy is discussed further below.
- 6.3 *Principle of Development*
  - 6.3.1 According to the NPPF (National Planning Policy Framework), the construction of new buildings inside the Green Belt is inappropriate unless

it is for, amongst others, 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.

- 6.3.2 The former dwelling became an unsafe structure which was in a poor state of repair and subject to vandalism and trespass. In July 2011, the dwelling was subject to an arson attack and was subsequently demolished. Given that the dwelling was demolished a few years ago it is considered that the proposed dwelling should be considered to be inappropriate development, in principle, within the Green Belt. Such development should not be approved except where there are very special circumstances.
- 6.3.3 The replacement of dwellings in the Green Belt is strictly controlled to safeguard the openness of the Green Belt. Replacement dwellings will only be allowed provided the new building is in the same use and not materially larger than the one it replaces.
- 6.3.4 Permission will not normally be granted for a new dwelling where the existing dwelling has been demolished or abandoned as this would be regarded as a new house and hence contrary to Green Belt policy. Where a dwelling has been substantially or wholly demolished as a result of accidental damage such as fire, this may, depending on the circumstances, be regarded as very special circumstances. Before considering these very special circumstances in more detail, it is necessary to consider whether any other harm arises. This is explored below.

#### 6.4 *Impact on Green Belt*

- 6.4.1 The proposal would be in a similar location compared to the dwelling which was on the site prior to demolition. The original dwelling had a floor area of 84.4sq.m which was increased by a single storey extension in 1982 (to have a floor area of 114sq.m). The proposal would have a floor area of 121sq.m which is an increase of 36.6sq.m over and above the original dwelling and 7sq.m more than the extended dwelling. The overall volume of the proposal would be 513 cubic metres whilst the original dwelling had a volume of 362 cubic metres. The original dwelling was extended to have a total volume of 448sq.m. This results in a volume increase of 151 cubic metres or 41.7% over and above that of the original dwelling and 65 cubic metres or 14.5% over and above the extended dwelling (as it stood before demolition).
- 6.4.2 The Council's LDF Policy DC45 states that replacement of 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. The proposal's cubic capacity would be 14.5% more than the extended dwelling it replaces and 41.7% over and above the original dwelling (prior to 1982). In terms of the volume increase, the proposal complies with the requirements of policy DC45 of the Council's LDF.

6.4.3 Although larger, the increased volume of the building is within acceptable limits and Staff are of the opinion that the replacement dwelling would not be harmful to the open character and appearance of the Green Belt as it would not be significantly greater compared to the dwelling it would replace. The proposal would see a building of improved quality and character and in light of the minor increase in floor area and overall volume, is not considered to be harmful in Green Belt terms. The proposal is therefore considered to be acceptable in this respect.

6.4.4 Staff did however notice upon site inspection that there are no clear boundaries which define a residential curtilage and the area surrounding the subject site remains fairly open with a natural flow into the surrounding woodlands. The drawings submitted as part of the application however indicate a red line around what appears to define a residential curtilage. Staff are of the opinion that the creation of a residential curtilage should be prevented in this instance as the formation of any means of boundary treatment or fencing would be harmful to the openness of the Green Belt and the surrounding woodland

6.4.5 In light of the volume and floor space which have already been increased compared to the original and replacement bungalow, Staff consider any enclosures or formation of a residential curtilage to prejudice the open character and appearance of this part of the Green Belt. It is therefore important that the area surrounding the proposed bungalow remains Green Belt land which naturally forms part of the surrounding woodland. Staff therefore recommend a condition to prevent any boundary treatment or fence to be erected in order to prevent a residential curtilage to be established.

6.4.6 In addition to the above, Staff are of the opinion that any further development to the bungalow or on the application site would be harmful to the open character of the Green Belt. It is therefore recommended that all Permitted Development Rights are removed to prevent any harm from occurring, should future occupiers wish to extend the bungalow.

## 6.5 Site layout/Amenity space

6.5.1 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.

6.5.2 The application site is a large plot measuring approximately 0.3ha and indeed, its current use is residential. The proposal would be in the same

location and of a similar size compared to the fire damaged bungalow. The proposal would be set back from its front boundary by approximately 15m. The site is well screened from all sides by mature trees and vegetation allowing no or very limited public views into the site.

6.5.3 Staff are of the opinion that this large plot and the proposed development would leave adequate amenity space for practical day to day use.

6.5.4 The site can comfortably accommodate parking towards the front and amenity to the rear without appearing cramped or overdeveloped. It is therefore considered that the siting and layout of the proposal would be acceptable with no adverse impacts on the character of the area.

## 6.6 *Impact on Local Character and Street Scene*

6.6.1 Policy DC61 of the LDF Development Plan Document 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 should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.6.2 The application site is on a large plot with mature trees and dense vegetation to its boundaries allowing no or very limited views from the public domain. The proposal would therefore not form part of any existing street scene.

6.6.3 Notwithstanding the proposal's negligible impact on the character of the street scene, the application falls within the Havering Ridge Area of Special Character and would ultimately have an impact on the special character area.

6.6.4 Policy DC69 of the LDF states that planning permission will only be granted in areas of special townscape or landscape character if it maintains or enhances the special character area. Havering Ridge was recognised by the former London Planning Advisory Committee as an Area of Special Character because of its skyline character and the panoramic views it affords of Central London. It has also been identified by English Heritage as an Area of Heritage Land for its combined intrinsic value for landscape, historic and nature conservation interest. The Council will therefore ensure that any development has regard to the special character of the area.

6.6.5 The proposal is for a modest, single storey bungalow which would see the replacement of a bungalow which was of a similar scale and design. The proposal would be slightly larger compared to the previous bungalow however, not to the extent that would cause harm to the character of the area.

6.6.6 In light of the distance of the proposal from its site boundaries, the dense vegetation to the site boundaries and the simplistic design, Staff are of the opinion that the proposed new bungalow would not adversely affect the character of the Havering Ridge Area of Special Character. Appropriate conditions can be imposed to require the submission of material samples and the retention of the mature trees within the grounds which will ensure that the open, verdant character of the ridge is maintained.

6.6.7 For the reasons mentioned above, it is considered that the proposed development would be acceptable in terms of its overall scale, bulk and design and would be acceptable in terms of its impact on the street scene and in particular on the Havering Ridge Area of Special Character. The development is therefore considered to be consistent with the aims and objectives of Policy DC61, DC68 and DC69 of the LDF Development Control Policies Development Plan Document.

#### 6.7 *Impact on Amenity*

6.7.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.7.2 The proposal would be approximately 260m from its nearest neighbouring dwelling, Hillsdene along Clockhouse Lane to the south-west. As a result of the dense vegetation and mature trees on the site, in particular to its boundaries and the distance of the proposal from neighbouring dwellings, it is not considered that there would be any harmful impact in terms of neighbouring amenity.

#### 6.8 *Highways / Parking Issues*

6.8.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The proposal does not indicate how parking spaces will be provided however the application form indicates that 3 spaces would be available. Three parking spaces can comfortably be accommodated on the application site. The provision of 3 spaces would be sufficient and the layout and details of parking spaces can be secured by means of an appropriate planning condition. In this respect, the proposal would comply with the requirements of Policies DC2 and DC33. Access to the site will remain as per the existing arrangement.

#### 6.9 *The Mayor's Community Infrastructure Levy*

6.9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 102.5m<sup>2</sup> and

amounts to £2,050.

#### 610. *Planning Obligations*

6.10.1 The proposal would not be required to make £6000 Planning Obligation contribution as the current proposal is re-application of a previous 2011 approval that did not require such a contribution and which can still be implemented.

#### 6.10 *Other Issues*

6.10.1 The application site is designated as a Site of Importance for Nature Conservation (SINC). Notwithstanding, the replacement bungalow would be in the exact same location as the previous bungalow that occupied that site and the immediate area surrounding the bungalow is clear of any vegetation which may be affected. As such, Staff are satisfied that the development is able to take place without resulting in any harm to the surrounding wildlife and it is therefore not considered that conditions to protect the SINC is required in this instance.

#### 6.11 *Very Special Circumstances*

6.11.1 Given that the previous dwelling on the site was demolished in 2010, Staff consider the proposed development to be inappropriate in principle in the Green Belt. It must therefore be considered whether any very special circumstances exist to justify the development. When resolving to grant planning permission for a replacement dwelling in 2011, Members considered whether the dwelling that had existed on the site was considered to have been 'abandoned'.

6.11.2 A dwelling will be considered 'abandoned' depending on:

- whether the site had been used for any other purpose following the cessation of the lawful use;
- the physical condition of the building;
- the length of time for which the building had not been used for residential purposes and
- the intentions of the owners of the building.

6.11.3 The original bungalow was used as a "park managers lodge" and has been on the site prior to 1982. According to the details provided by the applicant, the building was occupied for residential purposes until 2006 and was used on and off between 2006 and 2010 due to the building's poor state of repair. It is further evident that the bungalow was subject to several arson attacks, the first occurring in April 2010 and the second in May 2011. Following the arson attacks the bungalow was no longer in a state to be

occupied as a residential dwelling and therefore demolished for health and safety purposes.

6.11.4 Members accepted that the building had remained in residential use until it fell in a state of disrepair after which it was used occasionally as a residential dwelling and there was no evidence which suggests that the building had been abandoned as a residential dwelling. The building was only demolished for health and safety reasons following two arson attacks and the intention was therefore not to demolish the building in order to construct a replacement bungalow.

6.11.5 Although a longer period of time has now elapsed since the demolition of the bungalow, in light of the above information and that the existing planning permission under P1128.11 can still be implemented, Staff are of the opinion that this constitutes the very special circumstances necessary to justify the grant of a further permission for residential development on the site. Having regard also to the acceptability of the scale and design of the bungalow and the absence of harm to Green Belt character, Staff consider that an acceptable case for very special circumstances has been made.

## **7. Conclusion**

7.1 The current application is the same as a previous application approved under P1128.11 which expires on 04 November 2014. Although the Green Belt Policy has changed since the previous approval the fundamental issues of appropriateness in the Green Belt and potential impact remain the same. The proposal is judged to be inappropriate development in principle in the Green Belt, given the length of time which has elapsed since the previous bungalow on the site was demolished. However, it is judged that there are very special circumstances, relating to the reasons for demolishing the previous building, the extant planning permission, the reasonable scale and impact of the proposal and the absence of harm to the character of the Green Belt, which justify approval in this case.

7.2 The proposal is considered acceptable in terms of its impact on the character of the Havering Ridge Area of Special Character and would have no harmful impact on the amenities of neighbouring properties. No concerns are raised in terms of parking / highway issues. The proposal is not considered to affect the SINC as a result of the development or during construction.

7.3 Overall, the proposal is considered to be acceptable and compliant with the relevant LDF Policies. The proposal is therefore recommended for approval, subject to conditions

## IMPLICATIONS AND RISKS

### **Financial Implications and risks:**

None.

### **Legal Implications and risks:**

This application is considered on its own merits and independently of the Council's interest as owner.

### **Human Resource Implications:**

None

### **Equalities and Social Inclusion Implications:**

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

## BACKGROUND PAPERS

1. Application forms and plans received 14/07/14