

REGULATORY SERVICES COMMITTEE

REPORT

26 April 2012

Subject Heading:	P1079.11 – White Bungalow, Southend Arterial Road, Hornchurch
	Demolition of existing bungalow and erection of 1 No. single storey dwelling (Application received 8th July 2011)
Report Author and contact details:	Helen Oakerbee (Planning Control Manager) 01708 432800
Policy context:	Local Development Framework
Financial summary:	None

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

Ensuring a clean, safe and green borough	[x]
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	[]
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 conclude the proposal to be acceptable. The application is recommended for approval subject to conditions and a Section 106 Agreement which revokes the previous planning permission for application P0404.11 without compensation.

RECOMMENDATIONS

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:

- The revocation of planning permission P0404.11 without compensation on the issue of planning permission pursuant to planning application reference P1079.11.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of those agreements, grant planning permission subject to the conditions set out below:

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

1. 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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include the planting of native species on all perimeters of the application site as well as 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

3. 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.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, no development and hardstanding under Classes A, B, C, D, E and F and fences and boundary treatments under Part 2, Class A shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: To enable to the Local Planning Authority to retain control of future development, given the site's location within the Metropolitan Green Belt.

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

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

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

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

8. Prior to the commencement of the development, details of the surfacing materials to be employed in the construction of the access and driveway to the new dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

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

Reason: In the interests of highway safety.

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

Reason: To protect future residents against the impact of road noise in accordance with Department of Environments, Planning Policy Guidance Note 24, "Planning and Noise".

11. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
 - a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

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

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

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination.

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

Reason: In the interests of safety.

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

Reason: In the interests of biodiversity and geodiversity.

14. INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP17, DC3, DC32, DC33, and DC61 of the Local Development Framework Core Strategy and Development Control Development Plan Document together with the National Planning Policy Framework. Other material considerations namely the extensive planning history on 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, together constitute very special circumstances which justify exception in this case to the strict application of DC45 of the LDF Core Strategy and Chapter 9 of the National Planning Policy Framework.

The Applicant is advised that this planning permission does not constitute Highways approval, which will need to be sought separately prior to the commencement of the development.

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 Police Crime Prevention Design Advisor through Havering Development and Building Control or Romford Police. He is able to provide qualified designing out crime advice, taking account of local conditions and risks. You are strongly advised to contact him at the earliest opportunity.

Planning Obligations

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.

REPORT DETAIL

1. **Site Description:**

- 1.1 The site is roughly rectangular in shape, measures approximately 30m wide by 129m 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, at its maximum, 11.9m wide by 7.5m deep by 5.6m 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:**

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. Eight neighbouring occupiers were notified of the planning application.

4.2 The London Green Belt Council – objects to this application, inappropriate in the Green Belt. The proposed development cannot be regarded as an extension, alteration or re-use of an existing dwelling for the following reasons:

- Doubtful if the remains of the old building ever had a true residential use. Even if it did, it appears that the residential use was abandoned long ago and the building no longer constitutes a dwelling.

- If the building was a dwelling, the proposal does not constitute as an extension to a dwelling. This does not apply as the replacement building is located in a different place, in a position further from the main road and therefore a more obvious intrusion into the Green Belt.
 - Even if the proposed development was considered to be an alteration, there is no evidence of what the size of the White Bungalow was on 1st July 1948, or when first built, if later. There is no way of judging if the replacement building is disproportionate or not.
 - If the old building was not a dwelling, the proposal would not be acceptable as a re-use of a building as PPG2 expressly excludes complete reconstruction. The proposed development must be regarded as a new bungalow, which is inappropriate in the Green Belt. No very special circumstances and should be refused.
- 4.3 Campaign to Protect Rural England (CPRE) NE London Group - Objects to the erection of a new residential building in a green belt location. Views into and out of the green belt would be affected. No very special circumstances. The plot is within a designated mineral site safeguarded by policies CP13 and DC43. The site forms an essential part of the Ingrebourne Valley Wildlife Corridor – a designated Metropolitan site of ecological importance. Subject to major conservation improvement works. The new carriageway access would contravene the policy and be hazardous to highway safety.
- 4.4 Environmental Health – Recommend conditions if minded to grant planning permission.
- 4.5 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.
- 4.6 StreetCare acting as the Highway Authority for Borough maintained roads (not the Southend Arterial Road (A127) has no objection to the proposals.
- 4.7 Transport for London has no objection to the proposed development.
- 4.8 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.
- 4.9 In response to the above, it is accepted that very special circumstances need to be demonstrated. The remaining comments will be addressed in the following sections of this report.

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. The judgement here is whether resiting the dwelling would result in material harm to the open and spacious character of the Green Belt, the streetscene and the impact on amenity.

5.1.2 Policies CP1, CP2, CP14, CP16, CP17, DC3, DC32, DC33, DC45, DC58, DC59 and DC61 of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Design Supplementary Design Guidance, Protecting and Enhancing the Borough's Biodiversity Supplementary Planning Document, the National Planning Policy Framework, Policies 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 7.16 (Green Belt) and 7.19 (Biodiversity and Access to Nature) from the London Plan 2011 are also relevant.

5.2 Background

5.2.1 Planning permission was originally granted to part demolish and extend the 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 31m due north of the back edge of the footway, which was approved. This application seeks to relocate the bungalow a further 18m into the site, so it would be set approximately 49m due north of the back edge of the footway, with access obtained via a driveway.

5.3 Principle of Development

5.3.1 Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within the National Planning Policy Framework (NPPF) advises that the essential characteristics of Green Belts are their openness and their permanence. The NPPF states the construction of new buildings, such as the provision of a new residential dwelling, is inappropriate in Green Belt. As with previous Green Belt policy, inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this instance, it is considered that the development comprises inappropriate development and 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 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 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. As detailed above, this permission was successively renewed. Application reference P0404.11 also maintained an identical footprint.
- 5.4.2 Although the current proposal is not being treated as a replacement bungalow, the size and footprint of the bungalow continues to be identical to that previously considered acceptable by the Council.
- 5.4.3 It is noted that there is a change in ground levels across the site and the replacement bungalow 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. In the event that planning permission is granted, 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.
- 5.4.4 Although the bungalow would be relocated a further 18m into the site compared with the previous planning application (P0404.11), Staff are of the opinion that the replacement dwelling would not be materially harmful to the open character and appearance of the Green Belt, or would have a significantly greater impact compared to the dwelling it would replace and the replacement dwelling already approved. The existing bungalow is of a poor construction and in a dilapidated condition. In Staff's opinion, the building is not fit for living accommodation and has an adverse appearance on the Green Belt. The proposal would see a building of improved quality and character and in light of the new position of the dwelling, is not considered to be harmful in

Green Belt terms. The proposal is therefore considered to be acceptable in this respect.

- 5.4.5 Given the siting of the proposed bungalow in comparison to the siting of the previously approved bungalow, to prevent a scenario where both bungalows are constructed, which would cause harm to the character and appearance of the Green Belt, Staff recommend that the applicant enters into a Section 106 Agreement to revoke the planning permission granted under reference P0404.11. This will ensure that only one bungalow is constructed.

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 replacement bungalow 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 replacement bungalow 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. In the event that planning permission is granted, 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 bungalow would benefit from 2 no. driveway 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. 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. In this instance, the access road has a width of 2.5 metres and there is no turning area. Access for emergency vehicles is a building control issue. In the event that more extensive hardstanding is required, this would need to be considered separately. 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, P0404.11, P0239.08, P2206.04, P1296.99 and P1417.95 were granted planning permission without an upfront desktop study. 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 replacement bungalow that is identical in terms of its size and footprint to the proposal, albeit that it would be located 31m due north of the back edge of the footway (application P0404.11), it is Staff's view that relocating the dwelling a further 18 metres into the site would not be materially more harmful to Ingrebourne Valley than the current extant permission. Nonetheless, 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 Other Issues

5.10.1 The proposal is liable for the Mayoral Community Infrastructure Levy. This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here equals £1,240 based on 62sq.m of floorspace at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued with the Decision Notice should planning permission be granted.

5.11 The Case for very special circumstances

5.11.1 A statement of very special circumstances has been submitted in support of the application, which is detailed as follows.

- It is unreasonable to consider that the original bungalow has been abandoned, as planning permission has recently been granted for a replacement bungalow about 15 metres away from the application site.

Staff comment: Staff consider that in all of the circumstances very special circumstances have to be demonstrated in accordance with guidance in chapter 9 of the NPPF.

- Resiting the bungalow 18m further from the A127 would not intrude into the Green Belt, as the bungalow has already been approved and is obscured from view by trees and bushes. The Chase, who own and manage the adjoining property, has planted the side and rear boundaries of the site with a very high hedge of bushes and trees. Therefore, the bungalow would only be seen from the other side of the Ingrebourne Valley with the aid of a pair of binoculars.

Staff comment: this issue has been addressed previously in this report.

- Re-siting the bungalow further from the road will provide a better environment for future occupiers and improve the access.

Staff comment: it is Staff's view that extending the length of the driveway by 18 metres would not improve the access in itself. It is the provision of visibility splays which would achieve any improvement.

- When the property was originally built, the A127 was a single lane road and the land in front of the bungalow was taken to convert the A127 to a dual carriageway. As a result, the existing bungalow is unacceptably close to the A127. Resiting the bungalow further away from the A127 will protect future occupiers in the event that the A127 is made wider in the future. In the event that planning permission is granted, a condition has been placed to undertake an assessment of the impact of the road noise emanating from Southend Arterial Road upon the development to protect future residents against the impact of road noise.

Staff comment: it is Staff's view that the application has to be assessed on its own individual planning merits with regard to current circumstances.

- The speed and volume of traffic on the A127 has increased, which is detrimental to the access and egress to the dwelling and results in noise and disturbance.

Staff comment: in the event that planning permission is granted, a condition has been placed to undertake an assessment of the impact of the road noise emanating from Southend Arterial Road upon the development to protect future residents against the impact of road noise.

- The existing site does not allow access and egress safely, particularly due to the BP garage slip road which is on a bend.

Staff comment: it is Staff's view that extending the length of the driveway by 18 metres would not improve the access in itself. It is the provision of visibility splays which would achieve any improvement.

- Due to the enhanced use of the Forestry Commission's woodland walkways, resiting the dwelling would give further quietude to the dwelling.

Staff comment: it is Staff's view that pedestrians walking along the footpaths would not result in a loss of amenity to future occupiers in terms of noise and disturbance.

- To increase the separation distance between 2 telecommunications columns and the proposed dwelling. (M0013.04).

Staff comment: it is considered that resiting the dwelling 18m further from the A127 would help to minimise the visual impact of the telecommunications columns.

- Reference was made to planning application P1212.11, The Willows in Hubbards Chase, which was granted planning permission of a replacement bungalow in the Green Belt. The supporting statement states that the original dwelling did not have any services, was not in residential use for over 30 years and a replacement dwelling was built over 15 metres from the original dwelling. The statement states that there is no screening and the bungalow is in full view, yet consent was granted.

Staff comment: in this case, planning permission was granted for this application, as the proposal involved resiting the bungalow to the front of the site, which would have a siting consistent with its neighbouring properties and would be visually more in keeping with this part of the Green Belt. It was considered that resiting the dwelling would help to maintain the openness of the Green Belt towards the rear of the site. In this instance, it is considered that planning application P1212.11 does not share any similarities with the proposal.

- General references were made to a garden centre on the A127 towards Southend, whereby planning permission was refused for a bungalow on the site. The appeal was subsequently upheld, as the Planning Inspector stated that it was screened from the main A127 and would not be an intrusion into the Green Belt

Staff comment: planning records of this application could not be found.

5.11.2 Staff must consider the relevant planning guidance and policy. Paragraph 88 of the NPPF states:- 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On balance, it is considered that there are sufficient very special circumstances in this case, namely the extension 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 outweigh the in principle harm. Nevertheless, it is open to Members to form their own view of the proposal and apply different weight to the very special circumstances identified..

6. Conclusion

6.1 The proposal is considered to be acceptable in terms of its impact on the street scene and would not result in any material harm to neighbouring amenity. There are no highway or parking issues and amenity space provision is considered sufficient. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that revokes the previous planning approval 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:

None.

BACKGROUND PAPERS

Application forms and plans received 08/07/2011.

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.