

Report to District Development Control Committee

Date of meeting: 14 December 2011



**Epping Forest
District Council**

Subject: Planning application EPF/1570/11 – Jubilee Bungalow, Bournebridge Lane, Stapleford Abbots – Replacement dwelling.

Officer contact for further information: D Duffin Ext 4336

Committee Secretary: S Hill Ext 4249

Recommendation(s):

That the committee considers the recommendation of the Area Plans Subcommittee East to grant planning permission subject to conditions.

Report

1. This application has been referred by the Area Plans Sub Committee East with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the officer's report is reproduced in full below.

Planning Issues

2. The debate at the sub committee meeting on 12 October 2011 centred on the recommended reason for refusal and the impact of the proposal on the open character of the Metropolitan Green Belt.

3. The sub Committee considered that the circumstances of the site, particularly the poor state of the existing building on the site that is to be removed, were sufficient to outweigh the harm to the Green Belt that would result from the development. They considered that the design of the development was appropriate to its location and a marked improvement on the existing building at the site, or what could be constructed as a permitted development "fallback". The committee were of the opinion that as the proposed development was only 6% greater than what could be constructed under permitted development and this was a non material increase in and the impact on openness would be less than from the permitted development scheme. Officers were of the opinion that the proposed development would have a materially greater impact than the permitted development scheme given the increased height and visibility from within the Green Belt of the proposed scheme. The majority of the committee considered that the development was acceptable however, subject to conditions. It was concluded that as the proposal was in contravention of adopted Green Belt policy the application should be referred to District Development Control Committee with a recommendation for approval subject to conditions.

4. Officers were of the opinion that the design of the proposed development was acceptable and that the existing building was dilapidated and contributed little to the character and appearance of the area. Therefore its replacement with a building in line with Green Belt policy was agreeable. Given the dwellings small size a building of 500 cu m or a 40% increase would be deemed appropriate, and reasonable for habitable purposes. Therefore the principle of a replacement dwelling is acceptable, however the proposed increase of 112% over the original building, as proposed, was deemed excessive and contrary to both national and local Green Belt policy.

5. The applicant's case was that the development was not a material increase over what could be constructed as permitted development, or as a "fallback". At 6% the increased volume would not be considered material. A fallback position is recognised as a material planning consideration although the weight to be given depends on the real likelihood of any fall back actually being exercised in the event of a refusal. The test is made on the balance of probability as opposed to possibility.

6. The concern that officers have was that the CLD extensions have been designed to maximise the fallback position at the expense of good design. As such the approved additions are considered incongruous and so bulky and featureless as to not offer a viable fallback. It was considered that on the balance of probability no such design would ever be advanced as a property enhancing scheme. Local and national planning policy clearly indicates that replacement dwellings should relate to the size of the dwelling to be replaced and not the size it could be enlarged to.

7. Therefore, having regard to local and national policy, and bearing in mind the design forwarded for the CLD scheme, it is officers opinion that whilst the permitted development scheme is a material planning consideration it should be given little weight.

8. The report to the Planning Sub Committee is attached.

Conclusion.

9. Although the sub committee have recommended approval of the scheme, officers maintain that there are sound reasons for refusal as set out in the original report attached.

10. Should Members be minded to Grant Consent it is recommended that the following conditions be attached:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development.

(4) A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since the development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

(5) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

(6) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(7) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of noise sensitive properties.

(8) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed prior to the commencement of the development and maintained in working order for the duration of the demolition and construction phase of the development. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(9) All material demolished from the existing building on the site shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

(10) No development shall take place until details of the proposed surface materials for the vehicular access and paving areas have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution.