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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 3<sup>rd</sup> March 2015 at 7.30 p.m.

**Venue:** Council Chamber

**N.B. This meeting will be webcast live on the internet.**

**Membership:** Councillors Ladzrie (Chairman), Smith (Vice Chairman),  
Anderson, Blackwell, Burch, Cole, Cross, Hart, Mrs King,  
Varker, Mrs Wass, N. Watson and Wood

Canvey Island Town Councillors : Acott and Greig

**Officers attending:** Steve Rogers – Head of Regeneration and Neighbourhoods  
Fiona Wilson – Head of Legal Services  
Kim Fisher – Chief Development Control Officer

**Enquiries:** Cheryl Salmon, ext. 2454

### PART I (Business to be taken in public)

#### 1. Apologies

#### 2. Members' Interests

#### 3. Minutes

A copy of the Minutes of the meeting held on 3<sup>rd</sup> February 2015 is attached.

#### 4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

## 5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

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**DEVELOPMENT CONTROL COMMITTEE**

**4<sup>TH</sup> FEBRUARY 2015**

**PRESENT:** Councillors Smith (Chairman), Anderson, Blackwell, Burch, Cole, Cross, Hart, Mrs King, Varker and N. Watson

Canvey Island Town Councillors Acott and Greig (Non-voting members of the Committee).

Councillors Letchford, Riley and Sharp also attended.

An apology for absence was received from the Chairman Councillor Ladzrie and Councillor Wood.

In the absence of the Chairman Councillor Smith took the Chair.

**27. MEMBERS' INTERESTS**

Councillor Smith declared an interest in Agenda Item No. 5(2), as shown under Minute No. 29(b).

**28. MINUTES**

The Minutes of the meeting held on 6<sup>th</sup> January 2015 were taken as read and signed as correct.

**29. DEPOSITED PLANS**

- (a) 14/0542/FUL - UNIT 23 KNIGHTSWICK CENTRE, 21 FURTHERWICK ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND SOUTH WARD) – CHANGE OF USE FROM RETAIL (USE CLASS A1) TO BETTING SHOP (USE CLASS A2) – CORAL RACING LTD**

The proposal sought a change of use of a vacant unit within the primary shopping frontage in Canvey Island Town Centre from retail (Use Class A1) to betting shop (Use Class A2).

The applicant was relocating from another unit within the frontage, No.5 Furtherwick Road, and was willing to enter into a S106 agreement to relinquish the A2 use of No.5 Furtherwick Road in order to ensure the maintenance of a dominant retail element to the parade, in compliance with the Councils' adopted policies.

Subject to the completion and execution of that legal agreement there would be no change to the level of retail frontage within the parade and no change in the extent of non-retail uses within the primary shopping frontage. The proposal raised no parking implications and would not adversely affect residential amenity. It was therefore recommended for approval.

During discussion Members raised concern that there was another betting shop in close proximity to this site and felt that this could lead to a proliferation of these type of shops in the area. The Planning Officer explained that the applicant could use the premises on a temporary basis for 2 years without the need for planning consent. It was also highlighted that the premises had been vacant for a number of years as there had been difficulty finding a new tenant.

Following discussion it was:-

**Resolved** – That subject to the completion of a satisfactory S106 Agreement ensuring that Unit No 5 returns to A1 retail use on the commencement of the use hereby approved, then the Head of Regeneration & Neighbourhoods be authorised to grant permission subject to the conditions as set out in the Planning Officer's report.

- (b) **14/0662/FUL – HADLEIGH & THUNDERSLEY CRICKET CLUB PAVILION JOHN H BURROWS RECREATION GROUND, RECTORY ROAD, HADLEIGH, ESSEX (VICTORIA WARD) – CONSTRUCTION OF TWO STOREY SIDE EXTENSIONS TO PROVIDE EXTENDED FIRST FLOOR BAR/FUNCTION SPACE, ADDITIONAL GROUND FLOOR CHANGING FACILITIES AND PUBLIC ACCESS W.C. AND RE-LOCATE STORAGE CONTAINER – MR RON CURTIS**

(Councillor Smith declared a non-pecuniary interest in the above item, as his son played cricket at the club, and remained in the Chamber during its consideration).

The application sought the provision of two storey side extensions and a single storey side extension to the existing cricket pavilion. It was considered that the proposal would accord with the provisions of the National Planning Policy Framework and Adopted Local Plan policies and the proposal was therefore recommended for approval.

The application was presented to the Committee as the land, the subject of the application, was within the control or ownership of the Council.

Mr Curtis, a representative of the applicant, spoke in support of the application.

During discussion whilst Members were generally in favour of the proposal it was questioned how often the public would be able to access the toilets on the site as currently they were only open when the cricket club was open. It was

explained that it was intended to make them available during daylight hours for park users.

Following discussion it was:-

**Resolved** – That the application be approved subject to the conditions as set out in the Planning Officer's report.

**(c) 14/0733/FUL – REAR OF SILVER JUBILEE, HILTON ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND WINTER GARDENS WARD) – CONSTRUCTION OF 2 NO. 4 BED DETACHED HOUSES AND 2 NO. 3 BED LINK DETACHED CHALETs – MR MARK SMITH**

The application sought to use part of the site of the former Silver Jubilee Public House to provide four single family dwellinghouses. The proposal complied with all relevant policies and guidance and represented the appropriate development of a brownfield site for residential purposes. As such the proposal was recommended for approval.

The application was presented to the Committee at the request of Councillors Greig and Watson.

Councillor Greig, a representative of the Canvey Island Town Council, read out a statement in objection to the application.

During discussion some Members raised concern about the proposal on the grounds of overdevelopment in the area, inadequate access for refuse vehicles, additional on-street parking in Hilton Road and increased flood risk to existing properties. Other Members considered that the proposal was an appropriate development for the site and was in accordance with the Council's policies.

Following debate of the recommendation in the Planning Officer's report for approval five members of the Committee requested under Council Procedure Rule 16.4 that voting on the Motion be recorded. The Councillors present voted as follows:

For

Councillors Burch, Cole, Hart, Smith (4)

Against

Anderson, Blackwell, Mrs King, Varker and N. Watson (5)

Abstained

Cross (1)

The Motion was LOST.

A Motion for refusal was moved and seconded on the grounds of failure to meet relevant parking standards, overshadowing of gardens, unacceptable provision

for refuse and recycling and failure to address adequately surface water drainage.

**Resolved** – That the application be refused based on the reasons given above.

### **30. QUARTERLY ENFORCEMENT UPDATE**

Members were informed of all formal planning enforcement action and investigations undertaken by the Council's Planning Enforcement Officer.

Chairman

**ITEM 1**

<b>Application Number:</b>	<b>14/0632/FUL</b>
<b>Address:</b>	<b>54 Castle Lane Hadleigh Benfleet Essex SS7 2AL (St. James' Ward)</b>
<b>Description of Development:</b>	<b>Construction of two storey side extension with rear dormer in roof to provide 2 No. 2 bedroomed flats and 1 No. 1 bedroomed flat</b>
<b>Applicant:</b>	<b>Mr Michael Taylor</b>
<b>Case Officer</b>	<b>Mrs Ishita Sheth</b>
<b>Application Expiry Date</b>	<b>29.01.2015</b>

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**Summary**

The proposed development constitutes the provision of flats in an area dominated by single family dwellings. Within this context it is considered that the intensive use of the site for residential purposes would give rise to undue levels of noise and general disturbance, to the detriment of adjoining residents.

Furthermore the proposal fails to make adequate safe and convenient on site provision for parking, commensurate with the needs of the development. If approved it is considered that the proposal would result in vehicles being left on the highway to the detriment of highway safety and traffic flows.

In addition the proposed amenity area, by reason of its narrow width and poor relationship with the adjoining garage/workshop provides a potentially dark and unattractive amenity area to serve the outdoor needs of the future occupiers of the site.

The proposal is therefore recommended for **REFUSAL**.

**Site Visit**

It is not considered necessary for Members to visit the site prior to the determination of this application.

**Site Description**

The application site contains a semi-detached property and large garage/workshop building on the west side of Castle Lane, some 5m south of the junction with Beech Road. The site has a regular shape with a frontage of some 12.5m and a maximum depth of some 34m. The adjoining property at No. 52 is to the north and a commercial yard is located immediately to the south. The carriageway of Castle Lane is of reduced width as this point, being some 5m wide only with restricted pedestrian access to the east side. The road is subject to parking restrictions.

To the east, on the opposite side of Castle Lane, is a pair of semi detached houses whilst to the rear of the site is a detached chalet. With the exception of the non conforming use to the south of the site, the area to the south of Beech Road is characterised by relatively small scale residential development, primarily comprising single dwelling houses.

To the north of the junction with Beech Road the character and scale of the road is different, being dominated by three storey flat roofed flats to the east and single dwellings to the west.

### **Description of Proposed Development**

Permission is sought to extend the building to the south side, provide a flat roofed dormer in the rear roof slope and two rooflights in the front elevation and convert the extended structure into two, two bedroomed and one, one bedroomed flats. The side addition would have a width of some 3.55m with a gabled roof over the main section to match the height of the existing property and would be 8.5m deep. It is proposed to provide amenity space to the rear of the property and to provide two parking spaces within the existing garage/workshop and two on the frontage of the site. Access to the rear of the site would be achieved along the existing drive, although this would be reduced in width to some 2.9m at the side of the property and at the front of the site to 2.4m by an encroaching parking space.

### **Supplementary Documentation**

The application is supported by the following statements, which are available via the Council's website:

- o Design Statement
- o Access Statement

### **Relevant History**

None of relevance to this proposal.

### **Local Plan Allocation**

Residential

### **Relevant Policies**

#### National Planning Policy

National Planning Policy Framework and Guidance

#### Current Local Plan

H13 Location of Development  
EC2 Design  
H17 Design and Layout  
T8 Parking

#### Appendix 12 Design and Layout Guidelines for Housing

RDG2 Space around Dwellings  
RDG3 Building Lines  
RDG5 Privacy and Living Conditions  
RDG6 Amenity Space  
RDG7 Roof Development



RDG8	Detailing
RDG9	Energy Efficiency
RDG12	Parking and Access
RDG13	Refuse and recycling

### **Consultation Responses**

County Highways – No response received

Refuse and Recycling – No response received

Neighbour notification – 2 objections received from the following properties:

Beech Road – 25, 27

Making the following comments:

- Loss of privacy

### **Comments on Consultation Responses**

All relevant planning matters are discussed in the evaluation

### **Evaluation of Proposal**

The main issues here are the principle of providing flats on the site, the design of the proposal, the impact on the amenity of the surrounding residential area and parking implications.

#### The principle of providing flats on the site

Policy H13 of the current Local Plan requires development comprising flats not to have an adverse effect on the character of the area or the amenity of adjoining residents by reason of traffic generation and to be located on or near a main road site. The building is located on Castle Lane which is not a main road within the borough and the proposal is therefore inconsistent with the policy provision and should attract a recommendation of refusal.

It is noted that further to the north of the site flats are present; however these are located in closer proximity to the Town Centre and are considered to represent development in a town centre fringe. The application site is considered to be beyond the Town Centre fringe, as illustrated by the more limited width of carriageway, more limited pedestrian access provision and the character of the development which is primarily single family dwellings. In this context the introduction of an intensive residential use is considered to be inconsistent with the character of the area and likely to give rise to levels of activity which are inappropriate in a quiet residential area.

An objection is therefore raised to the proposal on the basis of Policy H13.

#### Design, amenity and parking matters

The general thrust of Policy EC2 of the current Local Plan is that proposals should achieve a high standard of design and be in sympathy with their surroundings, having regard to all

elements of the local design context. Policy H17 requires proposals to have regard to the Council's adopted Residential Design Guidance.

The proposed side extension to enlarge the building and facilitate its conversion to flats would be in the same style as the existing building with a roofline to harmonise and it is not considered that the design of the scheme would appear discordant with or otherwise be visually harmful to the character and appearance of the host dwelling or surroundings. The use of a gabled roof would balance with the adjoining dwelling at No. 52. Matching materials are proposed which is considered an acceptable approach in principle. Subject to a condition requiring the use of suitable materials, no objection is raised under Policy EC2 of the current Local Plan.

RDG2 deals with space around dwellings. The space provided around dwellings should be informed by the prevailing character. For new large scale developments a different character can be created. In the case of buildings containing flats, isolation spaces equivalent to 25% of the width of the building should be provided.

The extended building has a width of 9.1m. An isolation space of 2.9m is maintained to the southern boundary of the site. This satisfies the requirements of RDG2.

RDG3 seeks to protect the established building line of the street. The proposed side extension would extend the front wall of the existing dwelling laterally and would therefore have no impact on the established building line to Castle Lane.

RDG3 seeks to prevent loss of amenity to adjoining residents through obtrusive or dominant rear building projections. The proposal does not include works to the rear wall of the building and a distance of some 18m would be maintained to the rear boundary. It is not considered that the proposal would result in a loss of amenity to adjoining residents in terms of dominance or overshadowing.

RDG5 deals with privacy and overlooking. It requires a distance of 9m to be provided between first floor windows and the boundary of the site, increasing to 15m for second floor windows. It states that primary windows should be placed on the principal elevations of buildings.

The proposal is consistent with this guidance. The second floor windows would be some 18m from the rear boundary of the site. No undue overlooking of the properties to the rear will therefore occur.

RDG6 deals with amenity space. For flats, 8m<sup>2</sup> of amenity space should be provided per habitable room, with a minimum of 25m<sup>2</sup>. The proposed scheme requires the provision of 75m<sup>2</sup> of amenity space. Some 95m<sup>2</sup> is provided which satisfies the numerical requirement; however the space provided is of limited width and is located immediately to the north of the garage/workshop. This results in an amenity space which is potentially dark and unattractive and would fail to provide a high quality environment for the future occupiers of the flats. Such provision would be in conflict with the provisions of Policy EC2 of the adopted Local Plan and Government guidance as contained in the NPPF which seeks to secure high quality residential development. An objection is raised accordingly.

Guidance at RDG8 within this document requires detailing of dwellings to be consistent with the overall architectural approach of the dwelling and not to result in the provision of prominent, dominant or obtrusive features.

The proposal overall reflects the character and form of the host dwelling and would not appear out of keeping with the nearby residential areas. Nearby development exhibits flat roofed

dormers and as such this feature would not be inconsistent with the character of the area. No objection is therefore raised to the proposal under RDG8.

RDG9 deals with energy efficiency in new developments and states that development should demonstrate how it has considered solar gain, re-use/recycling of water etc. The statement accompanying the application explains that the flats will be provided with energy efficient light bulbs and condensing combi boilers or electric storage heating. No consideration appears to have been given to the use of solar energy or water recycling; however with a scheme of such a limited scale it is not considered that this omission is fatal to the proposal and no objection is raised to the proposal on the basis of the limited response to energy efficiency concerns.

Policy T8 requires the provision of car parking in accordance with adopted parking standards. These require the provision of one space for properties with one bedroom and two spaces for properties with two or more bedrooms. RDG12 requires parking not to dominate the public realm.

Application of the parking standards to the current proposal, including visitor parking at 0.25 spaces per dwelling, generates a parking requirement of 6 spaces. The proposal provides 4 spaces and is clearly deficient as assessed against the adopted standards. The applicant acknowledges the deficiency in parking but suggests that in view of the proximity of the site to the Town Centre and the availability of bicycle and motorbike parking facilities within the garage/workshop, the parking provision may be considered acceptable.

The Planning Authority acknowledges that in certain circumstances it is prepared to be flexible in the application of parking standards, for example where sites are in close proximity to Town Centres or public amenities, facilities and public transport routes. In such circumstances the Authority has accepted parking on the basis of one space per unit; however, in this case it is not considered that the site is so close to public amenities, facilities or public transport routes to justify a reduction in parking provision. 6 spaces are therefore required.

The site therefore exhibits a numerical deficiency of two parking spaces.

Further consideration of the parking provision however reveals certain additional deficiencies in provision. Space 4, on the frontage of the site is some 2.9m wide and 5.5m deep, however use of this space would obstruct access to the dwelling. In this configuration it is not considered that this aspect of the proposal provides safe and convenient parking facilities to meet the needs of the site. Furthermore, parking space 3 extends beyond the width of the extended building and encroaches into the driveway, reducing it to 2.4m only. Not only does this element of the proposal result in a very tight means of access to the rear of the site, it also fails to provide appropriate visibility splays at the junction of the access and the highway, to the detriment of highway safety.

As such the proposal is considered to fail to provide safe and convenient access to the site and safe and convenient parking facilities and as a consequence is considered likely to result in vehicles parking on the highway, to the detriment of highway safety and the character and appearance of the area. Such provision would be in conflict with the provisions of Policy EC2 of the adopted Local Plan and Government guidance as contained in the NPPF which seeks to secure high quality residential development. An objection is therefore raised to the proposal on the basis of inadequate parking provision.

RDG13 deals with refuse and recycling storage. It states that communal refuse storage should be suitably landscaped or screened and positioned such that residents do not have to carry their rubbish too far to it and refuse collectors can collect from it.

The proposal makes no provision for the storage of refuse or recycling, however this matter may be resolved through the imposition of a condition on the grant of any consent requiring the provision of such facilities.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the following:

My Recommendation is **REFUSAL** for the following reasons:

- 1 The proposed development constitutes the provision of flats in an area dominated by single family dwellings. Within this context it is considered that the intensive use of the site for residential purposes would give rise to undue levels of noise and general disturbance, to the detriment of adjoining residents and contrary to Policy H13 of the adopted Local Plan.
- 2 The proposal fails to make adequate on site provision for parking, commensurate with the needs of the development. If approved it is considered that the proposal would result in vehicles being left on the highway to the detriment of highway safety and traffic flows, contrary to Policies T8 and EC2 of the adopted Local Plan and Government guidance as contained in the NPPF.
- 3 Parking spaces 3 and 4, by reason of their relationship with the primary pedestrian access to the proposed flats and the access to the garage to the rear of the site, inhibits safe and convenient access to the flats and adjoining parking area. If approved, it is considered that this relationship would prejudice the use of the front of the site for parking purposes and would be likely to lead to vehicles being left on the highway, to the detriment of traffic flows and highway safety, contrary to Policies T8 and EC2 of the adopted Local Plan and Government guidance as contained in the NPPF.
- 4 The proposed amenity area, by reason of its narrow width and relationship with the adjoining garage/workshop provides a potentially dark and unattractive amenity area to serve the outdoor needs of the future occupiers of the site, contrary to Policy EC2 and RDG6 of the adopted Local Plan and Government guidance as contained in the NPPF.

### **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

## ITEM 2

<b>Application Number:</b>	<b>14/0646/FUL</b>
<b>Address:</b>	<b>Hilltop Villa Hilltop Avenue Benfleet Essex SS7 1PH (Boyce Ward)</b>
<b>Description of Development:</b>	<b>Construction of single storey side extension</b>
<b>Applicant:</b>	<b>Mr Kim Chapman</b>
<b>Case Officer</b>	<b>Mrs Sophie Adams</b>
<b>Application Expiry Date:</b>	<b>21.01.2015</b>

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### Summary

The applicant seeks consent to extend the existing chalet with a single storey side extension to provide an annexe to accommodate a family member. The application property is located within the Green Belt.

The proposed addition together with the existing conservatory would result in extensions disproportionately larger than the original dwelling and would consequently constitute an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness of the Green Belt contrary to Policy GB5 of the Adopted Local and national policy as set out in the National Planning Policy Framework (NPPF).

There are no very special circumstances to justify overcoming the detrimental harm that would be caused to the character and appearance of the Green Belt. The application is therefore recommended for REFUSAL.

The application is being presented to the Committee at the request of Councillor Smith in order for the Committee to assess the effect of the development on the Green Belt.

### Site Visit

It is considered appropriate for Members to visit the site prior to the determination of this application.

### Introduction

The site is located on the eastern side of Hilltop Avenue, approximately 220m north of its junction with Vicarage Hill. The site is occupied by a detached chalet with a rear conservatory and a number of detached outbuildings.

The site has a frontage of some 50m and a depth of some 20m and slopes down to the north.

The dwellings in the vicinity of the application site are of different styles and character and comprise of detached chalets and bungalows.

### The Proposal

Planning permission is sought for the construction of single storey side extension.

The proposal would provide an extension with a width of 4.8m and a depth of 6.95m, on the northern side of the property. The extension would have a dual pitched roof to a maximum height of 4.6m.

The extension would provide a bedroom, en-suite and kitchen/diner. The application details confirm that the main access will be provided via the front door to the main dwelling and that the annexe would accommodate a disabled family member.

The proposed extension would be finished externally in face brick and tiles to blend with the existing property.

### **Supplementary Documentation**

The application is supported by the following statements, which are available via the Council's website:

- o Design Statement
- o Access Statement

### **Planning History**

The chalet was constructed in 1965 as a tied agricultural cottage (BEN/72/64).

The agricultural occupancy condition was removed by an application permitted in 1995 (CPT/595/95). This application was also granted subject to a S106 Agreement which withdrew the permitted development rights from the dwelling.

There would appear to have been a small lean-to/conservatory added to the rear of the site and a decked area laid since that time. No consent has been identified for these structures.

Pre-application advice was sought in 2013 in respect of the construction of a two storey side extension to provide an annexe at ground level and a bedroom at first floor level serving the host dwelling. The applicant was advised that the likely outcome would be an Officer recommendation of refusal due to the fact that the proposed extensions represented a 66% enlargement of the original property. Such enlargement was considered to be disproportionate and therefore contrary to adopted Green Belt policy and supplementary planning guidance.

An application was submitted for a two storey side extension incorporating an annexe at ground floor level and two bedrooms at first floor level serving the main dwelling in 2014 (14/0247/FUL). The proposal increased the volume of the property by some 160m<sup>3</sup>, which would have represented a 63% enlargement of the original property. The application was refused as the proposal would have resulted in an oversized, inappropriate form of development, which if allowed would have been likely to have an adverse impact on the character, appearance and openness of the Green Belt.

### **Local Plan Allocation**

Green Belt

## **Relevant Policies and Government Guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

Local Plan (Adopted November 1998)

GB5	Extensions to Dwellings
Appendix 2	Development in the Green Belt
EC2	Design
H17	Housing Development – Design and Layout
T8	Car Parking Standards

Residential Design Guidance (Adopted January 2013)

RDG2	Space around Dwellings
RDG3	Building Lines
RDG6	Amenity Space
RDG8	Detailing
RDG12	Parking and Access

County Parking Standards September 2009 (Adopted June 2010)

## **Consultation**

No statutory consultations undertaken

## **Public Consultation**

Two responses have been received as a result of the neighbour notification and the site notice, which raise the following objections:

- o Not in keeping with the look of the road, ruining its character
- o Many walkers enjoy the scenery of this road
- o Loss of view of the farm
- o Loss of privacy, overlooking and dominance
- o Loss of light
- o Set a negative precedent

## **Comments on Consultation Responses**

- o Loss of view is not a material planning consideration
- o There is no right to light under planning legislation
- o Each application is considered on its own merit, and therefore a precedent could not be set
- o Other relevant issues are discussed in the evaluation of the proposal

## Evaluation of Proposal

The site is located in an area allocated for Green Belt purposes in the adopted Local Plan.

The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF specifies that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. It goes on to state that exceptions to this include the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

Policy GB5 of the adopted Local Plan states that within the Green Belt extensions to dwellings need to be of a scale and character so that the dwellinghouse shall not be impaired and it shall not have an adverse impact on the Green Belt and its surroundings.

Supplementary guidance at Appendix 2 to the adopted Local Plan clearly defines what the Planning Authority would consider to be an appropriate extension to a dwelling in the Green Belt.

The General Permitted Development Order, at the time of the preparation of Appendix 2 to the adopted Local Plan allowed, subject to specific criteria, the extension of dwellings by up to 70 cubic metres or 15%, to a maximum of 115 cubic metres, without the need for specific planning permission.

Appendix 2 of the Local Plan allows for a further enlargement of 25m<sup>3</sup>, in addition to those unimplemented permitted development rights existing to the original dwelling, as a reasonable enlargement of a dwelling in the Green Belt

It is recognised that this advice is based on the provisions of Class A of the 1995 General Permitted Development Order, which has now been superseded; however, it is considered that the principle it enshrines, which is to limit to a reasonable degree the extent by which a dwelling in the Green Belt may be extended, remains valid despite the more recent changes to domestic permitted development rights.

The NPPF clarifies the original dwelling as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

The original building is considered to be that built under the 1964 consent. This had a volume of some 356m<sup>3</sup>.

A proportionate extension to the property would therefore be one which did not exceed the volume of the original dwelling by more than 95m<sup>3</sup>.

Since the time of the original consent a small rear conservatory has been built, with a volume of some 7.35m<sup>3</sup>, as well as various outbuildings. No consent for these structures has been



identified. The outbuildings, by reason of their detached nature have not been considered as extensions to the dwelling.

Since the conservatory would be retained, a further reasonable extension to this dwelling may therefore have a volume of 87.65m<sup>3</sup>.

The proposal has a volume of 123.65m<sup>3</sup>, which is some 36m<sup>3</sup> greater than may be accepted as a proportionate extension to the dwelling. Combined with the conservatory, the proposal will be 131m<sup>3</sup> larger than the original property and represents a 36.8% enlargement of the original property.

As a consequence it is considered that the proposal, by reason of the increased volume would be a disproportionate addition to the dwelling and constitutes inappropriate development which would cause harm to the Green Belt by unreasonably diminishing its openness, to the detriment of its strategic function, character and appearance. The proposal should therefore attract a recommendation of refusal under the provisions of the NPPF and Policy GB5.

In determining any application for development in the Green Belt however, it is incumbent upon the Planning Authority to consider whether there are any very special circumstances that would justify a departure from Green Belt Policy. The Council defines a special circumstance as something that is unique to the application site or, at the very least not capable of frequent repetition.

The applicant has identified that the proposal is required for his mother who requires a high level of assisted care.

Whilst the particular circumstances of the applicant are noted, the existence of elderly and infirm relatives is not a unique or limited occurrence and cannot therefore constitute the very special circumstances required to justify inappropriate development in the Green Belt.

Furthermore it should be noted that the Planning Authority can accord only limited weight to personal circumstances, as the development would remain long after the applicant ceases to occupy the property, and those circumstances no longer exist.

In support of the application, the applicant has stated that the volume of the extension could be reduced by replacing the low pitched roof with a partially flat roof. Whilst the applicant does not favour such a change for aesthetic reasons he is willing to make such a change if this would result in a scheme more acceptable to the Planning Authority. He confirms that it would be difficult to reduce the footprint of the extension as the space provided is the minimum needed for adequate carer assisted living.

The applicant states that the volume of the roof is some 12m<sup>3</sup>. Calculations undertaken by the Planning Authority indicates that the volume would be some 23.57m<sup>3</sup>.

It is the view of the Planning Authority that the removal of the pitched roof and the provision of a flat roof would result in the provision of a poorly designed roof form which could not be supported. The unacceptability of an alternative form of development does not however represent a very special circumstance which would justify the provision of inappropriate development on the site.

There are therefore no special circumstances to justify the harm caused to the Green Belt by the proposed inappropriate form of development. An objection is raised accordingly.

Turning now to the detailed design of the proposal, Policy GB5 requires proposals to be sympathetic in terms of scale, form, design, height and materials to the existing dwelling and its surroundings. Policy EC2 of the adopted Local Plan reiterates that a high standard of design will be expected in all proposals for alterations and extensions to existing buildings. Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling. The design of all development should result in well proportioned and balanced properties.

The proposed extension has a gabled roof form which has a reduced pitch but would still harmonise with the gabled roof of the application property. Visually the extension would complement the existing dwelling. It is noted that the proposed fenestration could relate better to the existing property; however, in the context of the different styles and character of the adjoining properties it is not considered that this element of the proposal would impact detrimentally on the character of the area. The acceptable design of the proposal is however insufficient to overcome the principle objection raised under Green Belt policy.

RDG3 states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused. The proposed extension would be sufficiently isolated from the neighbouring dwellings to avoid undue dominance, overshadowing or overlooking and would retain adequate space around the dwelling to provide an appropriate setting for the extended property.

Furthermore the proposal would retain sufficient amenity area and parking provision to meet the needs of the extended dwelling.

No objection is therefore raised to the proposal under Policies T8 and H17 of the adopted Local Plan, RDG2, RDG6 and RDG12 of the Residential Design Guidance and the adopted Parking Standards.

## Conclusion

The proposed development constitutes inappropriate development which if allowed would adversely harm the openness, character and strategic function of the Green Belt contrary to Policy GB5 of the Adopted Local Plan and national policy as set out in National Planning Policy Framework (NPPF). No very special circumstances have been identified which would justify such inappropriate development and the proposal is therefore recommended for REFUSAL.

My Recommendation is **REFUSAL** for the following reason:

- 1 The proposed development is situated within an area of land allocated for Green Belt purposes as defined in the Council's Adopted Local Plan, where development is only allowed in the most exceptional circumstances. The proposal would result in an oversized, inappropriate form of development, which if allowed would be likely to have an adverse impact on the character, appearance and openness of the Green Belt. The applicant has failed to demonstrate any very special reasons why the proposal might exceptionally be permitted and in the absence of such very special circumstances approval of the proposal

would be contrary to national policy as set out in the National Planning Policy Framework (NPPF).

**Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

**ITEM 3**

<b>Application Number:</b>	<b>14/0718/FUL</b>
<b>Address:</b>	<b>189 Benfleet Road Thundersley Benfleet Essex SS7 1QG (Boyce Ward)</b>
<b>Description of Development:</b>	<b>Construction of single storey side extensions, single storey front extension, infill porch, replacement front bay window, two storey rear/side extensions and loft conversion with balcony and roof lights. Construction of outbuilding, new front wall, entrance gates and raised rear patio (retrospective application)</b>
<b>Applicant:</b>	<b>Mr And Mrs Tom Sanders</b>
<b>Case Officer</b>	<b>Mrs Sophie Adams</b>
<b>Application Expiry Date</b>	<b>13.03.2015</b>

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**Summary**

The applicant seeks retrospective consent for various extensions to a detached dwelling and for the construction of a new outbuilding, raised patio area, new front wall and front gates. The works are substantially completed.

The application property is located within the Green Belt.

The applicant has advised that works commenced in the belief that they constituted permitted development.

It should be noted that none of the works constitute permitted development.

The proposed additions result in a dwelling disproportionately larger than the original dwelling and the outbuilding would result in the construction of a new building, both of which constitute inappropriate forms of development, which if allowed would be likely to have an severe adverse impact on the openness of the Green Belt contrary to Policy GB5 and Appendix 2 of the Adopted Local and national policy as set out in the National Planning Policy Framework (NPPF).

There are no very special circumstances to justify the detrimental harm caused to the character and appearance of the Green Belt. The application is therefore recommended for REFUSAL.

The application is being presented to the Committee at the request of Councillor Smith in order for the Committee to assess the effect of the development on the Green Belt

**Site Visit**

It is considered appropriate for Members to visit the site prior to the determination of the application.

## **Introduction**

The application site is located on the southern side of Benfleet Road. It comprises of a detached two storey house located on an irregularly shaped plot having a maximum depth of some 110m and maximum width of some 20m. The house is set back from the road by some 30m, and is served by a long in and out driveway.

The street scene comprises a mixture of different designed two storey detached dwellings. Within this part of Benfleet Road, the dwellings on the southern side have generous plots and are located within the Green Belt. The northern side of this part of Benfleet Road has a close knit residential character, and these properties are located within an area allocated for residential purposes within the adopted Local Plan.

The adjacent side neighbours, No.185 and No.197 Benfleet Road, are set further forward than the application dwelling, being approximately 24m and 15m respectively from their front boundaries.

## **The Proposal**

The applicant seeks retrospective consent for the construction of single storey side extensions, a single storey front extension, infill porch, replacement front bay window, two storey rear/side extensions and a loft conversion with rear balcony and roof lights.

The applicant is also seeking retrospective planning permission for the construction of a new outbuilding, new front wall, entrance gates and raised patio area to the rear of the dwelling.

The single storey side extension to the eastern side of the property replaced the attached garage and store. The garage and connecting roof were constructed at the same time as the original dwelling. This eastern side extension measures a maximum of 8.25m wide, 11.7m deep and 3.75m high. The roof would be flat roofed with false hips to its front, rear and side. Part of this extension projects forward of the earlier building by some 0.8m.

The single storey side extension to the western side measures some 7.3m wide, 5.3m deep and 4m high with hipped and flat roofed elements.

The rear elevation of the dwelling is staggered, and three two storey rear extensions are provided, each measuring 3m deep. These extensions would adjoin providing a maximum width of 14.7m and a maximum height of 8.7m with hipped and flat roofed elements.

The previous dwelling had a projecting first floor creating an open sided porch 3.9m wide and 1.6m deep. The proposal infills this area to create a double height hallway. The curved bay window has been replaced with a rectangular bay window measuring some 3.55m wide and 0.7m deep.

The loft space has been converted to accommodation and provided with a rear balcony. Two roof lights are provided within the rear roof slope.

The outbuilding has been constructed to the eastern side of the dwelling. The external wall of the outbuilding is separated from the eastern extension by some 0.05m. This minimal isolation leads one to read the outbuilding as part of the extended dwelling. This outbuilding is a

maximum of 12.7m wide, 19.8m deep and 4.1m high. The front part of the building, incorporating the garage, would have hipped and flat roofed elements. The rest of the building would be flat roofed with parapet walls. The outbuilding contains a double garage, swimming pool, spa, store and gym.

The outbuilding would be located some 3m from the western boundary of the site.

There are new 1.6m high electronic gates proposed set 5.8m within the site from the front boundary with the highway. A 0.55m high brick wall is proposed some 2.2m from the highway boundary. This wall will run across the width of the site and curves into the site to meet the proposed gates. Eleven 2m high brick piers are proposed evenly spaced along the brick wall. Between the brick piers railings would be provided on top of the low wall increasing the boundary treatment to a height of 1.5m.

The raised patio area sits beyond the western side extension and the two storey rear/side extensions. This area is some 10.3m deep; 20.5m wide and rises some 0.65m above natural ground level. It is enclosed by a 0.35m high wall.

A second patio area, at natural ground level, is provided to the side of the outbuilding and to the rear of the eastern side extension. Four external steps lead from the eastern side extension to the lower patio area. There are three steps between the lower and upper patio areas.

The dwelling, prior to the extensions and alterations, was externally finished in red brickwork with white render and black timber detailing. The roof was finished with brown roof tiles. These external facing materials have been replaced with cream render, red brickwork and red roof tiles. The fenestration to the dwelling has been altered providing different sized openings. The two chimneys have been removed from the dwelling, and a soil vent pipe has been installed to the western side of the dwelling.

The extensions and alterations have increased the accommodation from four bedrooms, two bathrooms, garage, store, kitchen, dining room, conservatory, drawing room and front porch canopy to provide a kitchen, family room, living room, two shower rooms, cloakroom, two bathrooms, five bedrooms and a room in the roof space and storeroom.

The application has been submitted following investigation by the Planning Enforcement Officer. (14/0050/ENF).

### **Supplementary Documentation**

The application is supported by the following documents which are viewable on the Council's website:

- o Planning Statement
- o Floor Plans and Elevations showing what the applicant considers could be carried out under permitted development
- o Design and Access Statement

### **Relevant Planning History**

#### Extensions and Alterations

CPT/136/00/FUL – Demolish existing garage and outbuilding and construct two storey pitched roofed side extension – This application was presented to Committee and the Committee

resolved to approve the application subject to a legal agreement. The legal agreement was not signed and the application was subsequently withdrawn.

This extension resulted in an increase in the volume of the building of some 4.6m<sup>3</sup> beyond that considered to be a reasonable extension to the dwelling. This level of flexibility in the application of the Green Belt policy was considered acceptable.

Original Dwelling

BEN/7/54 – Detached house – Approved 11th January 1954

**Local Plan Allocation:**

Green Belt

**Relevant Policies and Government Guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

Local Plan (Adopted November 1998)

EC2	Design
GB5	Extensions to Dwellings
Appendix 2	Development in the Green Belt
H17	Housing Development – Design and Layout
T8	Car Parking Standards

Residential Design Guidance (Adopted January 2013)

RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access

Essex County Parking Standards September 2009 (Adopted June 2010)

**Consultation**

No statutory consultation has been undertaken and no responses had been received at the time of the preparation of this report. It should be noted however that the site notice does not expire until Friday 27th February 2015.

**Evaluation of Proposal**

Green Belt

The site is located in an area allocated for Green Belt purposes in the adopted Local Plan.

The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF specifies that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. It goes on to state that exceptions to this include the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

Policy GB5 of the adopted Local Plan states that within the Green Belt extensions to dwellings need to be of a scale and character so that the dwellinghouse shall not be impaired and it shall not have an adverse impact on the Green Belt and its surroundings.

Supplementary guidance at Appendix 2 to the adopted Local Plan clearly defines what the Planning Authority would consider to be an appropriate extension to a dwelling in the Green Belt.

The General Permitted Development Order, at the time of the preparation of Appendix 2 to the adopted Local Plan allowed, subject to specific criteria, the extension of dwellings by up to 70 cubic metres or 15%, to a maximum of 115 cubic metres, without the need for specific planning permission.

Appendix 2 of the Local Plan allows for a further enlargement of 25m<sup>3</sup> in addition to those unimplemented permitted development rights existing to the original dwelling as a reasonable enlargement of a dwelling in the Green Belt

It is recognised that this advice is based on the provisions of Class A of the 1995 General Permitted Development Order, which has now been superseded; however, it is considered that the principle it enshrines, which is to limit to a reasonable degree the extent by which a dwelling in the Green Belt may be extended, remains valid despite the more recent changes to domestic permitted development rights.

The NPPF clarifies the original dwelling as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

The original building is considered to be that built under the 1954 consent. This had a volume of some 980m<sup>3</sup>.

A proportionate extension to the property would therefore be one which did not exceed the volume of the original dwelling by more than 140m<sup>3</sup>. The proposal removes part of the original dwelling, including the garage, chimneys, roof between the garage and dwelling and the cloakroom. These removed elements have a volume of some 102.5m<sup>2</sup>. On this basis a reasonable extension to the property would have a volume of some 242.5m<sup>3</sup>

The proposed extensions, which exclude the outbuilding, have a volume in excess of 618.25m<sup>3</sup>. Taking into account the volume of the dwelling which would be removed with the reasonable



allowance, the proposed extensions would be a minimum of 375.79m<sup>3</sup> greater than what may be accepted as a proportionate enlargement of the dwelling. The proposal therefore represents at least a 55% enlargement of the original property.

An enlargement of this magnitude is considered to a disproportionate enlargement of the dwelling and consequently constitutes inappropriate development which would cause harm to the Green Belt by unreasonably diminishing its openness, to the detriment of its strategic function, character and appearance. The proposal should therefore attract a recommendation of refusal under the provisions of the NPPF and Policy GB5 and Appendix 2 of the adopted Local Plan.

The proposal would remove the existing garage and use its volume as living accommodation. To compensate for the loss of the existing garage the proposal would create a new building to house the garage. This new building would also provide a swimming pool, gym and associated storage.

Appendix 2 of the adopted Local Plan permits the small scale garaging provision; however such garaging must not exceed 3m x 6m internally, must be low pitch roofed and be separate from the dwelling to prevent the future conversion of the garage to living accommodation. Appendix 2 further states that the degree of separation between the dwelling and the garage should be at least 3m. This is considered adequate to discourage conversion to living accommodation.

The proposed garage/outbuilding is some 12.7m wide, 19.8m deep and 4.1m high with a volume of some 695.4m<sup>3</sup>. It is therefore significantly larger than might ordinarily be accepted as a replacement garage in the Green Belt.

In addition the garaging building is only 0.05m from the dwelling. As a consequence the outbuilding appears to be part of the dwelling, there being minimal separation between the two. The juxtaposition of the buildings on the site exacerbates the adverse impact that the development has on the openness of the Green Belt.

The NPPF states that the construction of new buildings are inappropriate development in Green Belt, the proposed outbuilding would by definition result in harm to the openness of the Green Belt, contrary to both National and Local Policy. This element of the proposal should also therefore attract a recommendation of refusal.

The proposed front boundary wall and the new patio/terrace areas also constitute new building in the Green Belt and are therefore inappropriate development. These elements of the works should also attract a recommendation of refusal.

In determining any application for development in the Green Belt however, it is incumbent upon the Planning Authority to consider whether there are any very special circumstances that would justify a departure from Green Belt Policy. The Council defines a special circumstance as something that is unique to the application site or, at the very least not capable of frequent repetition.

The applicant has stated that the proposed extensions are not too dissimilar to those that could be undertaken on site as permitted development. Plans and elevations have been provided showing what the applicant considers could be undertaken as permitted development. However, whilst extensions could be provided to the property under the provisions of the General Permitted Development Order 1995 (as amended) this would not extend to the level of accommodation suggested by the applicant. For example, many of the extensions, and the

outbuilding itself, extend beyond the principal elevation, closer to the highway, and the eaves of the outbuilding are beyond 2.5m in height.

It is not therefore considered that significant weight can be attached to what the applicant might be able to do under permitted development rights in this case.

The proposed development requires the formal consent of the planning authority and therefore needs to be considered against current adopted Policies. The works undertaken conflict with both Local and National Policy.

No very special circumstances have been identified which would justify the retention of disproportionately sized extensions to the dwelling, the provision of a large terraced area, the provision of a high wall with gates along the frontage or a new building within the Green Belt.

These alterations are therefore considered to represent inappropriate development which by definition would harm the character, appearance and strategic function of the Green Belt. An objection is maintained accordingly.

### Design

Turning now to the detailed design of the proposal, Policy GB5 requires proposals to be sympathetic in terms of scale, form, design, height and materials to the existing dwelling and its surroundings. Policy EC2 of the adopted Local Plan reiterates that a high standard of design will be expected in all proposals for alterations and extensions to existing buildings. Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG7 states that the roof design of any development should be compatible with the dwelling, and it should be proportionate to the remainder of the dwelling and not be top heavy or appear prominent or dominant.

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling. The design of all development should result in well proportioned and balanced properties.

The proposed extensions and alterations would enlarge the property disproportionately and would alter the character of the dwelling to such an extent that the proposal would result in the appearance of a new modern dwelling. Although the extended dwelling is unrecognisable in the context of its previous more traditional design, it would still result in a well balanced new property. With the exception of the rear balcony the detailing of the extensions and alterations are good and would complement the extended property. The rear balcony would cut into the roof form, and provides an awkward junction within the rear roof slope. However, this feature would not be visible from the public realm and is considered unlikely to cause sufficient harm to the character and appearance of the dwelling that a reason for refusal on this basis could be sustained. The proposal would introduce several flat roofed elements, however, these are hidden by the hipped roof forms and parapet walls, and therefore the impact of these is limited.

Overall the design of the proposal is considered acceptable. The acceptable design of the proposal is however insufficient to overcome the principal objection raised regarding the size of the proposal extensions and outbuilding as contained within Green Belt policy.

RDG2 states that space around all new development should be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. Policy GB5 also provides advice in this regard, and states that a minimum side isolation space of 3m shall be maintained between all flank walls of any built structure and the plot boundary.

The extensions to the eastern side of the dwelling would extend tight to the eastern plot boundary. However, this would replace the existing garage and store, which were also located tight to this boundary. Therefore the level of space to the eastern side is considered acceptable.

The dwelling which existed prior to the proposal was located to the eastern side of the plot, resulting in a large side space to its western side. This was unique to the application site and did not represent the prevailing character of this part of Benfleet Road. The dwellings within this part of Benfleet Road tend to be located some 1m from their side boundaries, and this represents the prevailing character.

The proposal extends the dwelling towards the western boundary, and provides a large detached building some 0.05m beyond the extended dwelling to the west. This results in a significantly wider dwelling which extends across the majority of the wide plot. However, it would still retain some 3m side isolation space between the outbuilding and western plot boundary. Therefore it is considered that given the prevailing character and the level of isolation provided, the dwelling would meet the aims of Policy GB5 and RDG2 of the Residential Design Guidance in respect of the space around the dwelling.

RDG3 states that where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern.

The proposal would extend in front of the dwelling slightly. However this is unlikely to disrupt the building line to Benfleet Road, due to the positioning of its adjacent neighbours.

RDG10 provides advice on boundary treatment, and states that the means of enclosure and surface material should be informed by the prevailing character of the area, but must not repeat poor forms of development. Any means of enclosure should not dominate the public realm.

The proposal would provide new boundary treatment to the front of the property in the form of 2m high brick piers, a low brick wall, 1.5m high railings and 1.6m high metal gates. These would alter the front boundary treatment significantly. However, this form of boundary treatment is not uncommon within this part of Benfleet Road, and therefore has been informed by the prevailing character of the area. Furthermore the brick would harmonise with the brickwork of the dwelling. No objection is therefore raised to the proposal under RDG10 of the Residential Design Guidance.

#### Impact on Neighbours

RDG3 further states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused.

The extended dwelling is unlikely to project in front of the adjacent side neighbours, by reason of their more forward position. However, the existing dwelling and the proposals both extend beyond their rear elevations.

In respect of the eastern neighbour, No.185 Benfleet Road, the proposal would extend significantly beyond this neighbour's rear elevation. However, this part of the proposal would replace a store room, which extended deeper than the proposal. The proposed extensions would be taller, but this increased height would be in form of a hipped roof which extends away from the neighbour. Given the lesser projection it is considered that this element of the proposal would not result in undue overshadowing or dominance.

The proposal would extend closer to the western neighbour, No.197, and would project approximately 12.5m beyond this neighbour's rear wall. This considerable projection would be located a minimum of 3m from the boundary with this neighbour and be a maximum of 3.3m above natural ground level. It is considered that due to the level of isolation combined with the maximum height of the building, it would be unlikely to result in excessive levels of overshadowing or dominance to No.197.

All other properties are considered too remote to be affected by excessive overshadowing or dominance. No objection is therefore raised to the proposal under RDG3.

RDG5 provides guidance on privacy and living conditions. It states that for all development above ground floor level a distance of 9m shall be provided between the first floor opening and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided.

The proposal would provide a raised patio area tight to its eastern boundary. The level of the patio area could give rise to detrimental levels of overlooking to the eastern neighbour. However if a boundary treatment to a height of 1.8m from the finished level of the raised patio is provided, this would overcome any overlooking to the eastern neighbour. This level of boundary treatment could be obtained via conditions attached to any consent granted.

The raised patio area is unlikely to overlook the western neighbour, as the neighbour would be shielded by the proposed outbuilding.

The proposed rear balcony would be located at second floor level, and requires a minimum of 15m to the boundaries it directly faces. The distance to the western boundary from the western

edge of the balcony is beyond 15m and therefore unlikely to result in a loss of privacy to the western neighbour. The eastern edge of the balcony would be some 10m from the boundary it directly faces. Whilst the ridge height of the proposal property to the east of the balcony would partially restrict overlooking to the east, it would still have the potential to result in undue loss of privacy. In order to overcome such adverse impact it is considered necessary to require the provision of a screen to visibility to a height of 1.8m to the eastern edge of the balcony. This screen could be obtained via conditions attached to any consent granted.

The depth of the plot is of such an extent, that overlooking is unlikely to the rear from the raised patio area and the second floor rear balcony.

Subject to a condition regarding the boundary treatment adjacent to the eastern edge of the raised patio area and the balcony, no objection is raised to the proposal under RDG5.

The dwelling would retain adequate amenity space and parking provision to meet the needs of the occupiers of the dwelling, to meet the aims of adopted Policies and Supplementary Planning Guidance.

## Conclusion

The proposed development constitutes inappropriate development which if allowed would adversely harm the openness, character and strategic function of the Green Belt contrary to Policy GB5 of the Adopted Local Plan and national policy as set out in National Planning Policy Framework (NPPF). No very special circumstances have been identified which would justify such inappropriate development and the proposal is therefore recommended for REFUSAL.

The works have been undertaken without the benefit of planning permission and are therefore unauthorised. The works have a significant detrimental impact on the openness, character, appearance and strategic function of this part of the Green Belt.

Under the circumstances it is considered that enforcement action should be taken to remove the unauthorised works. To fail to take appropriate action in this case would be seen to condone unauthorised works to dwellings in the Green Belt which could have significant adverse consequences for the wider Green Belt in the Borough.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is **REFUSAL** for the following reasons:

- 1 The proposed development is situated within an area of land allocated for Green Belt purposes as defined in the Council's Adopted Local Plan, where development is only allowed in the most exceptional circumstances. The proposed extensions would disproportionately increase the size of the original dwelling, resulting in an oversized, inappropriate form of development, which if allowed would be likely to have an adverse impact on the character, appearance and openness of the Green Belt. The applicant has failed to demonstrate any very special reasons why the proposal might exceptionally be permitted and in the absence of such very special circumstances approval of the proposal would be contrary to Policy GB5 and Appendix 2 of the Adopted Local Plan and national policy as set out in the National Planning Policy Framework (NPPF).
- 2 The proposed outbuilding is situated within an area of land allocated for Green Belt purposes as defined in the Council's Adopted Local Plan, where the construction of new buildings is inappropriate development, and is only allowed in the most exceptional circumstances. The proposal would construct a new building, the outbuilding, resulting in an oversized, inappropriate form of development, which if allowed would be likely to have an adverse impact on the character, appearance and openness of the Green Belt. The applicant has failed to demonstrate any very special reasons why the proposal might exceptionally be permitted and in the absence of such very special circumstances approval of the proposal would be contrary to national policy as set out in the National Planning Policy Framework (NPPF).

## Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

**ITEM 4**

<b>Application Number:</b>	<b>14/0723/FUL</b>
<b>Address:</b>	<b>316-318 London Road Benfleet Essex SS7 5XR (Appleton Ward)</b>
<b>Description of Development:</b>	<b>Front and side extensions, replacement roof, internal and external alterations including installation of new fencing, creation of garden area to rear and change of use to children's nursery</b>
<b>Applicant:</b>	<b>Mr C Catino</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Application Expiry Date</b>	<b>16.02.2015</b>

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**Summary**

The application seeks permission for extend and re-roof the former retail premises and use the enlarged and improved building as a children's nursery.

In all the circumstances no significant harm can be identified as arising from the proposed development. The proposal is therefore recommended for APPROVAL.

The application is presented to the Committee in accordance with the Council's scheme of delegation as it represents a departure from the Development Plan.

It should be noted that the consultation period contained within the Public Notice issued in respect of this proposal does not expire until the 6<sup>th</sup> March 2015. Should Members be minded to adopt the recommendation, authority to approve the proposal will need to be delegated to the Head of Regeneration and Neighbourhoods, in consultation with the Chairman and Vice Chairman of the Development Control Committee.

**Site Visit**

It is not considered necessary for Members to visit the site prior to the determination of the application.

**Introduction**

The application property is commercial premises on the south side of London Road, to the west of its junction with Kents Hill Road. It was formerly used for retail purposes, but is now vacant. It is one storey in height, with accommodation in the roofspace.

To the east of the site is a further vacant commercial premises last used as a locksmith's shop and a takeaway restaurant. To the west is a site used as a garden centre. To the rear part of the site is an area of car parking, beyond which is a single storey premises used as a newsagents/convenience shop which has residential accommodation to the rear. To the north,

on the opposite side of London Road, is a two storey premises used as a veterinary surgery beyond which is residential development.

### **The Proposal**

Permission is sought for front and side extensions, a replacement roof, alterations including new fencing and the creation of a garden area at the rear, all to facilitate the change of use of the premises to a children's nursery.

The front/side extension would have a maximum depth of some 8.2m and a maximum width of 13.6m

The replacement roof would replace the existing dual pitched roof with a single ridge roof running east-west. The height of the roof would be retained at 6m to 6.2m. Four roof lights would be provided to the rear elevation.

1.1m high palisade fencing would be provided to the side of the building, providing a secure pedestrian access to the main doors provided at the side of the property with 1.8m high palisade fencing to the rear, enclosing the proposed garden area.

Eight spaces are to be allocated for the use of the nursery within the existing 20 space car park, the remainder being retained to serve the adjoining garden centre.

Five full-time employees are proposed, with a maximum of 25 children, aged from 0 – 5 years attending the facility.

### **Supplementary Documentation**

None submitted

### **Planning History**

In March 2008 an application for two blocks containing a total of 14 flats at 312-318 London Road was refused (CPT/855/07/FUL) for the following reasons:

1. The proposal to redevelop this site at 312-318 London Road, in isolation from the adjacent sites at 310 and 320-322 London Road, would prejudice the wider, comprehensive redevelopment of the area. If permitted, the proposal would represent a piecemeal form of development manner which failed to make the best use of urban land in accordance with Government guidance as contained in PPS 1 and 3 and contrary to the provisions of Policy H12 of the Council's Adopted Local Plan
2. The proposed Block fronting London Road, by reason of its height and excessive forward projection beyond the established residential building line, would create an obtrusive and over dominant feature in the streetscene, which failed to create an appropriate setting for the building or reflect the more spacious setting of the adjoining residential development, to the detriment of the streetscene and the wider visual amenity of the area. It would therefore be contrary to Policies EC2, H17 SPG2 and SPG11 of the Council's Adopted Local Plan and the provisions of Government advice as contained in Planning Policy Statement 3

3. The proposed development fronting London Road by reason of its lack of articulation and bland frontage would create an unattractive and massive building in the street scene, detrimental to the character and appearance of the area and the visual amenity of adjoining residents

An appeal that was lodged against this decision was subsequently dismissed; however the Inspector did not uphold the Council's first reason for refusal, his view being that the proposed scheme would not prevent the adjoining sites from being developed at some point in the future and that it would not be efficient to leave this site undeveloped for an indeterminate period.

### **Relevant Government Guidance and Local Plan Policies**

#### National Guidance

National Planning Policy Framework – paragraphs 39, 56-58, 120-125

#### Current Local Plan

H2 – Residential Land

EC2 – Design

EC3 – Residential amenity

T8 – Parking standards

### **Consultation**

No statutory consultees were notified of this application

### **Public Consultation**

Three letters of support have been received in respect of the proposal.

In addition one objection has been received, from the proprietor of the commercial premises located to the south of the site. The writer objects to the provision of a yellow box marking on the highway in Kents Hill Road on the basis that this would affect deliveries to that premises and cause more parking and traffic problems.

It should be noted that the yellow box hatching is outside the confines of the application site and is on land not within the control or ownership of the applicant. No notice has been served on the Highway Authority and as such no further reference to this proposed alteration to the highway will be made in this report, the provision a yellow hatched box being a matter purely for consideration by the Highway Authority.

The press notice expires on 6<sup>th</sup> March 2015.

### **Evaluation of Proposal**

The main issues with this case are the principle of the use of the building as a day nursery, the visual impact of the proposed alterations, the impact on nearby residential properties and any traffic and parking implications.



### Principle

Policy H2 of the adopted Local Plan states that land allocated for residential purposes shall be retained primarily for that purpose.

The site is allocated for residential purposes on the Proposals Map accompanying the adopted Local Plan. The proposed use as a children's nursery would fall within Class D1 of the Use Classes Order. This is inconsistent with the plan allocation and prima facie would represent an objection to the proposal.

However, it must be acknowledged that this site has been used for commercial purposes for many years and that the continued use of the site for commercial purposes would not result in the loss of a site in current residential use.

Furthermore, Paragraph 70 of the NPPF states that the planning system should seek to deliver the social, recreational and cultural facilities and services the community needs. Whilst the need for housing is recognised, so too is the need for appropriate infrastructure to meet the needs of the Community. Discussions with the Essex County Council Sufficiency and Sustainability Team (Education and Lifelong Learning) has identified that Appleton ward currently offers no free nursery education places across the ward and that in general childcare places as a whole across the ward are at 93.4% capacity. Across the surrounding wards of St Mary's, St George's, St Peter's and Boyce wards there are only a handful of early years places available (Autumn Term 2014 data). On the basis of this evidence there would therefore appear to be a significant need for additional pre-school provision in order to ensure sufficient childcare provision in the area.

Under the circumstances, whilst it is acknowledged that the proposal would result in an absolute reduction in the quantum of land available for residential purposes, the need for pre-school facilities is also considered to be a compelling planning consideration. No objection is therefore raised to the proposal on the basis of Policy H2.

### Design

Policy EC2 of the current Local Plan seeks a high standard of design in all alterations to existing buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

The proposed new roof would see the current roof design with two ridges running from front to back replaced with a roof with a single ridge running parallel to the highway. This alteration would have a neutral impact on the appearance of the building.

The forward addition to the building would bring it level with the front of 320 London Road, which is the single storey premise to the east. This has the potential to increase the presence of the building in the street scene; however the existing building has a front canopy to the same depth as the proposed extension and as a consequence the proposed front extension would not appear so significantly different that it would have an adverse impact on the character and appearance of the area.

The proposed extension to the east side would be hidden behind 320 London Road and would have little public impact. The extension to the west side would not project beyond the existing flank wall of the building and would not appear unduly prominent.

The proposed fencing would be to the side and rear of the building, so would have little impact in the streetscene.

In all the circumstances, no objection is raised to the proposal on design grounds.

### Neighbour impact

Policy EC3 states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused. This is generally consistent with paragraphs 120 to 125 of the NPPF.

The proposed use as a children's nursery has the potential to generate noise and disturbance primarily from use of the proposed external rear garden area and from traffic dropping off and collecting children.

The proposed rear garden area would be some 20m from the nearest dwelling at 310 London Road and separated from it by the existing garden centre. Whilst there may be some noise generated by outdoor play activities, taking into account the location of this site close to a busy road junction it is not considered that any noise would be so far above ambient noise levels that significant adverse effects upon residential amenity would occur.

The proposal would also be likely to attract traffic as parents drop off children and then collect them later in the day. Due to the impracticality of stopping in Kents Hill Road or London Road, and the availability of parking within the site, it is likely that this dropping off and collection would take place in the designated parking area. The proposal will use an existing car park and in such circumstances nearby residents would already be accustomed to a level of vehicular activity. Whilst the nursery might give rise to a higher level of activity at the start and end of the day, given that this would be at times when the traffic nearby is also likely to be at its heaviest, it is not considered that any additional noise from vehicle activity on the site would be so far above ambient noise levels that there would be the potential for significant adverse effects on the amenity of nearby residents.

It is possible that Kents Hill Road may get used for the occasional drop off or pick up if the car park was congested; however for the same reason as above, such activity would not be likely to have a significant impact over and above ambient noise levels.

It is only proposed to operate the nursery on Mondays to Fridays from 7am to 7pm and not at the weekends, which would protect nearby residents from disturbance at quieter times.

No objection is therefore raised to the proposal on grounds of neighbour impact.

### Traffic and parking implications

Policy T8 of the current Local Plan requires the provision of off-street parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The current standards for child care facilities are 1 car space per full time equivalent staff plus drop off and pick up facilities.

There would be five full time staff and eight spaces provided, which would mean three spaces for parents dropping off and collecting children. A maximum of 25 children would be accommodated at the site. However, these are not likely to all be dropped off or picked up at the

same time, and drop off or pick up is likely to be a relatively brief visit. The spaces would therefore turn over relatively rapidly.

Furthermore it should be noted that whilst 8 spaces are identified for use by users of the nursery a further 12 spaces are available within the car park and will no doubt be utilised. It is not considered that the use of these spaces during a limited period of the day would significantly adversely impact on the operation of the adjoining garden centre, which is, in any case within the same ownership and control as the nursery site.

It is therefore likely that most drop off and pick up activity could be accommodated within the parking area.

As previously mentioned, there is the possibility that Kents Hill Road could be used; however, Kents Hill Road has double yellow lines in the vicinity of the junction with London Road, to deter waiting in locations likely to cause significant detriment to traffic flow.

## Conclusion

The proposal represents the beneficial use and improvement of a building which has been underused in recent years. The proposed use responds to a locally identified need and the alterations to the building will improve the character and appearance of this part of Benfleet. No significant adverse impacts have been identified as arising from the proposed use.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is, subject to there being no new material planning objections being received at the expiry of the publicity period (06.03.2015), then authority to **APPROVE** the proposal be delegated to the Head of Regeneration and Neighbourhoods, in consultation with the Chairman and Vice Chairman of the Development Control Committee subject to the following conditions:

- 1 The development hereby permitted shall be begun on or before the expiration of five years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be built wholly in accordance with the approved materials.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 3 The parking spaces identified for the proposed use on the approved plan shall be reserved for the parking of members of staff and parents or guardians of children attending the nursery and not used for any other purpose.

REASON: To ensure that satisfactory off-street parking is available in the interest of highway safety.

- 4 The use shall not operate outside the hours of 7am-7pm on Mondays to Fridays and shall not operate at any time on Saturdays, Sundays or Bank or Public Holidays.

REASON: To protect the amenity of surrounding residential occupiers.

**Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interest of the environment.

## ITEM 5

<b>Application Number:</b>	<b>14/0737/FUL</b>
<b>Address:</b>	<b>Nashlea Farm Poors Lane Hadleigh Benfleet Essex (Victoria Ward)</b>
<b>Description of Development:</b>	<b>Demolition of existing buildings and construction of 6 No. detached dwellings and associated facilities</b>
<b>Applicant:</b>	<b>EA And BA Wisbey</b>
<b>Case Officer:</b>	<b>Mrs Ishita Sheth</b>
<b>Application Expiry Date:</b>	<b>10.03.2015</b>

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### Summary

The application seeks permission for the residential redevelopment of a site located within the Green Belt.

The proposed redevelopment of the site has a materially greater impact on the openness of the Green Belt than existing development, and would consequently constitute an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness of the Green Belt contrary to the guidance contained in the NPPF and Policy GB3 of the Adopted Local Plan.

It is not considered that any very special circumstances necessary to justify inappropriate development in the Green Belt can be identified in this case. The proposal is therefore recommended for **REFUSAL**.

This application is presented to Committee for determination at the request of Councillor Sharp, because of the location of the site in the Green Belt.

### Site Visit

It is not considered necessary for Members to visit the site prior to the determination of the application.

### Introduction

This application relates to a site located on the east side of Poors Lane, some 160m to the south west of its junction with Bramble Crescent. It has an area of just under 1 hectare.

The site is currently occupied by a hard surfaced yard area with a collection of single storey workshop style buildings and a large modern barn. These buildings form the basis for a potato packing and distribution business. No agricultural activity is undertaken on the site and indeed one of the units is occupied by a car repair facility. The Planning Authority does not hold any records in respect of this use on the site.

Car parking and loading/unloading takes place on the hard surfaced areas.

A large paddock is situated to the south of the yard area. This is also within the control of the applicant. To the south-west of the site is a two storey detached dwelling house.

The site is surrounded by significant tree cover to the north, by dwellings in large plots to the east, by tree cover to the south east and south (part of the Hadleigh Great Wood SSSI), and by a substantial dwelling to the west also facing Poors Lane.

### **The Proposal**

The proposal seeks to demolish the existing commercial/agricultural buildings and redevelop the site with six large detached houses. Plots 1, 3, 4, 6 are each proposed to have a detached double garage and Plots 2 and 5 are proposed to have integral double garages.

A 5.8m wide shared surface is proposed along the northern boundary of the application site, to serve the proposed dwellings, which are of traditional design. The dwellings have varied footprints. Plots 1 and 6 are two storey in height whilst plots 2, 3, 4 and 5 are two storey with rooms in the roof. The dwellings range in height from 8.4m to 9.8m.

Materials for the dwellings are proposed to be facing brickwork; render, weatherboard cladding and fibre cement slate roof tiles.

### **Supplementary Documentation**

The application is supported by the following documents which are viewable on the Council's website:

- o Planning Statement
- o Schedule of Materials

### **Planning History**

- PE/00011/2014 – Pre-application advice – Six new dwellings – inappropriate development in the Green Belt
- CPT/760/00/FUL – Demolish existing and fire damaged building and construct pitched roofed building for use as potato store. Approved on 9<sup>th</sup> January 2001.
- CPT/391/74 - Erection of potato store. Approved on 15<sup>th</sup> October 1974.

### **Local Plan Allocation**

Green Belt

### **Relevant Government Guidance and Local Plan Policies**

The site is allocated as Green Belt in the Adopted Local Plan.

The following policies and guidance are applicable.

National Planning Policy Framework (NPPF)

Paragraphs: 79, 80, 89

National Planning Practice Guidance

Para 034 – Unmet Housing Needs and Green Belt

Castle Point Borough Council Adopted Local Plan 1998

GB3 Redevelopment or Replacement of Industrial Development  
EC2 Design  
EC3 Residential Amenity  
H9 New Housing Densities  
H10 Mix of Development  
H17 Housing Development – Design & Layout  
T8 Car Parking Standards

Residential Design Guidance

RDG1 Plot size  
RDG2 Space around dwellings  
RDG3 Building Lines  
RDG5 Privacy and living conditions  
RDG6 Amenity space  
RDG7 Roof Development  
RDG12 Parking and Access  
RDG13 Refuse and Recycling Storage

Essex Planning Officers Association Vehicle Parking Standards – C3 (September 2009)

**Consultation**

Essex County Council – Highways

No comments received

Refuse and Recycling Officer

No Comments Received

**Public Consultation**

One response has been received which makes the following comments and objections:

- o Proposal is an inappropriate development within the Green Belt.
- o Loss of residential amenity by virtue of loss of the paddock view.
- o Plots 1, 5 and 6 are outside the footprint of the current main building on the site and introduce more built form which would be visually intrusive.
- o Potential noise and disturbance due to residential properties and rear gardens.
- o No access to the rear paddock if the development goes ahead.

## Comments on Consultation Responses

- o Loss of view is not a material planning consideration.
- o The paddock to the rear of the application site is not a part of the application and matters related to its access are not relevant to consideration of this application.

All other relevant planning matters are discussed within the evaluation of the proposal.

## Evaluation of Proposal

The main planning issues raised by this proposal are:

- o The principle of residential development on this Green Belt site
- o The existence of 'Very Special Circumstances'
- o The principle of redevelopment of existing commercial buildings
- o Layout, design, appearance and amenity considerations

### The principle of residential development on this Green Belt site

The site is allocated for Green Belt purposes in the adopted Local Plan.

National policy as expressed in the National Planning Policy Framework (NPPF) and local policy as described in the Adopted Local Plan, clearly indicates that the construction of dwellinghouses is inappropriate in the Green Belt.

The NPPF goes on to explain that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

There are however exceptions to this general approach as set out in paragraph 89 of the NPPF, covering for example the construction of new buildings for agriculture, forestry or for appropriate facilities for outdoor sport and recreation.

A further exception is described in bullet point 6 of paragraph 89 as follows:

*'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.'*

The test therefore to be applied in this case is whether the proposed development could be considered to comply with this exception and if not whether very special circumstances could be said to apply which might otherwise justify the inappropriate development.

The exception described in bullet point 6 makes clear that the partial or complete redevelopment of previously developed sites may only be considered acceptable if there is no greater impact on the Green Belt and the purpose of including land within it than the existing development.

In this case a large storage barn and a collection of smaller buildings in a relatively compact yard area would be replaced with a housing estate comprising six large detached dwellings, four of which would have detached double garages.



The housing estate would be suburban in scale and nature with a standard shared surface access road. Each dwelling house would be provided with a front and rear garden area.

The significant size of the dwellings and their plots, and their dispersal across the site, will inevitably have a greater impact on the openness of the Green Belt in this location, caused by the urbanising effect of inappropriate development on land, only part of which is currently developed.

When further account is taken of other urbanising features likely to occur on the plots, such as the erection of outbuildings, fencing and other domestic paraphernalia, the effect of the development on the openness on the Green Belt is likely to be pronounced and unacceptable.

#### The existence of 'Very Special Circumstances'

Having found that the development is contrary to policy, the second test to apply is whether there are any very special circumstances applicable to the case which could justify an exception to policy.

This Authority defines very special circumstances as those which are individual or unique to the particular site, or at the very least incapable of frequent repetition.

The applicant has advised that redevelopment of the site will enable the existing and expanding business to relocate. This is necessary, if the business is to expand, as currently the width of local access roads, which are difficult for larger commercial delivery vehicles to negotiate, is posing an increasing limitation on the continuation of the business on this site. The applicant confirms that the scale of development proposed is necessary to give effect to the relocation proposal.

Whilst the aspirations of the applicant are noted, the desire to realise a commercial asset in order to facilitate the relocation of a business to a site more suited to its needs. is not considered to represent a circumstance which is unique to the site or incapable of frequent repetition. It does not therefore represent a very special circumstance sufficient to justify inappropriate development in the Green Belt.

The applicant further states that replacement of the commercial use with residential development will significantly reduce overall impact on adjoining residents, both visually and environmentally as a consequence of the removal of heavy goods vehicles accessing the site via Poors Lane, and the benefit to be derived from utilising a brownfield site. Each point has some intrinsic merit but individually and cumulatively are of insufficient weight to set aside national Green Belt policy.

The applicant has suggested that the existing visual screening of the site, coupled with the proposed gardens replacing the existing hardsurfaced areas, would help improve the openness of the Green Belt. Consequently the applicant is of the view that the scheme would not have any negative visual impact on the area or the openness of the Green Belt.

The primary objective of the Green Belt is that it be maintained free from development in order to perform its strategic function. In order to achieve the objectives of the Green Belt the land must retain its openness. The applicant's assertion that a change from commercial to residential use will maintain the openness of the Green Belt is considered to be fundamentally flawed in that the redevelopment of the site will result in a greater level of development, across a larger

proportion of the site. As a matter of fact the proposal will therefore result in a diminution of the openness of the Green Belt at this location. It is not considered that the existing screening and the provision of residential gardens would mitigate this impact.

Furthermore, it should be noted that there are many sites within the Borough where commercial uses exist within the Green Belt. It is considered that the proposed replacement of small scale buildings, albeit of a commercial nature, with large two/three storey dwellings, would result in a detrimental cumulative impact on the openness of the wider Green Belt. The aspiration to redevelop a commercial site is not therefore a unique or necessarily limited situation and consequently not a very special circumstance sufficient to outweigh harm to the Green Belt.

The statement supporting the application suggests that there would be a benefit to be derived from utilising a brownfield site as a windfall opportunity having regard to the current housing shortfalls in the Borough. However the National Planning Practice Guidance at paragraph 034 states;

*‘Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt’.*

It should in addition be remembered that the proposed development seeks to provide only 6 dwellings. This does not represent a strategically important contribution to housing supply, sufficient to warrant inappropriate development in the Green Belt.

It is not therefore considered that the identified deficiency in housing land supply or the provision of the NPPF in this respect create the very special circumstances needed to justify inappropriate development on this site.

Overall, it is not considered that any of the conditions identified by the applicant represent the very special circumstances required to justify inappropriate development in the Green Belt.

The proposal should therefore attract a recommendation of refusal.

#### The principle of redevelopment of existing industrial/agricultural buildings

Policy GB3 of the Adopted Local Plan indicates that the redevelopment of agricultural buildings for residential purposes will not be permitted. The reasoning behind the policy follows the analysis provided above - in that such development is likely to lead to an intensification of built development and urban sprawl in the Green Belt.

While it might be argued that the tone of Policy GB3 is inconsistent with bullet point 6 of paragraph 89 of the NPPF, it is highly relevant where a proposed development is likely to have a greater impact on the openness of the Green Belt as is the case with this proposal.

It is also considered highly relevant that the applicant has confirmed that the site and the buildings thereon do not form part of an agricultural operation. It is simply an industrial use.

#### Design, layout, appearance and amenity considerations

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design, layout and of external materials which are appropriate to its setting and which does not harm

the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines, the Residential Design Guidance (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

The proposed development is of a relatively good design in itself and visually of a good standard. Facing brickwork, weatherboarding, render and roof slates would have an acceptable visual appearance.

No objection is raised in pure design terms to the proposal under Policy EC2.

Government Guidance makes clear that density is a relevant consideration in the determination of applications. Policy H9 of the Adopted Local Plan is concerned with housing densities. It states that the optimum density for any site will be the number of dwellings capable of being accommodated whilst ensuring that the development will not be harmful to the character of the site and its surroundings including any natural features and attributes, and that the layout is both functional and attractive with adequate building lines, landscaping, setting for the building, and space around the building.

The proposed scheme is a comprehensive development which is seeking to create its own character and layout and overall meets the requirements laid out in 'Residential Design Guidance' in respect of building lines, setting and relationships of the dwellings, amenity area, landscaping, garage sizes and space around the building. In respect of privacy and overlooking, the windows proposed in the flank elevations of the proposed dwellings can be suitably conditioned to be obscure glazed and fixed shut without adversely impacting on the internal living conditions of the dwelling.

The application site is some 0.99 ha; the development provides a density of some 6 dwellings per hectare. In the context of the surrounding area which is rural in nature with scattered development, it is considered that this density would be inappropriate and inconsistent with the character of the area. An objection is therefore raised to the proposal on this basis.

Policy H10 sets out that the Council will expect an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This proposal contains only four and five bedroomed houses; however within a relatively small development such as is proposed, and within the context it is intended to provide, it is not considered that the provision of a variety of housing types and sizes would be appropriate. No objection is therefore raised to the proposal on this basis.

Other matters

Ecology:

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

The site has a significant number of trees along the northern boundary. The submitted site layout plan indicates that none of these trees are to be removed.

Subject to a condition requiring the retention of these trees and their protection during construction, no objection is raised to the proposal under Policy EC22.

Contamination:

The existing commercial nature of the site may have contamination implications. No information has been provided in respect of potential contamination; however, such information can be required to be submitted by imposing a condition on any consent granted.

Refuse and Recycling:

RDG13 relates to the provision of refuse and recycling storage facilities.

The submitted plans do not indicate where the refuse and recycling storage facilities are to be located. No comments have been received from the Refuse and Recycling Officer. However, taking into consideration that a shared surface road would serve the proposed dwellings and there can be potential issues for refuse vehicles to access this private road within the site, details of a suitable and appropriate refuse and recycling facility for the development will be required. This can however be required by condition.

Subject to such a condition, no objection can be raised in respect of refuse and recycling facilities.

Drainage:

In respect of drainage, there is no mains drainage in the vicinity; therefore sealed cesspool arrangements are proposed. Under the circumstances, where the development is proposing to make its own drainage provision, it is not considered that any drainage improvements can be required of the developer.

**Conclusion**

The proposed redevelopment has a materially greater impact on the openness of the Green Belt than existing development, and would consequently constitute an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness of the Green Belt contrary to Policy GB3 of the Adopted Local Plan and national policy as set out in NPPF. No special circumstances have been advanced which carry sufficient weight to overcome the policy objection.

The proposal therefore attracts a recommendation of Refusal.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is **REFUSAL** for the following reasons

- 1 The site is allocated as Green Belt in the adopted Local Plan. National Planning Policy as set out in the National Planning Policy Framework states that development of the type proposed is not appropriate within the Green Belt and will only be permitted if very special circumstances exist which outweigh the harm to the Green Belt. It is not considered that any very special circumstances have been demonstrated to justify the proposed development, the approval of which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy as set out in the National Planning Policy Framework.
- 2 The proposed development by reason of its tight layout would not be in keeping with the rural character of the area which comprises of scattered development. It is considered that this would result in significant detriment to the character and appearance of the area contrary to Policies EC2 and H9 of the Council's Adopted Local Plan.

#### **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.