



Council Offices, Kiln Road,  
Thundersley, Benfleet,  
Essex SS7 1TF.  
Tel. No: 01268 882200  
Fax No: 01268 882455



**David Marchant** LLB (Hons) BSc (Hons) CEng FICE FCMl  
**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 3<sup>rd</sup> September 2019 at 7.30 p.m.

**Venue:** Council Chamber

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

**Membership:** Councillors Dick (Chairman), Sharp (Vice Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Taylor and Mrs Wass.

**Substitutes:** Councillors Palmer, Skipp, Mrs Thornton and Tucker

**Canvey Island Town Councillors:** Greig and Mrs Sach

**Officers attending:** Mr Rob Davis - Planning Development and Enforcement Manager  
Mrs Kim Fisher-Bright – Strategic Developments Officer  
Miss Fiona Wilson – Head of Legal Services

**Enquiries:** Miss 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 6<sup>th</sup> August 2019 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

The report is attached.

	Application No	Address	Page No
1.	19/0511/FUL	Land Opposite 40 San Remo Road Canvey Island Essex (Canvey Island East Ward)	1
2.	19/0433/FUL	243 Vicarage Hill Benfleet Essex SS7 1PQ (Boyce Ward)	10

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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 6<sup>th</sup> AUGUST 2019

**PRESENT:** Councillors Dick (Chairman), Sharp (Vice-Chairman), Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Palmer\*, Taylor, Tucker\* and Mrs Wass.

**Substitute Members Present:** Councillor Palmer\* for Councillor Acott and Councillor Tucker\* for Councillor Anderson.

Canvey Island Town Council Representatives Councillors Greig and Mrs Sach were also in attendance.

**Also Present:** Councillors Cross, Riley, Skipp and Mrs Thornton.

Apologies for absence were received from Councillors Acott and Anderson.

**7. MEMBERS' INTERESTS**

There were none.

**8. MINUTES**

It was stated that Councillor Cutler had substituted for Councillor Sharp and not Councillor Haunts at the previous meeting. Subject to that amendment the Minutes of the meeting held on 2<sup>nd</sup> July 2019 were taken as read and signed as correct.

**9. DEPOSITED PLANS**

- (a) **19/0263/FULCLO – CONCORD RANGERS FOOTBALL CLUB, THAMES ROAD, CANVEY ISLAND, ESSEX, SS8 0HP (CANVEY ISLAND WEST WARD) – RELOCATION OF TWO EXISTING STANDS TO ACCOMMODATE TWO NEW STANDS AND REPLACEMENT OF PORTACABIN TOILET BLOCK WITH PURPOSE-BUILT TOILET BLOCK - MR CLIFF LARKIN**

The application sought the relocation of two existing spectator stands to accommodate the provision of two new spectator stands and proposed the replacement of a portacabin toilet block with a purpose-built structure. It was considered that the proposal was consistent with the provisions of the Council's Adopted Local Plan and it was therefore recommended for approval.

The application was presented to the Committee because it was on land owned by the Council.

During discussion Members indicated their support for the proposal and it was:-

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

**(b). 19/0415/FULCLC – FORMER 'THE CROWN PUBLIC HOUSE, HIGH STREET, HADLEIGH, BENFLEET, ESSEX (ST JAMES' WARD) – DEMOLITION OF FORMER PUBLIC HOUSE BUILDINGS INCLUDING DISCONNECTION OF UTILITY SERVICES, INFILLING OF BASEMENT AND ERECTION OF FENCING FOR SECURITY ALONG SITE BOUNDARY – CASTLE POINT BOROUGH COUNCIL**

The application proposed the demolition of the former Crown Public House. This would result in the loss of a building assessed as having low significance and value as a heritage asset. Its retention had the potential to impede the redevelopment and regeneration of the Hadleigh Island site as a proposed allocation in the emerging new Castle Point Local Plan.

The building had lain empty and abandoned since the Council took ownership of it in 2011. The Council had failed to find any alternative viable use for the building and consequently this had led to difficulties in maintaining it. The presence of the vacant building was an eyesore and had a detrimental impact on a prominent site within Hadleigh Town Centre. The building was proposed for removal from the local list of non-designated buildings of local historic and architectural importance in any new Local Plan due to its low significance and value as a heritage asset.

In light of the above the demolition of the building would be in accordance with national and local planning policy and it was therefore recommended for approval.

The application was presented to the Committee because the site was owned by the Council.

Mr Podd, a local resident, spoke in objection to the application.

Councillor Riley, a Ward Member, spoke on the application.

During debate some Members expressed their disappointment at the loss of the building however recognised that it was now an eyesore which had a detrimental impact on the surrounding area and agreed that it should be demolished. Other Members felt that there was still a viable use for the building and disagreed with the proposal to demolish it.

A Member stated that local residents had requested that artefacts on the site be retained for future use in the community.

A Member suggested that the current fencing around the site, which represented the Olympic Mountain Biking event held in 2012, should be retained and stored.

Following the debate it was:

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

Following the decision a Member requested that the Chairman, Vice Chairman, who was also a Ward Member, and appropriate Cabinet Member be consulted on the style of any new fencing around the site.

- (c) **19/0369/FUL – 19-27 KENTS HILL ROAD, BENFLEET, ESSEX, SS7 5PN (ST MARY'S WARD) – DEMOLITION OF ALL EXISTING BUILDINGS AND HARDSTANDING AND THE CONSTRUCTION OF TWO BUILDINGS COMPRISING OF 23 NO. APARTMENT UNITS, IMPROVED ACCESS FROM KENTS HILL ROAD, ASSOCIATED OFF-STREET CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED DEVELOPMENT – RENOWN DEVELOPMENTS LTD**

The proposal represented the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted Local Plan, with 23 one and two bedroomed flats arranged across two three storey blocks. The site was located on the west side of Kents Hill Road, close to the Junction with Benfleet High Road. Redevelopment of land for residential purposes was consistent with the provisions of the NPPF and in principle it was considered acceptable on this site.

Whilst the scheme exhibited some minor deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none were considered so significant as to provide a robust reason for refusal.

Consequently, the recommendation was one of approval, subject to the applicant entering into a S106 agreement to secure the provision of affordable housing and a contribution towards recreational disturbance mitigation and the conditions set out at the end of this report.

During discussion Members indicated their support for the proposal.

In response to a question from a Member the Planning Officer explained that there were no officers at the local authority who were qualified to deal with the SuDS Management Regime however expertise was available from the Lead Local Flood Authority.

A Member expressed his disappointment that there were no affordable housing units provided on the site. It was explained that the Planning Authority could not insist on provision on site, that would depend on the viability of a scheme however contributions were used to fund affordable housing elsewhere in the borough.

Following the discussion it was:-

**Resolved** – That the application be approved subject to the applicant entering into a S106 Agreement to secure the provision of a contribution towards the provision of off-site affordable housing and a contribution towards recreational disturbance mitigation and the conditions as set out in the Planning Officer's report.

Chairman

## ITEM 1

<b>Application Number:</b>	<b>19/0511/FUL</b>
<b>Address:</b>	<b>Land Opposite 40 San Remo Road Canvey Island Essex (Canvey Island East Ward)</b>
<b>Description of Development:</b>	<b>Detached dwelling with associated facilities and new public footpath (revised application)</b>
<b>Applicant:</b>	<b>D.R. Bullock Builders Ltd</b>
<b>Case Officer:</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>09.09.2019</b>

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### Summary

The application seeks permission for a new dwelling on greensward, which was a former road and has been closed to vehicular traffic since 1970. In all the circumstances the application is considered compliant with local and national policies and guidance, and no reasons for refusal of planning permission can be found. The proposal is therefore recommended for APPROVAL.

The application is presented to committee at the request of Councillor Sach over concerns about drainage, dominance of the bungalow in Taranto Road, the highway status of the application site, its impact on parking in San Remo and Taranto Roads, the lack of any open space assessment, and its impact on the public right of way.

### Site Visit

It is recommended that Members visit the site prior to determination of the application.

### Introduction

The application relates to land within an existing residential area. The land is publicly maintainable highway which used to have the status of a road. However, in 1970 Canvey Urban District Council made a prohibition order preventing vehicles from using the road and it is now a grassed pedestrian right of way.

The land is bordered by residential curtilages to the north and south, with its eastern end western ends having bollards adjacent to Taranto Road and San Remo Road.

### The Proposal

Permission is sought for the construction of one two storey detached three-bedroomed dwelling facing onto San Remo Road. A detached garage and parking space are proposed at the rear of the site, accessed from Taranto Road.

The dwelling would be some 11m deep by 5.8m wide and have an overall height of 7.6m. It would be finished externally in a mixture of yellow stock brick, grey cladding and white render with grey concrete roof tiles.

A 1.2m high close boarded fence is proposed around the front garden and parking area with a 1.8m high close boarded fence around the rear garden. As part of the application a 1.5m wide hard surfaced pedestrian footpath constructed as per the Essex Highways Development Construction Manual with lighting on two new lampposts is proposed.

All car parking spaces will be constructed using permeable paving to help with the surface water drainage on site. Surface water runoff from the dwelling is to be directed to the mains sewers via

an attenuated system incorporating a hydro brake. Excess surface water runoff from the parking area would also feed into the attenuated drainage system.

## **Supplementary Documentation**

The application is accompanied by a construction method statement, structural details, flood risk statement and materials specification which are available to view on the council's website.

## **Planning History**

In May 2019 there was an application made for two detached dwellings (one facing east and one facing west). This was withdrawn (19/0345/FUL)

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

### National Planning Policy Framework (February 2019)

Paragraphs 105-106 (sustainable transport), 117 (making effective use of land), 127 (requiring good design), 155-165 (flood risk and coastal change)

### Local Plan (1998)

EC2 – Design

T8 – Parking standards

### Residential Design Guidance (2013)

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG12 – Parking and access

## **Consultation**

Canvey Town Council – Object:

- o The proposed development fails to provide adequate on-site parking provision for the level of accommodation. As such the proposal would likely lead to additional parking in neighbouring roads.
- o Over dominance to surrounding properties.
- o The proposed development fails to provide adequate explanation for Section 13 and where foul sewage would be disposed of.
- o Loss of amenity of an informal activity area for children and recreation.
- o Canvey Island has critical drainage issues and is a designated flood zone 3 area. Such green spaces assist with existing drainage issues in a natural way without the need for drainage systems.

Environment Agency – No objection providing the local planning authority has taken into account the flood risk considerations which are its responsibility.

Highways – No response received

## **Public Consultation**

The following comments have been made:

- o I think that my water supply is in Taranto Road and appears to run under the land in question, what will happen and are they allowed to build over a water main?



- o Ownership of the site may be questioned
- o Loss of open space

## **Comments on Consultation Responses**

- o The presence of subterranean services is not a planning consideration. Statutory undertakers' apparatus on, over or under the land is a matter between the applicant and the relevant statutory undertaker.
- o Evidence has been provided to show that the land is owned by a company called Bluezone, upon whom notice of the application has been served. It is quite common for planning applicants not to own the land at the time of application.
- o The application form indicates that foul sewage is to be disposed of via the mains sewer. In any event, the disposal of foul sewage is adequately dealt with by the Building Regulations and is not a planning consideration.
- o The land is not designated as public open space in the Local Plan, therefore no assessment of open space provision in the area is required under paragraph 97 of the NPPF as part of this application.
- o Any other planning issues raised are discussed in the evaluation of the proposal

## **Evaluation of Proposal**

The main issues with this application are the principle of a housing development, the design and layout, parking implications, flood risk and drainage.

### *Principle*

The land is allocated as residential on the proposals map accompanying the Local Plan. There can therefore be no objection to the principle of a residential development on this site. The land still has highway rights across it and as such is publicly maintainable highway. The removal of vehicular driving rights in 1970 has not affected its status as part of the highway.

A footpath is to be provided as part of this development so that the public would still be able to cross the site. This reflects the current situation where pedestrians and cyclists can use the land as a link between San Remo Road and Taranto Road. Should planning permission be granted the applicant would still need to apply for extinguishment of highway rights over the majority of the site, but as free passage for legitimate users of the highway would be maintained it is difficult to see why approval for this would not be forthcoming. A stopping up order has already been granted for land adjacent to 81 May Avenue in similar circumstances. Planning permission could not justifiably be refused on the basis that it would inconvenience highway users.

The proposed footpath would be 1.5m wide with a 0.5m wide grass verge and would run between two high level fences for some 25m of its 39m length. While not necessarily the best of pedestrian environments, additional lighting would be provided by new columns at either end of the path to improve the light levels at night.

Provided lighting is installed and operational before the path is opened for use, no objection to the proposal on the basis of the status of the land as a highway or impact on the community is raised.

### *Design and layout*

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials shall be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the National Planning Policy Framework (the Framework).

The appearance of the dwelling is considered to be reasonably attractive and well proportioned. With an overall height of some 7.6m it would not appear excessively tall in relation to the surrounding development. The use of a mixed palette of materials is felt to add interest to the property and given the variety of materials used on dwellings in the vicinity this would not look out of place. There is therefore no objection to the proposal on the basis of Policy EC2.

The council has adopted Residential Design Guidance as a supplementary planning document. This is considered to reflect the government guidance within section 12 of the Framework.

Guidance at RDG1 is concerned with plot size. It states that within the built-up area, the plot sizes for all new development should be informed by the prevailing character of plot sizes. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it. This should be informed having regard to the guidance at RDG2 to RDG6 of the Residential Design Guidance.

Looking at the plots in the vicinity of the application site, they vary in width from around 9m to more than twice this size. This is therefore an area where there is no clear pattern of plot sizes. According to RDG1 the size of the plot, which is 8m, should therefore be proportionate to the dwelling occupying it. This is best evaluated by referring to Residential Design Guidance Notes 2 to 6.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. In forms of development where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with a minimum of 1m.

There are mixed forms of development in the vicinity of the application site, made up of detached, semi-detached and terraced dwellings, with varying degrees of space around them. It may be said that this is an area where there is no clear pattern of development.

The proposed dwelling would have a width of some 5.8m with side accesses of 1m in width. These spaces are felt to be proportionate to the size of the dwelling and consequently there is no objection to the proposal on the basis of guidance at RDG2.

RDG3 requires proposals to respect established building lines. The proposed house would be approximately 4.5m from the front boundary which is a little closer to the highway than the adjacent dwellings at No.37 (6.3m from the highway) and No.41 (5.2m from the highway). Whilst sited further forward on its plot than the neighbouring buildings, there is no strong building line in this location, and existing development does not appear regimented. It is not considered that any visual harm would come about from the construction of this dwelling which would add to the varied character of the locality and no objection is raised on the basis of this part of RDG3.

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. It is considered that there is sufficient space between the proposal and neighbouring properties that it would not have an unduly dominating effect.

The proposal has the potential to throw shadow onto the flank wall of 37 San Remo Road, where there is a window in the ground floor side elevation. However, this appears to be a secondary window to a deep room having a window on the dwelling's principal elevation. Furthermore, there is already a high fence situated set on this boundary.

Other neighbouring properties are too remote to be significantly affected by the proposal in terms of overshadowing or dominance. There is therefore no objection to the proposal on the basis of this part of RDG3.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundaries of the site. Where this is not achieved, the use of windows with obscured glazing and limited opening can be used to protect privacy, but only where the windows concerned are secondary windows.

The proposed rear windows would overlook the property's rear garden, which has a depth of approximately 21m (including the rear parking area). The front windows overlook the street. Council guidelines on overlooking are not normally applied to windows overlooking a road as this usually does not result in any loss of privacy to neighbours living opposite.

Subject to a condition requiring the side windows above ground floor level to be conditioned as obscure glazed and with limited openings, the proposal complies with guidance at RDG5.

RDG6 requires the provision of appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. A minimum of 15m<sup>2</sup> per habitable room should be provided, with a minimum of 50m<sup>2</sup>.

The property would have five habitable rooms requiring an amenity area of 75m<sup>2</sup>. A rear garden of some 88m<sup>2</sup> is provided which satisfies this requirement and would not be out of character with the size of gardens in the surrounding area.

### *Parking*

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. This is broadly consistent with paragraph 105 of the Framework. RDG12 of the council's Residential Design Guidance requires parking not to be visually dominant.

The currently adopted standards are the Essex County Council 2009 County Parking Standards. These require the provision of two spaces for properties with two or more bedrooms. The proposal achieves this. It also indicates the provision of an electric vehicle charge point in the garage in accordance with paragraph 110 e) of the Framework.

The provision of a detached garage with hard surfaced forecourt facing Taranto Road is not considered to be a visually dominant form of parking.

Subject to conditions to ensure the provision and retention of parking and the charge point, no objection is raised to the proposal on parking grounds.

### *Flood risk*

Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the

potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

Since the settlement of Canvey Island is located entirely within Flood Zone 3A it is not considered that there are reasonably alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Accordingly, it is considered that the proposal passes the sequential test.

Practice guidance requires that proposed dwellings within Flood Zone 3A must also pass the exception test. Paragraph 160 of the Framework states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at planning application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risk overall.

In respect of the first criterion, the continued need for housing development to serve the community of Canvey Island is considered to provide a wider sustainability benefit, which is necessary, and the first part of the exception test is therefore considered to have been passed.

In respect of the second part of the exception test, the application is accompanied by a site-specific flood risk assessment which demonstrates that although the ground floor of the property would be liable to flood were there to be a tidal flood event, the first floor would offer refuge. Subject to a flood response plan so that the response of occupiers to a flood warning being issued or flooding occurring is managed appropriately, for example by remaining within the first floor of the property rather than trying to evacuate, the second element of the exception test is passed and there is no objection to the proposal on flood risk grounds.

The flood response plan at Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated July 2019 reference CAD/PP/19308/FRS-A is considered satisfactory for this purpose.

### *Drainage*

The Framework states on several occasions including at paragraph 163 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

- 1. into the ground (infiltration)
- 2. to a surface water body
- 3. to a surface water sewer, highway drain or another drainage system
- 4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rain water and combined with a high water table this severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

There is no surface water body on or in the vicinity of the site that could receive surface run off so the next most suitable option is to discharge to the surface water sewer. Attenuated discharge to the surface water sewer at a rate of 1 litre per second is proposed. This is considered to be appropriate in the context of the drainage hierarchy set out in the practice guidance and would minimise any additional burden on the existing drainage infrastructure.

### *Other matters*

Practice guidance also states that the structural safety of buildings is a consideration. This is of particular importance in the case of this dwelling as the first floor would be used for flood refuge purposes. The application is accompanied by a letter from Millard and Partners structural engineers explaining that the structure has been designed to resist the forces that may act upon it up to and including a 1 in 1000 year flood event. Provided that the development is constructed in accordance with the submitted details, it is not considered that occupiers would be at risk of the building suffering structural failure in a flood.

### **Conclusion**

The proposal has been assessed and found to be consistent with National Planning Policy, the council's Local Plan and its Residential Design Guidance. Therefore, in accordance with the presumption in favour of sustainable development set out at paragraph 11 of the Framework, and the statement at paragraph 117 that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, it is recommended that planning permission be granted.

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 Approval with the following conditions**

- 1 The development hereby permitted shall be begun on or before the expiration of three 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 shall be constructed in accordance with the approved materials.

REASON: In the interest of visual amenity.

- 3 The development shall be constructed in accordance with drawing 9867-1 and details prepared by Millard and Partners.

REASON: To ensure the structural stability of the building and the safety of its occupants in the event of a flood.

- 4 Any upper-floor windows in the side elevations of the dwelling shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: In order to prevent overlooking of adjacent residential properties.

- 5 The development shall be drained in accordance with the approved surface water drainage arrangements as shown on drawing CES550/01/01 revision B prepared by CES Civil Engineering Solutions Ltd dated 02/08/2019.

REASON: To ensure that the development does not increase the risk of surface water flooding to this or surrounding sites.

- 6 The dwelling shall not be occupied until the approved garage and forecourt parking space have been provided and made available for use, together with properly constructed vehicular access to Taranto Road, all in accordance with the approved plans. Thereafter, these facilities shall be kept available for the parking of vehicles and not used for any other purpose.

REASON: To avoid an increase in the pressure for on-street parking in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

- 7 Prior to occupation of the dwelling, the redundant bellmouth junction on the San Remo Road frontage of the site shall be removed and the footway, kerbing and verge reinstated.

REASON: To ensure the safety of pedestrians using the highway and to prevent vehicular access to a front garden that is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

- 8 Prior to occupation of the dwelling, it shall be provided with an electric vehicle charge point in the garage as indicated on drawing CAD/PP/19308/005 revision A prepared by Contour Architectural Designs.

REASON: To provide a facility for the charging of plug-in and other ultra-low emission vehicles in accordance with government guidance in the National Planning Policy Framework.

- 9 The approved boundary treatments as shown on drawing CAD/PP/19308/005 revision A prepared by Contour Architectural Designs shall be erected in the approved locations prior to occupation of the dwelling. The front boundary fence to San Remo Road shall thereafter be maintained in the approved location.

REASON: To ensure an adequate level of privacy for future occupiers of the development and to discourage vehicles accessing the site from San Remo Road given that the front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

- 10 There shall be no vehicular access to the site from San Remo Road.

REASON: The front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

- 11 The flood response plan at Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated July 2019 reference CAD/PP/19308/FRS-A shall be enacted upon occupation of the dwelling and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure the safety of occupants of the building in the event of a flood.

- 12 The footpath as shown on drawing CAD/PP/19308/005 revision A prepared by Contour Architectural Designs shall be provided, with a minimum width of 1.5 metres and an additional 0.5 metre wide verge, together with operational street lighting in the locations shown, prior to occupation of the dwelling. The footpath shall be dedicated as highway.

REASON: To retain the pedestrian link between San Remo Road and Taranto Road in the interest of the amenity and convenience of the public.

### **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.

## ITEM 2

<b>Application Number:</b>	<b>19/0433/FUL</b>
<b>Address:</b>	<b>243 Vicarage Hill Benfleet Essex SS7 1PQ (Boyce Ward)</b>
<b>Description of Development:</b>	<b>Demolition of garage and outbuilding, erection of additional dwelling on land to rear and new vehicle crossover to existing property</b>
<b>Applicant:</b>	<b>Mr Smith</b>
<b>Case Officer:</b>	<b>Mr Stephen Garner</b>
<b>Expiry Date:</b>	<b>06.09.2019</b>

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### Summary

The proposal is for the erection of a large detached five-bedroom house in the garden of a dwelling located within an area of land allocated as Green Belt in the adopted Local Plan. The proposal does not fall within any of the exceptions set out under paragraph 145 of the NPPF and is therefore considered to constitute inappropriate development. No very special circumstances have been identified to indicate that permission might exceptionally be approved, and the proposal is therefore recommended for REFUSAL.

The application is presented to the Committee because the applicant is the son of Councillor Smith.

A call-in request has also been received from Councillor Hart due to the possible effect of the proposal on the openness of the Green Belt.

### Site Visit

It is recommended that Members visit the site prior to determination of the application.

### Introduction

The application relates to an irregular shaped site located to the north and west of the junction of Vicarage Hill and the access road to High Warren Fruit Farm. The site is currently occupied by a detached dwelling.

The proposal relates to part of the garden of the existing dwelling set on a slope that extends to the west behind the rear gardens of dwellings fronting Vicarage Hill. There is currently a detached garage serving the existing dwelling located within the area identified as the front garden of the proposal.

Immediately to the north of the site is a large expanse of land which is utilised for agricultural or equestrian purposes whilst to the east, south and west of the site are dwellings set in large plots, all of which are located within the Green Belt. The streetscene of both Vicarage Hill and Hilltop Farm is varied with a mixture of different housing types of varying architectural styles.

### The Proposal

The applicant seeks permission to demolish an existing detached garage, remove a small wooden shed and for the construction of a large detached dwelling with new detached garage on a plot having a maximum width of some 25.0m and depth of 87.0m.



The proposed dwelling is to front Hilltop Farm and would have a partially exposed basement containing a cinema/games room, kitchenette, gym, sauna, changing room and WC/shower room.

The ground floor has a large open plan lounge-kitchen-diner with bar living area to the rear of the property whilst the front section contains a utility room, further reception room, and guest bedroom with walk in wardrobe and an ensuite.

At first floor four bedrooms are proposed, two of which have ensembles and walk in wardrobes. A roof terrace is also provided.

Due to the sloping nature of the land, the ground floor at the front of the property will be at first floor height above the exposed basement at the rear of the site. The dwelling would be some 8.6m in height when viewed from the front and 11.6m at the rear.

A detached double garage would be located forward of the front elevation of the proposed dwelling set 3m back from the eastern boundary of the site some 5m north of the nearest part of the existing dwelling.

A new vehicular crossover providing access to two parking spaces for the existing dwelling is proposed from Vicarage Hill to replace the existing parking area that would be lost as a result of the new dwelling.

The proposed dwelling and garage would be finished externally in a combination of face brickwork and render with dark grey clay roof tiles and timber sash windows.

## **Supplementary Documentation**

This application is supported by a:

- o Planning Statement
- o Ecological Appraisal Including Bat Survey

## **Planning History**

None

## **Local Plan Allocation**

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

## **Relevant Policies and Government Guidance**

### National Planning Policy Framework (February 2019)

#### Local Plan (Adopted 1998)

EC2	Design
EC3	Residential Amenity
EC13	Protection of Wildlife and their Habitats
EC22	Retention of Trees, Woodland and Hedgerows
T8	Parking

#### Residential Design Guidance (Adopted January 2013)

RDG1	Plot Size
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

### Green Belt Boundary Review (2018)

### Essex County Parking Standards September 2009 (Adopted June 2010)

## **Consultation**

### Essex Highways

No objection to the proposal subject to ensuring the provision of:

- o Adequate vehicular access
- o Any new or proposed boundary treatment will be a minimum of 1m back from the highway boundary
- o No discharge of surface water onto the Highway
- o No unbound material to be used in the surface treatment of the access or parking areas

## **Public Consultation**

One objection comment has been received from a neighbouring resident raising the following objections:

- o Loss of privacy
- o Massive size of property will be dominating to nearby properties
- o Noise level during construction will be unbearable

## **Comments on Consultation Responses**

The conditions recommended by the Highway Authority can be attached to any grant of consent where reasonable and necessary.

Comments regarding noise during the construction phase of the development are noted but such matters are a transitory nuisance and do not form a material objection to this proposal. Should noise from construction work take place during unsocial hours or on Sundays this is something that can be addressed under Environmental Health legislation.

All material concerns raised during the consultation period will be considered during this report.

## **Evaluation of Proposal**

The main issue with this application is whether it would be appropriate development in the Green Belt with regard to national policy. The design of the dwelling is considered to be broadly consistent with national and local policy and guidance.

### *Relevance of housing supply shortfall*

In the applicant's planning supporting statement, it is argued that the Local Plan is out of date and should be given minimal weight as the council are unable to demonstrate a five-year housing land supply.

To support this assertion the applicant has referenced appeal two decisions from within the borough (APP/M1520/W/18/3214154 and APP/M1520/W/18/3213212). However, these extracts

are selective. One of these was not located within the Green Belt and no very special circumstances which might have otherwise have outweighed the harm to the Green Belt could be identified in the other. Both appeals were dismissed.

It is acknowledged that the council cannot demonstrate a five-year housing land supply and that the NPPF advises where relevant policies in assessing a development are out of date, which includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless providing a clear reason for refusing the development.

However, the NPPF also states that the presumption in favour of sustainable development does not apply to proposals falling within a protected area. Footnote 6 of paragraph 11 identifies the Green Belt as a protected area and therefore the presumption in favour of sustainable development does not apply in the case of this proposal, despite the age of the current Local Plan and lack of a five year housing supply.

### *Purpose of the Green Belt*

Paragraphs 133 and 134 of the NPPF highlight the great importance of retaining the Green Belt and its strategic function in maintaining the openness and permanence of the Green Belt. The Green Belt's serves five purposes:

- a) "To check the unrestricted sprawl of large built-up areas;*
- b) To prevent neighbouring towns merging into on another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

The applicant contends that the proposed development site will not have any impact with regard to the five purposes the Green Belt serves as listed above.

However, the recent 2018 Green Belt review, which will form part of the evidence base for the emerging Local Plan, identifies the land upon which the proposed dwelling is to be built as very strongly serving three of the five purposes of the Green Belt, a, b and c, and recommends that it should safeguarded from future development so that it retains and maintains its strategic function.

### *Appropriateness of the development*

The current Local Plan does not contain any saved policies with regard to new buildings within the Green Belt and therefore the proposal has to be considered within the context of the NPPF.

Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) "buildings for agriculture and forestry;*
- b) the provision of appropriate facilities for outdoor sport, outdoor recreations, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*

- f) *limited affordable housing for local community needs under policies set out in the development plan; and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - *not have a greater impact on the openness of the Green Belt than the existing development; or*
  - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

Exceptions a) to f) of paragraph 145 do not apply to the circumstances of this application. The applicant has however raised the issue of previously developed land and considers that the application site should be considered as such.

#### *Previously developed land*

The definition of PDL contained within the NPPF states:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure of fixed surface has blended into the landscape.”*

A first point to note is that the shed to be more akin to a ‘chattel’ (impermeant structure) rather than a permanent building and therefore the land does not fulfil the definition of PDL because of the presence of this structure. This view is supported by an appeal against Wigan Metropolitan Borough Council (APP/V4250/A/07/2047494).

The applicant refers to the case of *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors (2017)* in which garden areas outside of settlements were considered as PDL. The applicant opines that the proposed site is not in a built-up area and its garden should therefore be considered as PDL.

Unfortunately, there is no statutory definition as to what does and does not comprise a built-up area. However, were Members to consider that the application site was located within a built-up area the garden would not constitute PDL as the very definition of PDL contained within the NPPF excludes this.

Officers are of the opinion that the application site is not located in a built-up area and therefore a more considered approach to this matter needs to be taken.

An important point to note is that the definition of PDL states it should not be assumed that the whole of the curtilage of land occupied by a permanent structure should be developed. The proposed dwelling is not being constructed on the footprint of the existing garage and nor is the proposed garage being constructed on the footprint of an existing building.

The siting of the proposed dwelling is located such that it does not occupy the footprint of any previous structure and is therefore in an area of garden which has not been previously developed. Accordingly, it is considered that this land does not constitute PDL and it would be inappropriate to develop it on the basis of paragraph 145g) of the NPPF.

Such an approach is supported in an appeal against South Gloucestershire Council (APP/P0119/A/13/2197733) which makes clear that not all of a property's curtilage should be developed.

### *Openness of the Green Belt*

Notwithstanding the above if the proposal were to be considered appropriate development in the Green Belt and fall within the exemption set out under paragraph 145g) the NPPF requires that it must not have a greater impact on the openness of the Green Belt than the existing development.

In undertaking such an assessment regard needs to be had to the findings of both *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 and *Euro Garages Limited v Secretary of State for the Environment* [2018 EWHC 1753].

*Turner* set out that the concept of "openness of the Green Belt" is not narrowly limited to the volumetric approach but is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these factors is how built up the Green Belt is now, how built up it would be if development occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents. Furthermore, the openness of the Green Belt has a spatial aspect as well as a visual impact, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building.

The *Euro Garages* decision considers both the *Turner* decision and *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* [2018] EWCA Civ 489. It considers that where the issue of openness arises the visual impact of the development will generally require consideration, and that should be the case whether there is likely to be a visual impact or there is no visual impact. It concludes that the open textured approach to visual impact, as well as spatial impact, requires consideration, subject to a margin of appreciation. It is not sufficient to treat any and all change as having a greater impact on the openness of the Green Belt, it is the impact or harm of the changes, if any, that need to be considered.

This is consistent with a recently updated section of Planning Practice Guidance (64-001-20190722) which states that openness is capable of having both spatial and visual aspects meaning the visual impact of the proposal may be relevant, as could its volume.

It is acknowledged that due to the location of the new dwelling and presence of vegetation to the north and east of it the proposal will be partially screened and its visual impact will be limited when viewed from public vantage points. However, the proposed development will have a material impact on the views and perception of the openness of the Green Belt from the rear of properties fronting Vicarage Hill.

Most notably uninterrupted views of the Green Belt across the entire rear boundary of No.241 would be lost and replaced with the flank wall of the proposed development. The proposed development would also be clearly visible by occupiers of Nos. 227, 231, 235, 239 and 241, and therefore have a detrimental impact on their perception of the openness of this piece of land.

Whilst views across private land are not protected under planning law, the visual impact of development on the openness and perceived openness of the Green Belt is a material consideration, as identified in the aforementioned High Court cases.

This visual intrusion is increased by the fact that properties fronting Vicarage Hill would not just have the view of a two-storey dwelling, but that of a large three storey dwelling. Despite the applicant's arguments that the proposal has been sensitively designed to suit the lay of the land so that it would appear as a two-storey dwelling, they fail to acknowledge that the rear

three-storey aspect of the property will be clearly visible to properties fronting Vicarage Hill which, in the opinion of officers, would appear as a large and intrusive feature on the currently undeveloped land.

Contrary to the assertions made by the applicant officers do not consider that the proposal can be found to be in accordance with NPPF Green Belt policy.

The planning statement submitted by the applicant concludes by saying the primary benefit that would arise from this proposal would be the addition of a dwelling to the Borough's housing supply, which is substantially short of meeting its housing need. Such an argument is perhaps an indication of the lack of any merit found in arguments to support the proposal on Green Belt grounds.

The relevance of a lack of housing supply in terms of NPPF Green Belt policy has already been discussed above and it is clear that the lack of a five-year housing supply does not justify the approval of new buildings in the Green Belt. If it did it would surely have been added to the list of exceptions set out under paragraph 145.

There is no doubt that the provision of an additional dwelling would make a positive contribution to the housing under supply position. However, the contribution from one dwelling would be limited and would not significantly and demonstrably outweigh the harm to the Green Belt.

Members should also note that by granting permission for new dwellings classified as minor development such as this the council is forfeiting any possibility of obtaining contributions in respect of affordable housing and other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

The Local Plan will ultimately establish the level of housing in the Borough to meet the needs of residents and ensure that there is sufficient supply to secure affordable housing and infrastructure. The Local Plan will also set the Green Belt boundaries and identify how development within the Green Belt is to be managed in accordance with national policy. The integrity of the Green Belt will be undermined by inappropriate development such as this and piecemeal development on small sites, particularly where the land has not been previously developed, will lead to the erosion of the Green Belt, its openness and the coalescence of communities.

### *Very Special Circumstances*

Paragraph 143 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances.

Paragraph 144 advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In the light of the above it is incumbent on planning authorities to consider if any very special circumstances exist which might outweigh the harm to the Green Belt. Notwithstanding differences of opinion between the applicant and officers as to whether the application site constitutes PDL, were the land to constitute PDL it is not considered that the lack of a five year housing supply and lack of any significant visual detriment to the appearance of the Green Belt from public vantage points in the adjoining lane would amount to very special circumstances which would outweigh the harm to the Green Belt identified in this report.

No other considerations have been identified by the applicant which might amount to very special circumstances and officers are not aware of any either.

## Design

In design terms the design of the proposed dwelling and detached garage are considered to be broadly acceptable in terms of the councils currently adopted policies contained within both the Local Plan and the Residential Design Guidance.

However, an objection has been received during the consultation period from a property adjoining the applicant site stating that the proposed dwellings massive size will be dominating to nearby properties.

### *Overshadowing and dominance*

RDG3 requires proposals to not result in excessive overshadowing or dominance to any elevation of an adjoining property.

It is acknowledged that the flank wall of the proposed dwelling will extend along the entire rear boundary of No.241's property. However, this is not an uncommon relationship to observe near junctions of roads in residential areas whereby a flank wall is visible at the bottom of a rear garden. Although tall and quite deep, the proposed dwelling is set 2.5m back from the boundary and orientated to the north of the adjoining neighbour, who also benefits from a rear garden depth well in excess of 20m. Accordingly, it is not felt that the proposed dwelling would overshadow the neighbours or unacceptably dominate their outlook contrary to RDG3.

Concern was also raised during the consultation period about the loss of privacy resulting from the proposed development.

RDG5 states that for all development above ground floor level, for windows installed on the 1<sup>st</sup> floor a distance of 9m shall be provided between the windows, edge of balconies or raised amenity space and the boundary it directly faces. This distance will be increased to 15m at 2<sup>nd</sup> floor level.

Not all of the front elevation windows meet the 9m required distance under RDG5. However, the front of the property is heavily screened with vegetation and even if this were to be removed, the property would overlook a private road which provides access to this property. This shortfall does therefore not result in a loss of privacy to the neighbours opposite.

Windows located on the northern elevation of the dwelling as well as some of the windows on the western elevation, including the roof terrace, also do not meet the required distance under RDG5. However, these windows overlook Green Belt land which is used in association with farming and equestrian activities. The boundary is also naturally heavily screened, so no actual loss of privacy would occur from these windows. Some of these windows also serve ensembles and so are likely be obscure glazed anyway.

There are two windows located on the southern flank wall of the proposed development. The ground floor window due to elevational changes within the plot is effectively at first floor level so ought to provide 9m to the boundary it directly faces. Neither this window or the window above provides more than some 2.5m to the boundary of the rear garden of No.241, which they directly overlook.

However, these windows are either secondary windows to a habitable room or serve a non-habitable room (dressing room) and therefore could be obscure glazed and fixed shut to

protect the neighbouring properties privacy if consent were to be granted. The use of such a condition is common practice and in accordance with the guidance set out in RDG5.

Subject to condition, no objection is raised to the proposal under RDG5.

The proposal has also been assessed against EC2 and EC3 of the current adopted Local Plan as well as RDG1, RDG2, RDG7, RDG8 and RDG10 of the council's supplementary Residential Design Guidance, to which no objection is raised.

### *Amenity Space*

RDG6 seeks to ensure the retention of adequate private amenity space/area to serve the needs of the dwelling occupiers. Amenity space is provisioned on the basis of 15m<sup>2</sup> for each habitable room contained in the dwelling.

As the proposed dwelling is to be constructed in a large area of private amenity space serving the current dwelling it is important to assess whether the proposed development not only has sufficient amenity space to meet its own needs but also does not result in the creation of an amenity shortfall for the existing dwelling.

The proposed dwelling has 10 habitable rooms requiring the provision of some 150<sup>2</sup> of outdoor amenity space, which it comfortably satisfies.

An area in excess of 250m<sup>2</sup> is provided to the side of the existing dwelling which is more than sufficient to meet the requirements of the occupiers of the dwelling occupying the site. Whilst it is unusual for such an amenity area not to be enclosed by fencing given the level of natural screening around the boundaries of the site the use of this space for the existing dwelling as private amenity space is satisfactory.

No issue is raised to the proposal with regard to RDG6.

### *Parking*

Policy T8 requires adopted parking standards to be taken into account. The current adopted Essex Parking Standards require a minimum of 2 spaces for properties with 2 or more bedrooms. Forecourt parking spaces should be 2.9m x 5.5m whilst garage spaces should be 3.0m x 7.0m.

The proposed dwelling is provisioned with a double garage which meets the required standards as well as an area of hardstanding to the front of the property to provide additional off-street parking provision.

RDG12 states that all forms of parking must not dominate the public realm, enable safe and unhindered access to the dwelling and must utilise a high-quality standard of materials for surface treatment with parking provisions that should seek to incorporate Sustainable Drainage Systems (SuDS).

Parking for the proposed dwelling is arranged such that it enables easy, safe and unhindered access to and from the main entrance of the property. Additionally, there is suitable room to park several vehicles without dominating the property or the streetscene.

No surface finishing details have been supplied for the hardstanding to the front of the dwelling to indicate that it would be SuDS compliant. However, this does not necessarily result in an objection to the proposal as this is a matter that can be secured by condition were the proposal to be approved.



A new dropped kerb and crossover has been applied for under this application in order to access an area of hardstanding adjacent to Vicarage Hill where off street parking provision for the existing dwelling is proposed. The two spaces proposed are to compensate for the loss of the dwelling's parking area taken up by the proposed double garage for the new dwelling.

The proposed spaces measure 2.9m x 5.5m so meet the council's adopted parking standards and would not dominate the property or the streetscene. Again, no surface finishing details have been supplied for the hardstanding but as stated previously this is a matter that can be dealt with by condition were the application approved.

No objection is raised to the proposal under Policy T8 and RDG12.

### Other Matters

Policy EC13 of the adopted Local Plan states that development will be refused if it is prejudicial to the interests of all wildlife and the retention and management of important habitats.

The site is not located within an area of recognised habitat interest. A preliminary ecological assessment has been submitted in support of the application which identifies that there may be badgers in the area that forage on the site. Therefore, were permission granted the provision of badger ramps will be required to enable any foraging badgers who may fall into exposed trenches to escape. Subject to such a condition, no objection is raised to the proposal under Policy EC13.

Policy EC22 discusses that in schemes for new development, existing trees shall be retained wherever possible and that the loss of existing tree cover shall be kept to a minimum.

After discussion with the applicant, they are proposing to retain as many trees as possible and avoid harming them during construction. Trees of note on the site include the tree to the front of the existing dwelling adjacent to Vicarage Hill, the tree near the entrance off of Hilltop Farm and trees/hedgerows located on the northern, eastern and western boundaries with trees at the bottom of the garden remaining untouched.

Trees located where the dwelling will be constructed will have to be removed if permission is granted and notably two maple trees fall within this area.

On the site plan indicative root protection areas (RPAs) are shown. Were consent to be granted it would be necessary to attach a condition requiring the identification of all trees to be retained and those to be removed from the site. An arboricultural method statement with foundation details and method of construction within the RPA of any trees would also be required.

Subject to such conditions, no objection is raised to the proposal under policy EC22.

It is further noted that Paragraph 110 of the NPPF requires development, where practicable, to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Following the announcement by the government in 2017 that it intends to ban new petrol and diesel cars from 2040, it is considered that the need to provide infrastructure for charging electric or hybrid vehicles is now even more pressing, to enable drivers to switch to such vehicles ahead of the phasing out of completely petrol- and diesel-powered vehicles.

The application does not include the provision of any electric vehicle charge points and no justification is provided as to why such provision would not be practicable. Whilst this represents an objection to the proposal it is a matter that can be dealt with by condition on any permission granted so does not amount to a reason for the refusal of planning permission.

## Conclusion

The design of the dwelling is considered to be satisfactory in terms of the council's Residential Design Guidance and not to have any unacceptable adverse impact on the amenity of neighbours.

However, the site is located within the Green Belt where inappropriate development is only permitted in very special circumstances.

The 2018 Green Belt review has identified the site as having a strong Green Belt function.

The land upon which the dwelling is proposed is not occupied by a permanent structure and cannot therefore fall within the exception set out under paragraph 145(g) of the NPPF, irrespective of any arguments about a lack visual harm. No other exceptions under this guidance are remotely applicable.

The proposal therefore constitutes inappropriate development, which by reason of its inappropriateness, and identified visual harm for occupiers of the properties fronting Vicarage Hill, would have a detrimental impact on the openness of the Green Belt.

The lack of a five-year housing supply is not an exception listed under paragraph 145 of the NPPF and in accordance with footnote 6 of paragraph 11 of the NPPF cannot be used to justify development contrary to Green Belt policy.

In accordance with local appeal decisions the lack of a five-year housing supply does not constitute a very special circumstance and no very special circumstances have been identified by officers or advanced by the applicant to justify why the proposal might exceptionally be permitted.

Consequently, the proposal is considered to be contrary to national Green Belt policy and recommended for 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 reason:**

- 1 The proposed development is located within the Green Belt as delineated within the Council's adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposed dwelling is not located on previously developed land and fails to fall within any of the exceptions listed under paragraph 145 of the NPPF. The proposal therefore constitutes inappropriate development which by definition as well as the harm arising from its visual intrusion into the landscape would have a detrimental impact on the openness of the Green Belt. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and approval of the proposal would therefore be contrary to government guidance as set out in the National Planning Policy Framework.

## **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.