



**PLANNING APPLICATIONS WEEKLY LIST NO.1492**  
**Week Ending 20th September 2019**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 17.10.2019
  
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **25th September 2019** this needs to include the application number, address and the planning reasons for the referral via email to Leadership Support Team [leadershipsupportteam@rochford.gov.uk](mailto:leadershipsupportteam@rochford.gov.uk) . If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone the Leadership Support Team to ensure that the referral has been received prior to the deadline
  
- (iii) Any request for further information regarding applications must be sent to the Leadership Support Team via email.

**Note**

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Marcus Hotten, Assistant Director of Place & Environment. A planning officer will then set out these planning reasons in the report to the Committee.



dwelling with one parking bay serving the new unit. An existing cycle store (serving No. 18) is shown as being retained. A further visitor parking space is indicated being located closer to the rear aspect of Number 18 adjacent to a 79 square metre amenity space which it is indicated would serve the requirements of both the occupants of the apartments at Number 18 and the dwelling house.

It is indicated that the dwelling in terms of appearance will comprise rendered wall elevations, plain concrete terracotta coloured tiles as roof cladding and white uPVC fenestration and uPVC rainwater goods. Site boundaries will comprise of 1800mm high close boarded fencing whilst the 7 car parking spaces currently provided to the rear will be increased by 1 to provide the required parking space for one vehicle. The design indicates a hipped roof dwelling incorporating characteristically low eaves levels and a roof design which is minimised in terms of massing due to its design.

The planning application is inclusive of a Tree Protection Method Statement and Protection Criteria report together with An Arboricultural Report which recognises the presence and location of the large preserved oak tree to the rear of the site and the subject of Tree Preservation Order 01/00 and the potential impacts of any excavation works on the root protection area of this specimen.

## SITE HISTORY

Application No. 11/00168/FUL subdivide Plot And Construct One Bedroomed Bungalow And Associated Parking Space And Amenity Area With Access - Application refused 20.5.2011 for the following reasons;

1 The proposal would result in an unsatisfactory tandem relationship with the ground floor flatted accommodation sharing the site with the proposed bungalow directly facing the rear windows of the existing ground floor flats and giving rise to loss of privacy to the detriment of the amenity of the occupiers of the flats and future occupiers of the bungalow proposed contrary to parts (viii) and (ix) to policy HP 6 and Part (ii) to policy HP 14 to the council's saved local plan (2006)

2 The proposal would develop existing amenity space available on the site for the existing four flats resulting in a reduction in area significantly below the council's minimum standard for the number of flats on the site. If allowed the development would therefore reduce amenity space provision and increased pressure upon the remaining space such that occupiers of the flats would have insufficient space for limited outside storage and recreation to the detriment of the expectations of amenity that those existing and future residents ought reasonably expect to enjoy.

3 The proposed layout would result in the loss of part of the existing parking required to serve the existing flats on the site and below the council's standard. If allowed the proposal would result in increased parking on adjoining streets to the detriment of the free flow of traffic and the character and appearance of those streets more generally.

## MATERIAL PLANNING CONSIDERATIONS

The National Planning Policy Framework (NPPF July 2018) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. Additionally, the NPPF sets out the requirement that applications proposing residential units should be considered in the context of the presumption of sustainable development. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design that would promote the character of the locality and enhance the local identity of the area.

The National Planning Policy Framework also places emphasis on the importance of design in achieving well-designed places recognising that the creation of high-quality buildings and places is fundamental to what the planning and development process should seek to achieve. Policy DM3 of the Development Management Plan seeks demonstration that infill and back land development positively addresses the existing street pattern and density together with the number of dwellings and dwelling types appropriate to the locality.

This objective is also reflected by policy DM2 of the Development Management Plan requires that residential development must make efficient use of land in a manner that is compatible with the use, intensity, scale and character of the surrounding area. The policy goes on to stipulate that the density across a site should be a minimum of 30 dwellings per hectare, unless exceptional circumstances can be satisfactorily demonstrated. The precise density for any individual site will be determined by its immediate context, on site constraints, the type of development proposed and the need to provide an appropriate mix of dwellings to meet the community's needs.

Policy DM3 indicates that proposals for infilling, residential intensification or back land development must demonstrate compliance with a number of key objectives. Key considerations include the design of the proposed development in relation to the existing street pattern and density of the locality, potential impacts of proposed development upon residential amenity and upon the historic environment, the provision of adequate amenity space to serve the residential use and sufficient site access.

One of the key considerations is considered to be that of the principled acceptability of the development within this rear aspect taking into account the particular characteristics of the site, its relationship with the existing residential units at Number 18 and the character and pattern of the built form and layout within the immediate vicinity.

It is acknowledged that back land development does not always constitute feasible proposal as there are often constraints in terms of the level of amenity that can be safeguarded to serve the dwelling / unit proposed in addition to challenges in maintaining the amenity of adjacent properties and providing adequate access and parking. Related to this is the requirement to ensure that the built form and layout preserves the area's prevailing character and

setting. Backland development would be considered inappropriate where the built form were to occupy a rear garden area at a location where the prevailing character of an area by reason of its layout was characterised by dwellings fronting the highway served by large rear gardens all of which remained open and undeveloped.

In this particular case the development proposed is within a vicinity where the prevailing character and setting consists of not only a continuation of rows of dwellings arranged along Ashingdon Road but also an element of built forms arranged within enclosed rear courtyards to the rear of the frontage properties which is the case at Number 20 where it is noted there are two single storey dwellings within the aspect of the property. Given the location and its relationship to adjacent built form, it is not considered as a matter of principle in this instance that the development is objectionable subject to compliance with key criteria relating to design including its appearance, the attainment of adequate amenity space, compliance with the Technical Housing Standards and the Supplementary Planning Document SPD 2 House Design and the safeguarding of amenity for both the residential planning unit to be created and existing adjacent properties.

The Supplementary Planning Document also advises on minimum requirements for site frontage which are a useful measure to guard against the overdevelopment of infill sites. The standards set out allow for the variation of frontage sizes where necessary to ensure they are compatible with the existing form and character of the area. The guidance however provides no criteria or requirements for minimum frontages to backland plots.

Notwithstanding the issue relating to potential impacts of the development on the integrity of the oak tree which is safeguarded by a Tree Preservation Order (TPO/ 01/00) which is discussed under a separate heading it is considered in this instance that the design in terms of its layout which achieves an appropriate level of amenity space to serve the proposed dwelling whilst maintaining the parking and amenity space offered and available to the apartments at Number 18. One critique of the layout is that the parking is located to the front of the dwelling such that the immediate outlook from the front aspect of the dwelling will be onto a courtyard parking which is not an unusual arrangement and which replicated in effect (what to a lesser degree) is the arrangement at the neighbouring property, number 20.

On further consideration of the design layout there is very little to distinguish this scheme from the previously submitted planning application 11/00168/FUL in that the footprint of the proposed dwelling is similar, the difference being that its location has been shifted to the opposite side of what is a limited rear enclosed backland plot.

The layout due to the physical constraints placed on development by plot width and the need to maintain an appropriate level of amenity space and parking to serve the flats at the front appears cramped. Despite amenity space amounting to 100m<sup>2</sup> being provided which is predominantly to the East boundary under the cover and shade of a large Oak tree which is subject to a

Tree Preservation Order no amenity or outlook is offered by the design layout at the front aspect which is dominated by frontage parking which is mainly to serve the flatted units fronting Ashingdon Road.

It is clear that in order to maintain the level of parking required to serve these flats that the level of amenity which ought to be provided within this new development is compromised whilst in reality there will be no separation between the habitable unit and the intended open parking area to its front which is not a desirable design outcome which it is considered is at odds with both the council's Local Development Framework's Core Strategy Policy CP1, and Policy DM1 and DM3 of the same Frameworks Development Management Plan and Chapter 12 of the National Planning Policy Framework (NPPF) (February 2019) which emphasises the importance of achieving well designed places.

Although reference may naturally be made to backland development which has taken place in the adjacent plot, it is not considered that the acceptance of this development in itself which would have been informed by the prevailing policies at that time provides a basis for the acceptance of this scheme which has to be considered on its individual merit.

The east elevation incorporates 5 full length glazed panels whilst the west elevation incorporates a set of french doors providing an outlook into the grassed amenity space which flanks these elevations providing a level of amenity and outlook. The ridge height of the roof is approximately 4.6 metres with high level windows to the rear elevation which will be barely if at all discernible from the rear amenity of the neighbouring property as the rear elevation will be screened out by the existing boundary. From this perspective it is considered that the development is acceptable.

It is not considered that the development by reason of the positioning of any windows will provide a direct outlook in the direction of any property such that its amenity will be fundamentally affected. It is neither considered that the development by reason of its position, bulk or massing will impact upon the light enjoyed by any property such that there are residential amenity implications arising in this instance.

The objection to the proposal is on the basis of its layout as a whole when taking into account its relationship with the flatted development at the front and the limited amenity that would be enjoyed at this property which is a key aspect of design which advocated place making as an intrinsic aspect of good design which it is considered will not be achieved in this instance. The design layout would amount to a dwelling which is 'shoehorned' into a corner hemmed in on its prominent frontage by hardstanding and parking.

It is a development which not only has the potential to be blighted by amenity issues caused by the use of the frontage parking by occupiers of the flat but also by its location within a darkened corner influenced by the shade that inevitably will be cast over the amenity space by the presence of a large Oak tree which is protected under statute which would not justify any works being

undertaken to it such as to merely suit the expectations of any occupant for a well lit and shade free garden.

It is noted that the rear amenity space serving 4 flats amounts to 79 m<sup>2</sup> which would equate to a communal area per flat which falls short of the 25m<sup>2</sup> are requirement per flat. However, it is acknowledged that the Supplementary Planning Document (SPD)<sup>2</sup> does indicate that this method can be combined with any other provision including the minimum balcony area of 5 m<sup>2</sup>, with the ground floor dwelling having a minimum patio garden of 50 m<sup>2</sup>. As such it is not considered that the local planning authority can find the implications of the development in this context objectionable.

### National Space Standards

The attainment of adequate accommodation space including storage space is required by Policy DM4, although this policy was effectively superseded by the National Technical Housing Standards, compliance with the minimum requirements is required.

The Technical Standards indicate that for a single storey property which has a bedroom exceeding 11.5 square metres (which is a two bed space bedroom) as is the case in this instance should have a minimum gross internal floor space of 50 square metres with 1.5 square metres of storage space. In addition, the standards indicate that one double bedroom should have a minimum width of 2.75 metres wide. The gross floor space of the property is indicated to be approximately 67 square metres with 1.6 square metres of storage. The development complies with these requirements and therefore is policy compliant.

The Local Development Framework Supplementary Planning Document 2 Housing Design sets out minimum requirements in respect of amenity spaces which are to be provided to serve residential planning units. The Design Guide criteria for minimum garden areas has been adapted as a result of changing household sizes. The range of house types now required includes a considerable proportion of small dwellings. The resultant higher densities mean that garden sizes are likely to be below the 100 M<sup>2</sup> minimum recommended in the Design Guide. The Local Planning Authority will apply the following criteria when considering the provision of private garden areas. Houses, when built, shall have a minimum private zone garden area of 100 m<sup>2</sup>. Exceptions to this requirement include the minimum amenity area provision of 50square metres for one-bedroom dwellings. It is considered that the amenity space provision exceeds these requirements.

### Landscaping

The Supplementary Planning document also indicates that landscaping is an important aspect of visual design. The lack of it can render an otherwise satisfactory scheme dull and uninteresting. Conversely, a mundane development can be

transformed by an imaginative scheme. The proportion of green space relative to hardstanding is considered acceptable although the frontage of the site is dominated by hardstanding which serves other residential accommodation which is considered to be one of the issues on this instance.

#### Impact of Development on Protected Oak Tree

It is noted that the site is in the proximity of a large preserved oak tree the subject of TPO/01/00 which has been the subject of comment by the councils Arboricultural and Ecological Advisor who initially expressed concern regarding the impact of the development on the integrity of this tree specimen. The matter was raised with the agent at that time who expressed that it could be demonstrated as part of a pre commencement condition that the foundation design will mitigate any demonstrable harm to the root protection area of this tree.

On further consideration of this matter, it is noted that the root protection area shown by the previous site layout plan accompanying planning reference 11/00168/FUL indicated a root protection radius of 12.96 metres.

Comparisons have been made between the Tree Assessment submitted to support the 2011 application and the assessment submitted in support of this current application. The 2011 report highlighted the issue which existed with the tree in relation to residential occupation including leaf fall etc. The RPA was indicated to be 527.66 m<sup>2</sup> giving a circle radius of 12.96m.

The current application stated the RPA area to be 706.95. The explanation provided by the agent was that the calculation method of defining RPA's changed between these 2 reports in 2012 (BS 5837:2012) generally making them larger. The latest report requires a larger RPA under a more stringent set of requirements

The position of the local planning authority informed by its specialist advisor is that based on the time lag between the last assessment undertaken to support the application in 2011 and the commensurate growth that despite the change in the modelling formulae the 'The impact assessment will need revising to take account of the new RPA calculations to determine the impact and further mitigation required' the agents position appears to be that due to the more stringent approach to calculating RPA there is no real difference to the tree in terms of impacts more than the 2011 application which it is noted was not refused on impacts of the development on the tree but three other reasons.

The response received from the councils Arboricultural and Ecology Advisor indicates that the method of calculation applied has been based on the requirements and implications for root protection areas on the basis of minor structures such as sheds and green houses. The current view is that the method of calculation is the incorrect approach given the type of development proposed on the basis of which there would be a significant difference in the foundation depth of residential development which would

Significantly bear on the Root Protection Area RPA of the Oak Tree.

In conclusion therefore the application has not demonstrated that the development can be undertaken without significant detriment to the protected Oak Tree which if implemented would it is considered conflict with policy DM25 of the Local Development Framework's Development Management Plan.

### Sustainable Design

Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. As Policy ENV9 is an adopted policy the Council can require all new dwellings to meet the optional building regulation requirement relating to water efficiency contained in the Building Regulations of 110 litres/person/day; a planning condition is recommended to require this.

Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement (2015) relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies in respect of energy. The Code for Sustainable Homes standard has now been phased out and a condition requiring compliance with Part L of the Building Regulations is recommended in place of this.

### Representations:

Rochford Parish Council: Objection

Comment that Members objected to this application for the following reasons:

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- o The width of the access driveway, particularly for use by emergency vehicles
- o It appears to be back land development
- o The property is very close in proximity to the existing residential building

Rochford District Council Arboricultural and Ecology Advisor: objection

T1 Oak is subject to a tree preservation order. The long-term retention of this tree is desirable, the tree is a large, mature specimen offering high visual amenity and landscape value, the tree helps to break the hard roof line landscape and softens views across the historical town of Rochford. The tree is a healthy specimen with no obvious defects, although at the time of survey the stem was clad in ivy, the crown, leaves, etc. appeared healthy and normal in size, shape and colour for the time of year. The category grading of B is probably incorrect; using the criteria in BS 5837 the tree should be categorised as A1/3.

The proposed build would sit within the root protection zone and below the crown spread of T1, it is very likely that significant ground disturbance resulting in root loss will occur from construction of services, soakaways, and foundations. It is very likely that the crown of T1 will require lifting and reducing to allow access to the construction, this will remove a significant amount of the south eastern aspect of the crown resulting in a large gap, large pruning wounds and loss of visual amenity. The end use of the amenity space will be compromised due to the crown spread of the tree, the light entering the amenity space and property will be reduced in the morning and midday due to the height, spread and crown density, it is very likely that the loss of useable amenity space and reduction in clear sky / light levels will result in ongoing applications for tree works; the council will be unable to refuse such applications due to the nuisance caused by proximity.

I would recommend the application be refused due to the likelihood of damage to the tree, loss of visual amenity and future pressure to remove the tree due to loss of useable amenity space, light and clear sky.

London Southend Airport: No safeguarding objections.

## REFUSE

- 1 The development by reason of its layout taking into account its close proximity and relationship with that rear back land area which is to continue to serve 4 flats at 18 Ashingdon Road would appear cramped. The frontage to the dwelling would be dominated by parking space which is to serve un-associated residential development with consequential detrimental impacts upon the amenity of the property at this aspect with particular regards to expected levels of outlook and privacy. The proposed development is considered to be at odds with prevailing national and local planning policy guidance that relates to good design and thus conflicts with Chapter 12 of the National Planning Policy Framework (achieving well designed places) , policy CP1 of the council's Local Development Frameworks Core Strategy ((adopted December 2011) and policies Dm1 and DM3 of the Framework's Development Management Plan (adopted 16 December 2014) .
- 2 The development has not demonstrated that the root protection area of the protected Oak tree th subject of Tree Preservation Order 01/00 can be safeguarded, nor adequate mitigation deployed where it may be affected. It is considered that the method of calculation of the root protection area of this tree is flawed in that the methodology which has been relied upon to define the root protection area relates to development other than residential development where foundation depths would be greater than those applied to garden structures. The development is considered to conflict with Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Policy DM25 of the Framework's Development Management Plan (adopted 16 December 2014).

## Relevant Development Plan Policies and Proposals:

National Planning Policy Framework: Chapter 12 of the National Planning Policy Framework (achieving well designed places), Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment)

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - CP1

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. - DM1, DM2, DM3, DM25 and DM30

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

Parking Standards Design and Good Practice (2010)

The local Ward Member(s) for the above application is/are Cllr M J Lucas-Gill  
Cllr M J Steptoe Cllr A L Williams

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Application No :	19/00203/FUL	Zoning :	Metropolitan Green Belt
Case Officer	Mr Arwel Evans		
Parish :	Canewdon Parish Council		
Ward :	Roche North And Rural		
Location :	Canewdon Hall Farm	Canewdon Hall Farm	Canewdon
Proposal :	Demolish existing chalet house and construct new dwelling		

## SITE AND PROPOSAL

### The Site

The application site which is inclusive of the existing dwelling (which comprises an approximate internal floor space of 298 metres) and its spacious curtilage comprises an area of 5,359m<sup>2</sup>. The site is currently occupied by a one and a half storey chalet style dwelling which incorporates limited loft space accommodation originally constructed to provide residential accommodation for the adjoining agricultural unit. It lies within a large plot with mature planting along its boundaries which offers the site a sense of seclusion despite its proximity to residential development.

The site is located within the designated Green Belt and the Coastal Protection Belt. The site is located directly west of Canewdon Hall Farm and

north west of St Nicholas's Church (a Grade II\* listed building which also lies with the Canewdon Church Conservation Area which includes a number of other listed buildings in the vicinity.) The application site and the grounds of the church are separated by the access road which serves these respective properties. In its wider context the site is located approximately 74 metres west of the rear garden boundaries of properties located at Canewdon Hall Close whilst to the north, south and west the site is enveloped by open countryside.

## The Proposal

This application is submitted further to the refusal of a previous application seeking a replacement dwelling under planning reference 18/00015/FUL which was refused on 27th March 2018.

It is proposed to demolish the existing dwelling and construct a new detached 3 bedroom dwelling in the same location within the site being slightly handed relative to the existing whilst vehicular access would remain from the lane which provides access to the church from Lark Hill Road, using the existing driveway where there is plenty of space for car parking. The new dwelling would be two-storey and of distinctive design with three gable ended sections facing south and two to the north, including a balcony. The gables would have timber edging with the entrance having stone cladding. The dwelling would be mainly rendered with significant glazed vaulted elements under a tiled roof.

The intention is to form a chalet style dwelling of a similar height to the existing dwelling. The ground floor will contain a floor area of 178 m<sup>2</sup> and the first floor will contain a floor area of 146 m<sup>2</sup>. The total floor area of the proposed dwelling amounts to 324 m<sup>2</sup>.

## RELEVANT PLANNING HISTORY

ROC/127/59 - Erection of detached agricultural bungalow - permitted

ROC/48/69: Erection of 3 bedrooms, WC, rooms in roof and addition to garage - permitted

18/00015/FUL: Demolish Existing Dwelling and Construct House: Refused 27.03.2018

18/00897/LDC Application for a Lawful Development Certificate for a proposed side and rear extensions PERLDC - Grant Lawful Development Certificate 27.11.2018

18/00911/DPDP1 Householder Prior Approval for Single Storey Rear Extension. Projection 8m from Original Rear Wall, Eaves Height 2.7m, Maximum PDNOT - Prior Approval of Details Not Required 31.10.2018

## MATERIAL PLANNING CONSIDERATIONS

The site is located within the Metropolitan Green Belt as defined by the Council's adopted Allocation Plan.

The key issues for consideration are:

- (i) Whether the proposal is inappropriate development in the Green Belt
- (ii) The effect on the openness of the Green Belt
- (iii) Other considerations

and

(iv) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

- (i) Whether the development proposed would be inappropriate:

The National Planning Policy Framework at paragraph 143 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt citing a number of exceptions which includes that cited by exception (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. On the basis that the proposed dwelling will be materially larger than the existing dwelling it is to replace the development by definition is considered to constitute inappropriate development.

The applicant's supporting statement indicates that the total floor area of the existing house as originally built is assumed as 170 m<sup>2</sup>. The original dwelling as subsequently extended amounts to an approximate floor area of approximately 298 m<sup>2</sup> whilst the development now proposed proposes accommodation providing a ground floor area of 178 m<sup>2</sup> and a first-floor area of 146 m<sup>2</sup>. The total floor area of the proposed dwelling amounts to 324 m<sup>2</sup>.

Fundamentally given the criteria set out within the NPPF under criteria (d) when considered in conjunction with the purposes of including land within the Green Belt, it is clear that an increase in any built mass as compared to the

prevailing circumstance will harm Green Belt openness by reason of its very presence regardless of its prominence or its aesthetic.

(ii) Impacts upon openness:

The second issue is that of the effect of the development on the openness of the Green Belt.

Paragraph 133 of the NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

One of the five purposes of a Green Belt outlined at paragraph 134 of the Framework is that it should assist in safeguarding the countryside from encroachment. Given that the size of the proposed dwelling would be larger than the existing it would inevitably have an adverse impact upon the openness of the Green Belt as a result of its Greater Size and Bulk.

This conclusion is supported by the *Timmins V Gedling Borough Council* (2014) EWHC 654 (Admin) case which confirmed the position that any construction harms openness irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or other qualities. This case also emphasises a 'clear conceptual distinction between openness and visual impact' indicating that 'it is wrong in principle to arrive at a specific conclusion as to openness by reference to its visual impact'.

In considering the residual impacts of the proposed development on the openness of the Green Belt, comparing the existing built form with that proposed it is considered that the replacement building will constitute a larger and more imposing structure, the scale and massing of which is emphasised by the 5.82 metre wide pitched roof gable projections to the front elevation which are also reciprocated at the rear elevation. The physical imposition of the building proposed on its Green Belt setting is further accentuated by a balcony feature and large full length glazing of considerable scale and deeper flank elevations which are noted to be 14.50m in depth.

The height of the proposed is noted to be approximately 7.26m relative to existing / proposed finished floor level which forms one continuous ridge line extending 17 metres as compared to the staggered roof line which currently prevails where the main section is noted to carry a height of 6.91 over only 10.67 metres approximately whilst another section (8 metres in length) is set at a lowered roof level whilst the flat roof garage (8 metres) is even lower which entails that despite a current length of approximately 27 metres, this arrangement does not present a physical mass of the same effect as that created by the proposed replacement which presents a very different physical proposition to the existing structure.

The existing dwelling's roof ridgeline over the limited 10.67 metre length highest roof section is noted to be approximately 6.91m which would entail

that the ridgeline of the new dwelling would be raised by 350mm in comparison whilst the eaves height would be increased from 2.82m to 2.97 which would be carried over a greater length given the current arrangement described.

It is considered and concluded as a consequence that the impact of the proposed development would demonstrably harm Green Belt openness which would set the development to be in conflict with the underlying objectives of Green Belt policy.

(iii) Other considerations (Local Development Management Plan policies)

The council's Local Development Framework Development Management Plan policy DM21 (The Replacement or Rebuild of Existing Dwellings in the Green Belt) is aligned with the NPPF in its objective of minimising the impact of built form on Green Belt Openness. Policy DM 21 sets out a limitation on any increase in floor space provision (compared to the existing) of 25% importantly setting this increase against the original dwelling and not as extended.

The preamble to the policy criteria itself indicates that permitting the replacement or rebuild of existing dwellings offers the opportunity to achieve an improvement in the appearance of many dwellings in the Green Belt. The type of materials, design, location within the plot and landscaping of the site are all matters which will be examined in great detail to ensure that the completion of the dwelling is to a very high standard.

The policy permits such development in principle taking into consideration the following

(i) the total size of the dwelling should result in no more than a 25% increase in floorspace of the original dwelling; (ii) the condition of the original dwelling (derelict or abandoned properties are not considered part of the housing stock, and therefore permission will not be granted for their redevelopment for housing); (iii) the visual mass and bulk of the new dwelling should not be significantly larger than that of the existing dwelling (taking into consideration any additional mass allowed for in respect of criterion (i) above). The overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds. Where the existing dwelling is a bungalow it should be replaced by a bungalow; and (iv) the proposed siting of the replacement dwelling. A replacement dwelling should be sited in the same location within the plot as the original dwelling, unless an alternative siting is proposed where it can be demonstrated that it would be a more appropriate siting in the Green Belt in terms of the impact on openness or amenity.

Where re-siting is agreed, arrangements must be secured to ensure the demolition of the replaced dwelling and its outbuildings. Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests

are protected. Planning permission for a replacement or rebuild of an existing dwelling will be conditioned withdrawing further permitted development rights relating to the extension of the dwelling or provision of outbuildings within the curtilage of the dwelling.

In considering the development against the criterion set out by policy it is noted that the original internal floor area as cited by the application was approximately 170m<sup>2</sup> which would entail from a purely floor space increase perspective that an internal floor space of approximately 324m<sup>2</sup> as now proposed would constitute a percentage increase (compared against the original dwelling as required by policy DM21) of approximately 90% over the original floor space. Accordingly, the proposed development conflicts with criterion (i). It is also considered that the proposed development conflicts with criterion (iii) since the visual mass and bulk of the new dwelling is considered to be significantly larger than that of the existing dwelling (taking into consideration any additional mass allowed for in respect of criterion (i)).

It is considered that due to the raising of the ridge line by 350mm compared to the existing over an entire 17 metres which is the length of the dwelling when taking into consideration also the 14.50 metre depth, the replacement building will constitute a larger and more imposing structure, which is discussed under part (ii) of this appraisal which considers impacts upon Green Belt Openness. A design which carries one continuous roof ridge line as compared to the existing staggered roof line which carries a 16 metre length of lowered roof line is considered significant which is raised therefore, as compared to the highest point of the existing dwelling with consequential increases in the massing of wall elevations. It is concluded that the proposed development fails to comply with criterion (iii) which indicates in addition that the overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds. Where the existing dwelling is a bungalow it should be replaced by a bungalow.

For the reasons set out, the determining authority does not consider the height increase to be modest whilst no justification has been provided as required by the policy for this increase in height on the grounds of design or visual amenity grounds. It is appreciated that when built the dwelling would represent an energy efficient unit of accommodation incorporating features which optimise natural light gain into the accommodation, however there is no reason as to why the same end result cannot be achieved by a design which more closely replicated the massing of the existing dwelling which this proposed development is distinctly at odds with. Criterion (iii) indicates that a bungalow which this property effectively is with some loft space should be replaced with a bungalow in order to ensure that the residual impact of the development proposed on Green Belt openness remain negligible.

In conclusion the underlying objective of policy DM21 which is aligned with the underlying objectives of the National Planning Policy Framework (February 2019) are considered undermined by this development.

(iv) Very Special circumstances - Permitted Development Fall Back Position

It is considered appropriate to consider this aspect at this point in the appraisal visiting the remaining material consideration under key consideration (iii) to close the appraisal.

The permitted development fall-back position is well understood and rehearsed by the council in its decision making and as noted in appeal decisions on refused applications for replacement dwellings within the district. In essence, the permitted development fall-back position would only be given material weighting in circumstances where it could be established as part of the planning application that lawfully an extension of a certain scale equivalent or greater in extent to that subject of the planning application, could be lawfully implemented under the permitted development regime (supported by lawful development certificates) or by means of the prior approval process and demonstrated that in all likelihood that the implementation of that permitted development fall-back position was a realistic prospect.

Previous decisions and appeal decisions have clarified the position that for the permitted development fall-back position to have any material bearing on the determination of a planning application it would need to be demonstrated that the same development as that subject of the planning application or an alternative development capable of being implemented under permitted development, would amount to the same or greater impact on Green Belt Openness when compared to the development subject of the planning application which would influence the weighting to be given to such

In recognising the harm that the proposed development would cause as the development in essence would fail to preserve Green Belt openness, the local planning authority has to take into consideration whether any other material planning considerations exist such as to be capable of being given material weighting which would however need to be sufficient to outweigh the harm identified by reason of inappropriateness and the other harm to Green Belt openness identified.

The supporting statement makes reference to a permitted development fallback position which it is acknowledged must be taken into consideration. However, in essence to justify the very special circumstances which would need to prevail to justify the development in the light of the harm identified, a case would need to clearly demonstrate that the effect of the development as now proposed under this planning application would be no greater or less harmful to Green Belt openness as what would be the case if the permitted development fall back position were to be implemented. In other words, to justify the very special circumstances a case would need to be made that the impact of implementing a PD fall back position in Green Belt openness terms would be equal to or more harmful than the development now proposed.

The planning authority is aware of the two applications submitted in 2018 following the refusal of the first application which related to a side and rear extension and roof extension with rear dormer (18/00897/LDC) granted a

Lawful Development Certificate on 27th November and then a prior approval application for an 8 metre deep extension under planning reference 18/00911/DPDP1 which limited eaves height to a maximum height of 2.7m (which the local planning authority confirmed did not require prior approval).

The supporting statement indicates that the total area of the existing dwelling plus extension works which is feasible under lawful development amounts to 403 m<sup>2</sup> of floor area whilst the proposed floor area of the dwelling amounts to 324m<sup>2</sup>. The point is made that this equates to 79 m less than what is achievable through extensions under lawful development.

Consistent with the considerations made under previous headings within this report it is considered that the floor space achievable under the permitted development route although relevant does not provide an overwhelming case nor over riding justification which outweighs the harm identified. A volumetric comparison approach as has been applied by the application in itself, is not sufficient justification to find a development acceptable since this does not address the issues of massing and height of development and the implications of such increases which have been identified as fundamental issues in this case.

What can be achieved under the permitted development route in terms of massing is limited to existing eaves and ridge height for good purpose as the permitted development regime aligns with planning policy in bringing under control any development which potentially harms amenity as is the case in this instance. In conclusion the physical build which could be achieved under permitted development although resulting in a rear extension would not affect the height of the existing nor the massing of existing gables such that in Green Belt terms its effects would be equal to or more harmful than the development proposed which could be the only reason for finding the permitted development fall back position to be a plausible planning argument.

It is concluded for these reasons that the permitted development falls back position does not constitute the very special circumstances which would need to prevail to outweigh the other considerations which clearly point to a 'harm' and conflict with national and local planning policy.

Removal of permitted development rights:

The local planning authority appreciates that control on further built form within the residential planning unit could be exercised in the event of planning permission being granted which would relate to Classes A,B,C,D and E in particular of the Town and Country Planning (General Permitted Development Order (as amended 2015) which would over the lifetime of the use of the residential planning unit control any development which could currently take place within it outside the scope of the planning regime. This in itself however is not considered to be of such material relevance such that it would amount to a very special circumstance which would justify granting planning permission for development which is found inappropriate and harmful to Green Belt openness.

(iii) Other material planning considerations:

#### Design

Policy CP1 of the Council's Core Strategy and Policy DM1 of the Council's Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Notwithstanding the points made with regards to the design such as they relate to the character and massing of the existing dwelling which was a consideration made with regards to Green Belt impacts the dwelling would meet key requirements relating to inclusive access and sustainable design including thermal insulation, water consumption, sustainable heating sources and compliance with Technical Guidance on floor space provision. The principles and merits of sustainable design are recognised. However, there is no reason as to why the same level of sustainable design cannot be achieved by a dwelling of a lesser scale and impact.

#### Garden Amenity Space

The Local Development Framework's Supplementary Planning Guidance SPD 2 (House Design) guidance indicates the requirement for a minimum garden area space to serve new developments. The Design Guide criteria for minimum garden areas has been adapted as a result of changing household sizes. The range of house types now required includes a considerable proportion of small dwellings. The resultant higher densities mean that garden sizes are likely to be below the 100 M<sup>2</sup> minimum recommended in the Design Guide. The minimum garden area due to the historic use of the site and the space afforded at this site would be met.

#### Landscaping

The Supplementary Planning Document 2 (House Design) indicates that landscaping is an important aspect of visual design. The lack of it can render an otherwise satisfactory scheme dull and uninteresting. Conversely, a mundane development can be transformed by an imaginative scheme. When considering planning applications for residential development, the Local Planning Authority will need to be satisfied that adequate provision is made within the site for hard and soft landscaping, including paving, grassed and planted areas. This landscaping must be an integral part of the overall development scheme. It is not considered that the balance of hard landscaping relative to grassed areas are fundamentally changed and the development is considered acceptable in this respect.

#### Environmental Sustainability

The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building

Regulations on water and access, and a new national space standard. From the date the Deregulation Bill 2015 was given royal ascent, the government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy) , internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).

Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a national technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

#### Technical Housing Standards

New dwellings must comply with the Technical Housing Standards introduced in March 2015, as cited by the Department for Communities and Local Government Technical Housing Standards - Nationally Described Space Standards which sets out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

. A dwelling with two or more bed spaces should have at least one double room. In order to provide two bed spaces, a double or twin room should have a floor area of at least 11.5 square metres. One double or twin room should have a width of at least 2.75 metres and every other double room should have a width of at least 2.55 metres. Any area with headroom of less than 1.5 metres is not counted within the gross internal area. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area.

The dwelling would comprise a first-floor area of 146m<sup>2</sup> incorporating large bedrooms which would provide an approximate gross floor space of 20m<sup>2</sup>, 18m<sup>2</sup> and 24m<sup>2</sup> respectively which would equate to a 3-bedroom 6-person unit. The minimum gross floor space standards are achieved for this type of unit as are minimum bedroom widths (2.15 metres) and storage.

## Water Efficiency

Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. This would be conditioned if minded to grant planning permission.

## Heritage Implication.

A Heritage Statement was submitted by the applicant which was made further to the initial consultation response received from Essex County Council Place Services. On the basis of the subsequent consultation response received there is no finding of harm from the development upon the setting or heritage interest of St Nicholas' Church.

## **Representations:**

**CANEWDON PARISH COUNCIL:** Supports the application in view of the fall-back position and the fact that the current proposal is for slightly less floor area than was previously refused. The council does not object to the proposal subject to a condition regarding agricultural occupancy in view of the location in the Green Belt.

**ESSEX COUNTY COUNCIL PLACE SERVICES: HISTORIC BUILDINGS AND CONSERVATION ADVICE:** No objection.

## REFUSE

- 1 The application site lies within the Metropolitan Green Belt as identified in the Rochford District Council Local Development Framework Allocations Plan. The National Planning Policy Framework sets out the general presumption against inappropriate development within the Green Belt. Such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposed replacement dwelling would fail to meet the criteria set out in Policy DM21 of the Rochford District Council Local Development Framework Development Management Plan, in that the proposed floorspace would exceed 25% of that of the original dwelling rendering such development inappropriate development by definition contrary to paragraph 145 of the National Planning Policy Framework (February 2019) and Policy DM21 of the Rochford District Council Local Development Framework Development Management Plan.

- 2 It is not considered that the applicant's position with regards to the permitted development fall-back position is a valid position, given the significantly greater harm found by the development proposed under this planning application compared to the lesser degree of harm which would arise if the permitted development fallback position were to be implemented. The permitted development fallback position is considered wholly insufficient such that it can be given such weighting that would amount to the very special circumstances which would need to exist to clearly outweigh the harm by reason of inappropriateness, and the other harm identified. The development would, therefore, be contrary to Policy DM21 of the Rochford District Council Local Development Framework Development Management Plan and the National Planning Policy Framework (February 2019).

**Relevant Development Plan Policies and Proposals:**

National Planning Policy Framework February 2019

Rochford District Council Local Development Framework Core Strategy  
Adopted Version (December 2011) Policies GB1; CP1; T8; ENV9 & H6.

Rochford District Council Local Development Framework Allocation Plan  
(February 2014).

Rochford District Council Local Development Framework Development  
Management Plan (December 2014) policies DM1; DM4; DM21; DM27 &  
DM30

Parking Standards: Design and Good Practice Supplementary Planning  
Document (December 2010)

Rochford District Council Local Development Framework Supplementary  
Planning Document 2 Housing Design (January 2007)

Technical housing standards - nationally described space standard (March  
2015)

The local Ward Member(s) for the above application is/are Cllr S Wootton Cllr  
G J Ioannou Cllr Mrs L Shaw

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Application No : 19/00686/FUL      Zoning : Metropolitan Green Belt  
Case Officer      Ms Katie Ellis  
Parish :      Rochford Parish Council  
Ward :      Roche South  
Location :      Land North Of 137 Green Lane East Of Flemings  
Farm Road Eastwood  
Proposal :      Proposed Agricultural Building for Use as Hay Store

### SITE AND PROPOSAL

The proposal is for an agricultural building for use as a hay store at land North of 137 Green Lane, East of Flemings Farm Road, Eastwood. The site is an open field located within the Green Belt. The building would be located to the north-eastern corner of the field. The applicant owns an area of land equating to 5.037ha (12.4 acres) comprising of two fields and also owns the dwelling no.137.

The building would be pitched roofed with a height of 6m and eaves height of 4.3m. The building would be 30m long and 14.6m wide with a resulting floor area of 438m<sup>2</sup>. It would be open to one side (eastern elevation) with an entranceway also located to the northern elevation. There would be 10 rooflights, 5 in each roof slope. Roof cladding would be natural grey fibre cement, side cladding would be vertical treated timber Yorkshire boarding with treated timber side rails and concrete panels beneath.

Within the application documents a supporting statement has been provided by the applicant who confirms the semi-enclosed barn would be used to store hay bales.

There are no existing buildings on the site.

### Planning History

Application No. 17/01070/DPDP6 - Application for Prior Notification of Proposed Agricultural Building for Use as Hay Store. REFUSED for the following reason:

'Prior Approval of the submitted details of siting and appearance cannot be given in this instance. This is because the proposed building would be located within 3km of an aerodrome, London Southend Airport, and would have a height greater than 3m contrary to the criteria at paragraph A.1 (f) of Class A, Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).'

Application No. 17/01206/FUL - Proposed Agricultural Building for Use as Hay Store - Withdrawn.

## Background to the application

The previous application was withdrawn having been recommended for a refusal on the basis that the application lacked a tree survey and ecology survey. This application has been submitted in an attempt to overcome the previous concerns.

## Assessment

### GREEN BELT ISSUE

The site is located within the Green Belt where strict policies apply controlling development. The National Planning Policy Framework (NPPF) at paragraph 143 advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to explain at paragraph 145 that the construction of new buildings is considered inappropriate however, exceptions to this are listed as including buildings for agriculture or forestry. The current proposal represents a building for the storage of hay which would fall within this exception. There are no policies within the Development Management Plan which relate specifically to the current proposal with regards to the Green Belt. Whilst the development relates to an existing business it is not an existing business which operates directly from the application site and therefore policy DM11 is not considered applicable here.

However, what must also be considered is whether there is a justifiable need for the size of building proposed in this location to ensure that the Council do not permit large scale agricultural buildings which could be argued to be detrimental to the openness of the Green Belt if not actually required for agricultural purposes. The applicant has advised that they own an area of land equating to 5.037ha comprising of two fields and also own the dwelling no.137. They advise in supporting information that it is their intention to use this building to store hay from this site only. It has also been confirmed that the contractor that cut the crop would benefit from the high quality hay to be stored in a purpose built barn to reduce spoilage and would be efficient if the hay could be stored immediately on site without the need to transport it several miles.

Through the consultation process it has become apparent that the land the subject of this application along with other land to the North of Green Lane was originally in the joint ownership of several family members for many years. The wider land, including that the subject of this application, has since become divided up into personal ownership of these individual family members.

The applicant has advised that it is necessary for a barn of the size proposed as the hay from their two fields would total approximately produce 200 plus small hay bales per acre each cut. One cut for a good yield say once a year with the grass having grown over some 11 - 12 months with a mild winter could provide some 2400 bales. The fields would however be cut three times

annually. In a good year the number of bales recovered could be higher. Three cuts would be each a smaller yield with the grass having only grown for say 3 months between cuts but depending on management and very favourable weather would be expected to exceed the 2400 or so bales per year. The applicant goes on to explain that as it is usual to have stock from a previous year still in storage, sufficient space must be allowed to accommodate two years of hay. Also, it has been explained the shape and size of the bales and how they would be stored in the barn justifying the size and height. Also, the barn needs to be large enough for to allow tractors, trailers and other agricultural vehicles such as telescopic handlers to stack and retrieve the bales to adequately manoeuvre inside the barn. It is also the intention to store a tractor on site.

Given the justification supporting this application, the scale and height of the building with a floor area of 438m<sup>2</sup> is not considered excessive. There are no other agricultural buildings of this scale and nature on the wider land although there are some stable buildings on the land adjacent to no.175. It is considered that the proposal would accord with the NPPF and would not be detrimental to the openness of the Green Belt.

## DESIGN

The proposed building would have the appearance and design of a standard agricultural building. It would be open on one side (east) with a higher-level entranceway to the northern elevation that would enable access to agricultural vehicles. The design of the proposed building including its scale is considered to accord with agricultural buildings of this nature and it is considered that it would fit within the context of this open agricultural site.

## BREEAM & AIRPORT

Policy ENV10 of the Core Strategy requires new non-residential buildings, as a minimum, to meet the BREEAM rating of 'Very Good', unless such requirements would render a particular development economically unviable. A condition to this effect should be attached to an approval.

The site is located within 3km of London Southend Airport. However, the airport has confirmed that they have no safeguarding objections to the development.

## RESIDENTIAL AMENITY

The proposed building would be visible from properties located within Green Lane. It would be located approximately 74m from the nearest residential dwelling (no.129 Green Lane). However, due to this distance it is not considered that the building would have any detrimental impact upon the occupiers of any neighbouring properties in terms of scale and appearance.

There is the intention for the building to be used to store hay. However, the building is not considered to be excessive in size and such storage is not considered to generate a high degree of vehicular movements. The building would be open to the eastern elevation with an entranceway to the North, these would be located away from residential properties with the northern access facing towards open fields rather than the rear gardens of properties within Green Lane. This would assist in limiting impact in terms of noise disturbance. It is not considered that the development is likely to generate an unacceptable degree of activity in close proximity to neighbouring properties sufficient to justify refusal of this application.

## HIGHWAYS

The submitted layout drawings do not clearly show where the intended access arrangements to the barn would be located. However, the applicant does have access to one of their fields, where the building would be located as their rear garden boundary borders this field. There is a gap to the side of no.137 which could enable vehicular access to the site from Green Lane however, that is not an access arrangement which is currently being proposed as part of this application.

The Local Planning Authority have been made aware of a dispute over access to land between the applicant and a land owner of another field in the vicinity. The legal position on this remains unclear however, it should be noted that it is not for this application to get involved in right of way disputes which is a private matter. Regardless of the legal position, as part of this application it is important to understand precisely how the barn would be accessed. A planning condition regarding this should be attached to any approval.

Accessibility of the land in terms of its condition in winter months has also been raised. The applicant advised during a site visit that collection would be all times of the year using a 4 x 4 and a trailer which apparently could access the site in such conditions. This is not considered objectionable, the feasibility of access over the land in such months is a matter for the landowner.

## TREES & ECOLOGY

There are well established trees located in close proximity to the proposed building. These are not subject to Tree Preservation Order. Policy DM25 looks to seek to conserve existing trees and hedgerow.

The Council Arboricultural and Conservation Officer has undertaken a site visit and notes that there are occasional mature trees within the immediate and adjacent site. The construction of the proposal is such that metal retaining poles are driven into the ground. The base would be constructed of type 1 aggregate over the existing to provide a level surface. The distance of the proposal from the boundary trees is approximately 9m and from other trees on the site approximately 6 to 8m. Given the construction method and distance from the trees, it is unlikely that the proposal would have a significant

detrimental effect on trees. The Arboricultural and Conservation Officer has raised no objections subject to a condition requiring a tree protection plan.

The application site is suitable for the habitat of protected species. Natural England Standing Advice advises that old trees such as those present at the application site and grassland which is a characteristic here, have the potential for protected species such as bats and badgers to be present. Again, the Council's Arboricultural and Conservation Officer has undertaken a site visit. It has been confirmed that the area is managed for hay crop with 2-3 cuts per year, the field margins are mostly herby and woody ruderals that are managed yearly with a flail cut, the trees are generally early mature specimens with few microhabitats suitable for associated protected species. The construction of the barn will not involve excavation or require removal of any vegetation other than section of the hay crop where it is to be sited. The Council's Arboricultural and Conservation Officer raises no objections subject to a condition regarding the protection of breeding birds.

### **Representations:**

ECC Highway Authority -

No objections subject to the following condition relating to the loading and unloading and storage of materials within the curtilage of the site.

Southend London Airport -

No safeguarding objections.

NEIGHBOURS - comments received from three addresses which can be summarised as follows:

142 Green Lane

- o Concerned over the access via 137 Green Lane onto Green Lane which is a busy road.

- o Green Lane is used by schools for cycle training and therefore, to allow wide vehicles to enter and exit No.137 would increase harm upon the road users.

- o The barn proposed appear larger than required for the field that is cut from and therefore, they are concerned the barn would be used as a business to store and distribute other farmers hay with the associated traffic and noise.

- o Nobles green Road and Green Lane for this section of Green Lane precludes access of heavy vehicles and trailers.

- o Concerns that this application is a precursor for a change of use of Green Belt land and subsequent property development.

#### 143 Green Lane:

The occupier has provided an update on the fields where the planned construction is proposed.

The company who are planning to use the barn for storage, Greencorp Forage attended the field. They cut the grass and have made hay bales.

As expected, they accessed the field with their heavy machinery (tractor and harvester) through the road that has been made to run through the garden of No 137 as this is the only vehicular access to the field. This also involved these large vehicles accessing the busy Green Lane and having to take a sharp right angle turn to join the road.

#### 175 Green Lane:

- o We own the adjoining three fields, 34 acres in total, to the east of the site.

- o It is confirmed that the fields have not been cut for the past two years and disagrees with the bale figures that were provided with the previous application and that the barn is too large for the amount of hay crop produced by the applicant's fields.

- o Any mention of access to the site has been removed from the application and disagrees with the previous claims that the applicant has a right of way over their land.

- o No economic activity has taken place on the field since August 2017.

- o If granted condition should be attached regarding the access and operating hours.

#### 8 Flemings Farm Road

- o The hay has not been cut for 2 years.

- o Questions the size of the barn compared to the size of the fields.

- o No mention of a third party renting the barn

- o If for a commercial use more justification should be given

- o If granted it is strongly considered that operation hours are imposed.

#### Blatches Farm

The occupants of Blatches Farm have confirmed they own Blatches chase and under no circumstances they would allow the applicant to access the proposed barn via Blatches Chase.

SK Architects, 853 - 855 London Road, Westcliff on Sea

A letter has been received from Steve Kearney on behalf SK Architects representing the occupiers of 143 Green Lane. They wish the letter to viewed as an objection.

As outlined in our previous representation regarding a similar proposal, planning application reference 17/01070/DPDP6, the principle of an agricultural building in this location appears at odds with the now residential character of Green Lane. This application was refused by the LPA and was similar to the current application now being considered.

There are several concerns relating to this current application, the first of which relates to the Statement of Agricultural need submitted by the applicant. The principle of the application has to be considered against the likelihood of the barn operating for a greater business use that outlined in the applications statement. The applicant describes the barn use as storage arising from the cutting of grass and storing of hay purely from the application site.

In this respect we don't not believe that the agricultural need for a barn of the size proposed to store grass and hay arising from the site has been suitably justified.

The more important concern and the primary reason for objection concerns the issue of access to the application site and proposed barn. There is no access to the site other than to the side of the residential dwelling of 137 Green Lane adjoining our Client's site at the western boundary with 143 Green Lane.

The applicant's statement makes no mention of how the site of the proposed barn is to be accessed. The existing access has been recently improved (see photograph in Appendix) and there has been some work undertaken to widen the entrance which coincides with this application. As the absence of any other statement this gives rise to the concern that there is likely to be more regular vehicular movements potentially at different times of day and evening.

The harm created by means of noise and pollution to our Client's residential amenity would be significant and forms the basis of a strong material consideration for objection and is against both national and local planning policies.

Furthermore, we would refer back to application 17/01206/FUL where the application was based on a private operator storing hay and straw and running a business from the application site.

Should this application be approved there will be no control in place to stop a private operator using the barn which is highly likely to see multiple vehicular movements and deliveries furthering the harm to residential amenity.

For the above reason we would ask the Local Planning Authority consider our comments carefully, particularly in relation to neighbouring harm and the negative impact upon the residential amenity of both the immediate neighbours at 143 Green Lane and the residents of this part of Green Lane and the application is recommended for refusal accordingly.

Conclusions:

The proposed application is a re-submission following a withdrawn application. The previous application was recommended for a refusal due to the lack of information surrounding the trees and potential ecology on site. It is considered that the information submitted with this application sufficiently addresses the previous concerns. The proposed development complies with both national and local policies and therefore, is recommended for an approval.

### APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: Location Plan, Block Plan, 012290/GP01
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.
- 4 No development approved by this permission shall take place until full details of the means of vehicular access into the site, including the width of the access and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted and the sightlines maintained free of all obstruction to visibility above 1.0 metres.

### **Relevant Development Plan Policies and Proposals:**

National Planning Policy Framework 2019

Core Strategy 2011 - CP1, GB1, ENV10, T1, T8

Development Management Plan 2012 - DM1, DM25, DM27, DM30

The local Ward Member(s) for the above application is/are Cllr M J Lucas-Gill  
Cllr M J Steptoe Cllr A L Williams