

SITE PLAN ATTACHED

**04. LAND ADJACENT TO HEATHLANDS SCHOOL ROAD KELVEDON HATCH
ESSEX**

**OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE) FOR
CONSTRUCTION OF TWO STOREY DETACHED DWELLING.
(APPEARANCE AND LANDSCAPING RESERVED MATTERS)**

APPLICATION NO: 14/00631/OUT

WARD	Brizes & Doddinghurst	8/13 WEEK DATE	15.07.2014
PARISH	Kelvedon Hatch	POLICIES	NPPF NPPG GB1 GB2 CP1 C5 C7 T2
CASE OFFICER	Charlotte Allen	01277 312536	
Drawing no(s) relevant to this decision:	8007_100_00 ; 3D02 ; PLANNING STATEMENT ; LO1 ; LO2 ; TOPOGRAPHICAL SURVEY ; ARBTECH TCP 01 ; TREE SURVEY ;		

This application was referred by Cllr Parker from Weekly Report No 1649 for consideration by the Committee. The reason(s) are as follows:

This application was referred to Committee by Cllr Parker on behalf of the Parish Council who believe that the village envelope as depicted in the local plan is both out of date and is not a true picture of the village boundaries.

Update since publication of Weekly List 1649

A consultation response from Planning Policy has now been received and is included in the report.

1. Proposals

Outline planning permission is sought for the construction of a new dwelling on the northern side of School Road, between the properties known as 'Woodside' and 'Heathlands'. The matters of detail to be determined as part of the current application are access, layout and scale. The matters reserved for future determination are appearance and landscaping.

In terms of access, it is proposed to create an in-out driveway,

In terms of layout, the building line proposed would see the front of the dwelling located behind Woodside, but in front of Heathlands. The dwelling would be located 3.5m from the western boundary with Woodside and 1.2m from the eastern boundary with Heathlands. A private amenity garden will be provided to the rear of the site. Internally, the dwelling would be provided with a study, dining room, W.C, utility room and open plan kitchen, dinner, lounge area at ground floor level and a bathroom, four bedrooms; one of which will have an en-suite and dressing room at first floor level.

In terms of scale, the proposed dwelling measures 12.1m in width, 14.5m in depth and has a maximum height of 7.9m. The elevations submitted indicate that the new dwelling will exceed the maximum height of the immediately adjoining dwellings by between 0.6m - 0.8m.

Appearance is reserved but the indicative plans indicate that the house would be a two storey dwelling with two front gable projections, an entrance canopy with velux windows over and rear gable projections and a rear dormer.

Landscaping is also reserved but there are Tree Preservation Orders on the site and as such a tree survey has been submitted and details have been included such as, the rear garden will be laid to lawn

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

GB1 - New Development in the Green Belt

GB2 - Development Criteria

CP1 - General Development Criteria

C5 - Retention and Provision of Landscaping and Natural Features in Development

C7 - Development Affecting Preserved Trees, Ancient Woodlands and Trees in Conservation Areas

T2 - New Development and Highway Considerations

3. Relevant History

- 07/00982/FUL: Proposed New Residential Dwelling (Outline Planning Application With All Matters Of Detail Reserved For Future Determination Except For Layout And Scale) -Application Refused

4. Neighbour Responses

5 neighbour letters were sent out and a site notice displayed. To date three neighbour objections have been received which make the following comments:

- See no reason for a dwelling to be erected on Green Belt land.
- Further loss of wildlife habitat including deer, badgers, birds, bats.
- Potential damage during construction to the trees, especially TPOs.
- No need for dwelling to have an in-out drive as this is not a consistent feature in the road.
- Concerns over the right of way.
- Once dwelling established on site could lead to planning permission for further dwellings to the rear of the property which would be unacceptable.
- Further strain on already overstretched local amenity infrastructure.
- Construction traffic would further deteriorate the road surface.
- Would increase the possibility of further traffic issues for school access and child safety.
- Would destroy the natural beauty of the area.
- It is Green Belt; there is not much Green Belt left in Kelvedon Hatch
- Is only access to SSSI.
- Will jeopardise the eco-system.
- Reduce natural aesthetics of the village.
- Out of proportion to the plot.
- Position of building would damage root system of protected trees.
- Planning permission previously refused - nothing has changed
- There are no very special circumstances.
- Encroaches on the countryside.
- Remove openness of Green Belt.
- Strategic Housing Land Availability Assessment indicates there is no need to build on Green Belt land.
- Windows would face my property.
- Would have greater height than my property.
- Would impose on light.

5. Consultation Responses

- **Parish Council:**

Response awaited

- **Essex Wildlife Trust:**

Response awaited

- **Natural England:**

The application is in close proximity to The Coppice, Kelvedon Hatch Site of Special Scientific Interest (SSSI).

Natural England considers that impacts to the adjacent The Coppice Kelvedon Hatch SSSI can be avoided by suitably worded conditions which seek to achieve the following:

- No incursion into the SSSI is permitted. The SSSI boundary must be retained.
- No construction materials or waste products are to be stored or disposed of on the SSSI/
- No construction access (by vehicle or on foot) is to be gained through the SSSI.

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application, subject to the following condition being attached to any approval;

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres x site maximum as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. No development shall take place, including any ground works, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

- **Environmental Health & Enforcement Manager:**

This service has no observations on the above outline application

- **Arboriculturalist:**

The construction/design of the proposal does not take into account the RPA of the trees situated at the rear of the property - trees that are preserved and therefore recommend refusal.

- **Planning Policy:**

At present the Borough does not have a five year supply of deliverable housing land. This interim position will remain the case until a revised Draft Local Plan is published for consultation later this year, including 2013/14 residential monitoring data. Based upon the best information available to date, objectively assessed housing need is 362 dwellings per annum (1,810 dwellings over the five year period).

With regard to village boundaries, the Council is preparing a Local Development Plan to replace the current 2005 Local Plan. The most recent consultation version was available for consultation between July to October 2013 Brentwood Draft Local Plan 2015-2030 Preferred Options for consultation (July 2013). Further consultation is expected later this year. Until this further consultation document is published it would be premature for the Council to consider permitting greenfield Green Belt land for development against local and national policy before considering all proposed sites.

6. Summary of Issues

The site is located on the northern side of School Road and forms a previously undeveloped area of land with some mature trees on the site (including Tree Preservation Orders). There is a small post and rail fence to the front of the site. The plot is flanked each side by dwellings.

The application site is located within the Green Belt and is located adjacent to a SSSI. As such the main considerations in this case are Green Belt considerations, design, residential amenity, living conditions, landscaping and ecology considerations and parking and highway considerations.

Green Belt Considerations

Is the development inappropriate development in the Green Belt:

The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt with some exceptions. However, this proposal does not satisfy any of the exceptions to inappropriate development. Within the planning statement submitted, the Agent refers to the fifth bullet point of Paragraph 89 which states that an exception to inappropriate development is for the limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan.

However, the site is located outside the village boundary and is not included in Local Plan Policy GB4 which identifies areas in the Green Belt where new residential dwelling on genuine infill plots can be permitted in the Green Belt. Therefore the proposal does not constitute an exception to inappropriate development and as such, the proposal constitutes inappropriate development in the Green Belt.

Openness of the Green Belt:

The development of a previously undeveloped piece of land with a dwellinghouse would result in a significant reduction in openness to this part of the Green Belt. It is noted that there are dwellings to each side of the property, however, this break in built form enables views through from School Road to the Green Belt beyond. If permitted, this development would result in harm to the openness of the Green Belt and would result in sprawl contrary to the purposes of including land in the Green Belt. The development is therefore contrary to Chapter 9 of the NPPF and Policy GB2 of the Local Plan.

Design

Although appearance is reserved for later determination, indicative elevations have been supplied. The dwellings in this part of School Road are typically 1 and a half or two story dwellings. Gable projections are not uncommon and as such the construction of a detached house with gable projections would not result in an incongruous dwelling in the streetscene. Whilst the ridge height proposed exceeds that of the adjoining residents, given that the roof slopes back into the plot and given that the difference is less than 1m it is not considered that the scale of the dwelling would be overly prominent or out of character. The building line proposed is also acceptable. As such the scale and layout proposed are acceptable and no objection is raised to the design of the dwelling in terms of Chapter 7 of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

Residential Amenity

In terms of overlooking, the front windows overlook the public realm and as such would not result in any undue overlooking. Given the depth of the plot and given that there are no dwellings to the rear of the site, the rear windows would also not result in any material overlooking. The ground floor side windows proposed can be screened by boundary treatments and the first floor side windows can be conditioned to be obscure glazed with limited openings to prevent overlooking. Subject to conditions no objection is therefore raised on this basis.

In terms of an overbearing impact, whilst the proposed dwelling extends significantly beyond the rear wall of Woodside, given the isolation space between the dwellings and the existing detached garage at Woodside, it is not considered that the proposed dwelling would result in undue harm to the living conditions of the occupiers to Woodside on this basis.

With regard to Heathlands, given that Heathlands is located fairly far back into the plot and given the isolation spaces proposed it is also not considered that the proposal would result in any undue overbearing impact to the occupiers of this dwelling.

No objection is therefore raised on this basis in terms of Paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

Living Conditions

All habitable rooms will be provided with windows providing adequate light, ventilation and outlook. Parking will be provided and an adequately sized garden is proposed. As such, the proposal would provide adequate living conditions and no objection is therefore raised on this basis.

Landscaping, Tree and Ecology Considerations

The Tree Officer has commented that the construction and design of the property doesn't take into account the root protection area (RPA) of the trees situated at the rear of the property which are preserved and therefore recommends that the application is refused. An objection is therefore raised in terms of Paragraph 17 of the NPPF which states that planning should contribute to conserving and enhancing the natural environment and Policies C5 and C7 of the Local Plan which aims to retain and enhance natural features in developments.

Landscaping details are a reserved matter, however, a landscaping scheme would be required to ensure the development is acceptable in terms of the visual amenity of the area.

The application site is located in close proximity to a SSSI. In this regard, Natural England have commented that impacts to the adjacent SSSI can be avoided by suitably worded planning conditions to ensure there is no incursion into the SSSI and that no construction materials or construction access is gained through the SSSI. Subject to such conditions no objection is raised on this basis.

Parking and Highway Considerations

The Highway Authority has raised no objection to the proposal, subject to conditions. As such and subject to the conditions recommended, it is not considered that the proposal would harm highway safety and would provide adequate parking. No objection is therefore raised on this basis.

Other Matters

The majority of the neighbour comments have already been addressed such as Green Belt concerns, design, ecology, impact on trees and traffic and highway considerations. With regard to the concern about this approval resulting in applications for new dwellings at the rear; there is no evidence to suggest that this will occur and in any case each application must be considered on its own merits. Concerns about construction traffic is not a material planning consideration, although a condition can be attached to any grant of consent requiring a construction method statement to be submitted.

With regard to concerns about a right of way, the Public Rights of Way Inspector at Essex Highways has confirmed that there are no public rights of way through the site.

The Green Belt Balance

It has been established that the proposal constitutes inappropriate development in the Green Belt, which if approved would result in significant harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. It is therefore necessary for the Council to consider whether there are any very special circumstances which outweigh the harm by virtue of this inappropriate development.

Other Considerations

The Agent has submitted a planning statement in support of the application:

The Agent states that the harm by reason of inappropriateness is limited as the proposal does not result in encroachment into the countryside, is part of an established village, is surrounded on three sides by houses and will not harm openness. However, the NPPF clearly states at Paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt. It is considered that the construction of a new dwelling on previously undeveloped land does conflict with the purposes of including land in the Green Belt and does result in substantial harm to openness. This is not therefore considered a very special circumstance that outweighs the harm identified.

The Agent states that the limited harm by virtue of inappropriateness should be weighed against the fact that the Council does not have a supply of readily available land to meet objectively assessed needs. The Council currently has a 4.3 year supply of housing land supply, which does fall short of the 5 year supply of deliverable housing sites. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

However, Paragraph 14 of the NPPF states that where the development plan is out-of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted. In this regard, the NPPF clearly indicates at Paragraph 88 when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The Council recognises that the construction of a single dwellinghouse on this site would contribute to the housing needs of the Borough, but the addition of one house, which would have a very limited impact on the housing targets of the Borough needs to be weighed against the substantial weight to be afforded to any harm to the Green Belt. In this case it is not considered that the provision of one additional dwelling would be of such a substantial benefit that would outweigh the substantial harm identified to the Green Belt. It should also be noted that the current lack of 5 year housing supply is a temporary, interim position, whereas this proposal would result in permanent harm. As such, it is not considered that there are any very special circumstances that outweigh the harm to the Green Belt by virtue of inappropriateness, openness and purposes of the Green Belt.

The reason for referral by Cllr Parker states that the Parish Council believes that the village envelope as depicted in the local plan is out of date and is not a true picture of the village boundaries. In this regard, the Planning Policy Team has commented that the Council is preparing a Local Development Plan to replace the current 2005 Local Plan with further consultation expected later this year. Until this further consultation document is published it would be premature of the Council to consider permitting Greenfield, Green Belt land for development against local and national policy before local and national policy before considering all proposed sites.

It is not considered that the benefits of the proposal outweigh the harm identified in terms of Green Belt and impact on trees and as such the proposal is therefore recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08168

The site lies outside the areas allocated for development in the Brentwood Replacement Local Plan 2005 and is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development constitutes inappropriate development in the Green Belt and would result in significant and demonstrable harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. There are no very special circumstances which would justify the granting of planning permission for the development and as such the proposal is contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan.

R2 U08169

The proposed development does not take into account the root protection area (RPA) of the trees situated to the rear of the site, including trees protected by a Tree Preservation Order contrary to Paragraph 17 of the National Planning Policy Framework (NPPF) which states that planning should contribute to conserving and enhancing the natural environment and Policies C5 and C7 of the Local Plan which aim to retain and enhance natural features in developments to the detriment of the visual amenity of the area.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, C5, C7, T2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: