

---

**15/00394/FUL**

**CARIADS REST, KINGSMANS FARM ROAD, HULLBRIDGE**

**DEMOLISH EXISTING DWELLING AND CONSTRUCT  
THREE STOREY HOUSE**

**APPLICANT: MR KEVIN CURTIS**

**ZONING: METROPOLITAN GREEN BELT/FLOOD ZONE 3**

**PARISH: HULLBRIDGE**

**WARD: HULLBRIDGE**

## **1 PLANNING APPLICATION DETAILS**

- 1.1 Planning permission is sought to demolish the existing dwelling and construct a three storey house.
- 1.2 The existing house is a chalet style dwelling with three pitched roofed front dormers and a sloped roofed rear dormer. The house is as originally granted permission in 1987 with an attached flat roofed garage.
- 1.3 The proposed dwelling would be sited in the same position on site as the existing property.

## **2 THE SITE**

- 2.1 The application site is on the northern side of Kingsmans Farm Road and consists of a fairly narrow elongated plot some 114 metres in length. The existing house is sited towards the northern end of the plot some 22 metres from the adjoining sea wall of the River Crouch. The house like others in the area therefore has a much deeper front garden with the rear of the property facing the river.
- 2.2 The house is one of about 23 properties which occupy similarly shaped elongated plots along a 400 metre stretch of the river bank.
- 2.3 The site is designated as Metropolitan Green Belt and Coastal Protection Belt. The site also lies within Flood Zones 2 and 3.
- 2.4 The immediate neighbouring properties to the site are No. 10 Kingsmans Farm Road to the East and Highwood, Kingsmans Farm Road to the West. The former is a re-build of an original dwelling granted planning permission in

2007 and is a substantial 4-storey dwelling. The house to the West is two storeys but with rooms in the roof space.

### **3 PLANNING HISTORY**

- 3.1 EEC/306/54 - Boat House and store. APPROVED.
- 3.2 EEC/264/55 - Siting of 2 caravans. APPROVED.
- 3.3 ROC/443/86 - Erect detached dwelling. APPROVED.
- 3.4 ROC/87/814 - Detached chalet and garage. APPROVED.
- 3.5 F/0680/91/ROC - Garage. APPROVED.
- 3.6 15/00039/FUL - Demolish Existing Side Garage and First Floor Level, Retention of the Ground Floor Level. Erection of New First and Second Floor, Part Two/Part Single Storey Extension to Front and Side Incorporating Garage. Create Balcony to Front at First Floor With Steps to Side. WITHDRAWN.

### **4 CONSULTATIONS AND REPRESENTATIONS**

#### **4.1 Hullbridge Parish Council**

- 4.2 No objection.

#### **4.3 Highways (ECC)**

- 4.4 From a highway and transportation perspective the Highway Authority considers that the proposed development is not contrary to the following policies:-

- A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February 2011

#### 4.5 Environment Agency

##### First Response

- 4.6 We have inspected the application, as submitted, and are raising a holding objection on flood risk grounds. Our detailed comments on this objection are provided below:

##### Flood Risk

- 4.7 Our maps show the site lies within Flood Zone 3, the high probability zone. The application is for a new residential dwelling, which is considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. It is therefore necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific Flood Risk Assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.
- 4.8 The FRA submitted in support of this application is for an extension to an existing residential property, not the construction of a new dwelling, and we are therefore raising a holding objection to the application on flood risk grounds.
- 4.9 You can overcome our objection by revising the FRA to ensure that it is relevant to the type of development for which planning permission is sought, and includes appropriate mitigation measures. The FRA must demonstrate that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

##### Second Response

- 4.10 We refer to the email from RJB Architect, containing a revised Flood Risk Assessment (FRA) for these development proposals by Resilience and Flood Risk, referenced 1011B draft 2.0 and dated 15th July 2015. We have reviewed this document and are maintaining our holding objection on flood risk grounds. The FRA submitted with this application does not comply with the requirements set out in paragraph 030 of the Planning Practice Guidance: Flood Risk and Coastal Change. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:-
- Assess the flood risk to the site correctly.
  - Consider the effect of a range of flooding events including extreme events on people and property – the FRA fails to consider flooding from ordinary watercourses/ ditches.

- Consider depths of flood water in and around the building should an event occur.
- Provide finished ground floor, first floor and second floor levels.
- Show ground levels relative to breached flood levels and habitable floor levels, to 'paint the picture' of flood risk.
- Discuss the flood levels and hazards both on-site and on the access/egress route or distance to Flood Zone 1.
- Discuss the hydrological analysis of flood flows - depths, velocities, time to inundation on site should an event occur.
- Consider how people will be kept safe from flood hazards identified

#### Overcoming our objection

- 4.11 You can overcome our holding objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

#### Technical Explanation

- 4.12 Contrary to Section 4.3 of the submitted FRA, the site does not benefit from defences. Our modelling shows that the site will flood in the present day between the 1 in 75 and 1 in 100 year tidal event. With the effects of climate change, the site will flood as often as the 1 in 20 year event.
- 4.13 It is important to note that the ordinary watercourse that comes from Brandy Hole is piped under Kingsmans Farm Road and through the gardens, including the garden of Cariads Rest, prior to its connection with Kingsmans Farm Ditch.
- 4.14 Our Surface Water map shows regular and deep surface water flooding and that the site has a chance of flooding that is greater than a 1 in 30 year event. The FRA fails to explain depths of flood water in and around the building should a breach or overtopping event occur. This is important information to help you make an informed decision. The applicant also needs to show ground levels relative to breached/ overtopping flood levels and habitable floor levels, to 'paint the picture' of flood risk.
- 4.15 The FRA fails discuss the flood levels and hazards both on-site and on the access/ egress route and the distance to Flood Zone 1. This is all important information that should feed into a Flood and Evacuation Plan. We question

the statement in Section 5.4 that ‘safe pedestrian and vehicular access to and from the site will be provided by using Kingsman Farm Road...’ and that ‘this route will be the safest and lowest hazard route from the property as it is a defended route.’ Whilst we agree that part of this route does benefit from defences, should a breach event occur the route would become flooded. An FRA should provide information about the depths, velocities, hazards etc on this route to show whether this route would be safe. It is also important to note that the access and egress from the building itself is in an undefended location.

- 4.16 The FRA has failed to carry out a hydrological analysis of flood flows (depths, velocities, time to inundation) on site should a flood event occur. This is important information to allow you to make a decision about the safety of the building and the occupants therein.
- 4.17 The FRA does not consider how people will be kept safe from the flood hazards identified. The FRA has identified that the site is at risk tidally, fluvially, from surface water and from drainage and infrastructure. Whilst the FRA states that finished floor levels should be no lower than 5.25mAOD, the submitted drawing entitled ‘Proposed Elevations Visuals’ shows ground finished floor levels to be 3.00mAOD, considerably lower.
- 4.18 The FRA does not show that safe refuge is provided at the 1 in 1000 year event plus climate change. However, with the building having a first and second floor, refuge could be provided. Without an idea of depths of water inside and around the building, we consider you are unable to decide if this constitutes ‘safe refuge’.
- 4.19 Flood Warning and Evacuation is discussed in Section 5.3 and we would advise you consult with your emergency planner on the adequacy of this section.

#### Exception Test

- 4.20 The first part of the Exception Test requires you to be satisfied that the development provides wider sustainability benefits to the community that outweigh flood risk. This Test is your responsibility and should be completed before the application is determined.
- 4.21 The second part of the Exception Test requires the submission of a FRA which demonstrates the development will be safe for its lifetime, without increasing flood risk elsewhere, and will reduce the overall flood risk where possible.
- 4.22 Having reviewed the submitted FRA we are not currently satisfied that it provides sufficient information to inform your decision.

## Informative – Flood Defence Consent

4.23 Under the terms of the Water Resources Act 1991, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank/foreshore of the River Crouch, designated a 'main river'.

4.24 **Natural England**

4.25 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## Statutory Nature Conservation Sites – No Objection

4.26 Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar, and Essex Estuaries SAC, have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.<sup>1</sup>

4.27 In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Crouch and Roach Estuaries SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

4.28 This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the Conservation of Habitats and Species Regulations 2010 (as amended), (The Habitat Regulations) and Section 28(l) of the Wildlife and Countryside Act 1981 (as amended).

4.29 We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS

present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

- 4.30 Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species, and / or the s41 habitat "open mosaic habitat on previously developed land". We have not assessed the application for impacts on these habitats and species, and our lack of comment should not be taken to imply that there are no impacts on them arising from the proposed development. Natural England has produced standard advice for use by local planning authorities in Essex, which can be found here. This advice can be used to assist your authority and applicants in determining whether the open mosaic s41 habitat and s41 invertebrate species are reasonably likely to be present on, or in the vicinity of, the development site, and how we advise that these are considered in the planning process.
- 4.31 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- 4.32 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.
- 4.33 Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 4.34 The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place

(Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website.

#### 4.35 Neighbours

Occupants of Highwood, Kingsmans Farm Road

4.36 We made no objection to the first extension/build as it was not as disruptive but this proposal will cause a lot of stress and upset due to health issues of the occupant of Highwood. The disruption of a site being demolished, piled and rebuilt over a period of time with all that entails, lorries, big piling machinery and noise will add to health issues.

4.37 Over the years more piling and concrete has gone into the plots not helping the flood plain area. Over the past 15 years we have suffered on several occasions flooding in the grounds and three times within the property. Highwood and Cariads Rest are some of the lowest so to add more concrete will surely not help us here. We are also concerned about possible structural damage caused by the piling and heavy machinery needed to build on the proposed plot.

Occupant of Cherrydene Close, Hullbridge

4.38 I am in favour of this application. This is a really good design and will sit very well with the neighbouring properties. Presently, the large neighbouring properties are over bearing this small home and have made it look awkward on the plot. This application if passed will enhance the setting and blend in with the other properties along this road.

## 5 MATERIAL PLANNING CONSIDERATIONS

5.1 This application must be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Rochford District Core Strategy (2011), the Development Management Plan (2014) and the Allocations Plan (2014). Other material considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

### GREEN BELT

5.2 The application site is designated Green Belt the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The Government attaches great importance to Green Belts and their essential characteristics of openness and permanence. National Green Belt policy states that inappropriate development is by definition harmful and should not be



approved except in very special circumstances and advises that very special circumstances will not exist unless potential harm to the Green Belt is clearly outweighed by other considerations. Substantial weight should be given to any harm to the Green Belt.

- 5.3 The NPPF is clear that the construction of new buildings is inappropriate in the Green Belt except in certain specific circumstances, this can include the replacement of a building but only where the new building would be in the same use and not materially larger than the one it replaces.
- 5.4 Relevant local green belt planning policy is Policy DM21 of the Development Management Plan (2014). This allows for the replacement of dwellings in the Green Belt subject to the proposal meeting certain criteria. The proposal would meet criterion (ii) that the original dwelling not be derelict or abandoned and criterion (iv) that the replacement dwelling be sited in the same location within the plot as the original dwelling. The other two criteria relate to the scale that will be permissible for replacement dwellings. Criterion (i) requires that the total size of the replacement dwelling should result in no more than a 25 percent increase in floor space of the original dwelling and criterion (iii) requires that the visual mass and bulk of the new dwelling should not be significantly larger than the existing dwelling and the overall height of the replacement dwelling should not exceed that of the existing unless a modest increase can be justified on design or visual amenity grounds.
- 5.5 The existing property is two storeys save for the attached garage which is single storey. The property excluding the garage has a total floor space of some 117.8 square metres. The maximum ridge height is some 7.9 metres.
- 5.6 The proposed house would be three storeys with an integral garage. The property excluding the garage and balcony areas would have a total floor space of some 363 square metres and a maximum ridge height of some 10.7 metres.
- 5.7 To satisfy criterion (i) the new dwelling would have to be limited to an increase in floor space above the existing dwelling of 29.45 square metres which equates to 25 percent of the floor space of the original dwelling. This would enable a replacement dwelling with a total floor space of 147.25 square metres. The replacement dwelling proposed is however very substantially greater in floor space than this policy limit at 362 square metres; this increase would equate to 2 and a half times the floor space allowed by Policy DM21. The proposed replacement dwelling would also be substantially greater in overall height with an increase over the original dwelling of 2.75 metres and very substantially greater in visual mass and bulk.
- 5.8 The proposed replacement dwelling would be substantially greater in scale than the existing (original) dwelling, contrary to parts (i) and (iii) of Policy DM21 and contrary to national green belt policy at para. 89 of the NPPF. The proposal would therefore be inappropriate development in the Green Belt. It

follows that consideration be given to whether any very special circumstances exist which would clearly outweigh the harm to the Green Belt.

#### VERY SPECIAL CIRCUMSTANCES

- 5.9 The site is part of a ribbon of plots to the northern side of Kingsmans Farm Road that previously formed part of a Rural Settlement Area which was an area identified in the previous local plan (2006) where replacement dwellings were considered on individual merit and not subject to specific and strict floorspace and scale limitations which still applied elsewhere in the Green Belt. Since the adoption of the Development Management Plan in December 2014, Rural Settlement Areas in the district including this one in Kingsmans Farm Road have been abolished and all areas of the districts Green Belt subject to exactly the same much stricter Green Belt policy, namely Policy DM21.
- 5.10 Policy R2 of the Rochford District Replacement Local Plan (2006) was the rural settlement policy which defined the earlier approach to replacement dwellings in these areas but this policy is now no longer part of the adopted Development Plan. The previous policy approach allowed for replacement dwellings of very significant size. The replacement dwelling to the site immediately to the East of the application site is one of the plots where the application for the replacement dwelling was subject to the earlier rural settlement policy and allowed as a much larger replacement to the original dwelling.
- 5.11 Whilst the proposed dwelling would be of an acceptable scale and form in the context of the group of dwellings of which it would become part, if allowed the dwelling would further urbanize that part of the Metropolitan Green Belt in which the site is situated by virtue of the very substantial increase in scale.
- 5.12 The existing dwelling on the site does not enjoy Permitted Development Rights. These are removed by condition 4 of the permission granted for the original dwelling on 20th November 1987. The applicant does not therefore have a permitted development fall-back position on which to rely to justify the increase in scale sought.
- 5.13 The former Rural Settlement Area comprised a group of 28 No. plots sited on the northern side of Kingsmans Farm Road between the Brandy Hole Yacht station to the east and the Shangri-La West Caravan Park to the west. Of the 23 existing dwellings 11 have been the subject of extensive extension or replacement under the previous rural settlement area policy approach.
- 5.14 The application site is one of 12 or so remaining dwellings within the group of more modest size and proportions. If the current proposal were approved contrary to local and national green belt policy then a precedent may be set which would allow for these remaining 11 properties to also be substantially extended or rebuilt. Cumulatively this would further undermine the Councils policy approach in DM21 to limit the increase in size of remaining dwellings in

the Metropolitan Green Belt and limit further urbanisation. The proposal at this site is not therefore the last or only one of a very small number of dwellings that might seek substantial further extension or rebuild but one of many which may seek to do so the cumulative effect of which would be further additional urbanisation of this part of the Green Belt with large dwellings.

- 5.15 This issue has already been rehearsed to similar proposals in two other former rural settlement areas in the District. Permission was refused on 2nd April under application reference 15/00067/FUL for extensive extensions to “Green Shutters”, Hall Road, Rochford. This application is now at appeal. An application for extensive extensions to convert an existing bungalow into a house was refused on 7th April 2015 under application reference 14/00848/FUL at 63 High Road, Hockley. No appeal has yet been lodged on this application. More recent practice has supported the new policy position despite the long standing previous approach.
- 5.16 The degree of harm to the Green Belt that would arise as a result of the proposed development is however limited by the fact that the site does already have a dwelling located within it so the use of the site and traffic movements to and fro would not increase materially. Notwithstanding this it is considered that very special circumstances do not exist that would clearly outweigh the harm to the Green Belt to enable a recommendation for approval contrary to adopted local and national green belt policy.

#### FLOOD RISK

- 5.17 The site is within Flood Zone 3 which is an area at high risk of flooding. Both National and local planning policy seeks to direct development away from areas at high risk of flooding by applying the Sequential Test and locating, in the first instance, development in the lowest areas of flood risk first, i.e. in flood zone 1. The Sequential Test will only be passed if there are not reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 5.18 The fact that there is already a residential house on the application site should be taken into account as a material consideration. In addition, it is considered that the proposed replacement dwelling could be built to standards which achieve a greater degree of resistance and resilience to flood risk compared to the existing property.
- 5.19 Re-building a single dwellinghouse on the site would not increase the number of residential properties at risk of flooding. Given the proposal is for re-build which necessarily would have to occur at this site and given that no part of the site is at a lower risk of flooding it is considered that in this case, given the existing dwelling on the site, the Sequential Test would be passed.

Following this, national and local policy requires that the Exception Test be passed in order for the development to be considered acceptable in an area at high risk of flooding. For this to be passed it must be demonstrated that the

development would provide wider sustainability benefits to the community that would outweigh flood risk and a site specific flood risk assessment (FRA) must demonstrate that the development would be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall. At present the submitted FRA does not demonstrate to the Environment Agency's (EA) satisfaction that the development would achieve these requirements and consequently a reason for refusal relating to flood risk follows. This reason may be overcome if the applicant can produce an FRA that addresses all of the EA's concerns.

#### DESIGN

- 5.20 The Council seek good, high quality design which it is considered the proposal would achieve, in compliance with Policy CP1. The proposed replacement house would be contemporary in appearance with a considerable amount of glazing to the front and rear elevations and a curved roof form. The materials proposed for external use in construction include blue ledge stone which would be used to provide an interesting contrasting detail to parts of the ground floor front elevation, white coloured render and copper. The dwelling would feature a patio to the ground floor and balcony to the first floor front and rear elevations.

#### RESIDENTIAL AMENITY

- 5.21 The replacement house would maintain a side space of 1m to the Eastern side boundary and 2 metres to the West in compliance with the requirement for 1 metre as a minimum in Supplementary Planning Document 2. Within the side separation to the East an external staircase would be provided to the eastern side elevation.
- 5.22 The house would not result in excessive overshadowing of either neighbouring property and although it would be substantially greater in scale it would not be overbearing such as to warrant refusal. The proposal would not give rise to potential for overlooking of neighbouring dwellings which would cause an unacceptable loss of privacy subject to the side windows proposed being required to be obscure glazed by condition. The full width balconies to both front and rear elevations could give rise to potential for increased overlooking and loss of privacy to neighbouring properties. Given the close proximity of the balconies proposed to the side boundaries of the site some overlooking of sitting out areas or indeed internal rooms may arise necessitating the provision of side screens being required to the balconies in the proposed design; this could be satisfactorily achieved by condition.

#### OTHER MATTERS

- 5.23 The rear garden area on the site would remain largely unchanged at some 400 square metres. The front garden area is extensive and would not be reduced substantially.

- 
- 5.24 Car parking on the site would exceed the adopted parking standard requirement for a minimum of 2 parking spaces of the preferred bay size of 2.9 metres by 5.5 metres.
- 5.25 There are no trees on the site that are subject to Tree Preservation Orders and indeed no trees would be required to be lopped, topped or felled to facilitate the proposed development.
- 5.26 Policy DM4 requires that new dwellings achieve a minimum habitable floor space, although this local policy has effectively been superseded by the new national minimum space standard. The proposed replacement dwelling would greatly exceed the national standard for a proposed 3 bedroom property which is stated as 108 square metres. Indeed the proposal would greatly exceed the largest standard of 138 square metres stated for a 6 bed property.
- 5.27 Policy ENV9 requires that all new dwellings achieve as a minimum Code Level 4 of the Code for Sustainable Homes. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement of the 25th March 2015 which announced changes to the government's policy relating to technical housing standards and introduced a new technical housing standard relating to water efficiency. Consequently all new dwellings should be required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to require compliance with this Building Regulation requirement.
- 5.28 The requirement in Policy H6 that new dwellings achieve compliance with the Lifetime Homes Standard would not be required given the Ministerial Statement which advised 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.

#### COASTAL PROTECTION AREA

- 5.29 The site is located within a group of dwellings which although fronting Kingsmans Farm Road are sited much closer to the River Crouch. The proposed replacement dwelling would be substantially larger than the existing and visible from views within the landscape however given the location and context of the site and that the new dwelling would replace an existing dwelling it is considered that the proposal would not impact adversely upon the landscape and heritage qualities for which the Crouch estuary is noted in conflict with the designation to protect the coastline landscape and would not be in conflict with policy ENV2.

#### ECOLOGY

- 5.30 The site of the existing dwelling is of domestic appearance typically managed and laid to lawn such that the site offers little potential for protected species.

A bat declaration form has been completed and indicates that the presence of bats is unlikely. The proposed development is not considered likely to impact adversely on any protected species.

### CONCLUSION

- 5.31 The application must be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.32 The proposed replacement dwelling would be very substantially greater in scale than the original existing dwelling on the site and greatly in excess of the scale limitations for rebuild properties in the Green Belt in Policy DM21 and contrary to national green belt policy which allows for rebuilds only where they would not be materially larger than the dwelling being replaced.
- 5.33 Although previous rural settlement policy allowed for much larger rebuilds examples of which can be seen close to the site, this policy designation has now been abolished. The Council have recently refused planning permission for similar proposals in excess of policy limitations but in areas previously subject to the rural settlement policy following the Council's adopted policy approach. The site is by no means the last or one of only a few remaining sites in the old rural settlement area that could seek substantial extension or rebuild. The proposal would further urbanise this area of the Green Belt and there are not very special circumstances that would clearly outweigh the harm to the Green Belt and set a precedent for further cumulative harm.

### 6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RESOLVES**

That planning permission be refused for the following reasons:-

- 1) The proposed replacement dwelling would be very substantially greater in scale than the original existing dwelling on the site and greatly in excess of the scale limitations for rebuild properties in the Green Belt contrary to parts (i) and (iii) of Policy DM21 and contrary to national green belt policy which allows for rebuilds only where they would not be materially larger than the dwelling being replaced. The proposal would reduce the openness of and further urbanise this area of the Green Belt. The site is one of number of original properties in the now obsolete rural settlement area that could seek substantial extension or rebuild if a precedent was set for allowing rebuild of a scale significantly in excess of policy limitation which would cumulatively further urbanise and affect the openness of this part of the Green Belt. There are not very special circumstances that would clearly outweigh the harm to the Green Belt.

- 2) The proposed development for a replacement dwelling on a site at high risk of flooding (Flood Zone 3) must pass the Exception Test to comply with both national and local planning policy associated with flood risk. The submitted flood risk assessment does not demonstrate satisfactorily that the development would be safe for its lifetime, without increasing flood risk elsewhere and consequently the Exception Test would not be passed and the proposal would be contrary to national and local Policy ENV3 of the Rochford District Core Strategy (2011).



Shaun Scrutton

Director

---

### Relevant Development Plan Policies and Proposals

Policies CP1, T8, ENV9, ENV3, H6 and ENV2 of the Rochford District Core Strategy (2011).

Policies DM1, DM4, DM21, DM25, DM27, DM30 of the Development Management Plan (2014).

Allocations Plan (2014).

National Planning Policy Framework (NPPF).

Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).

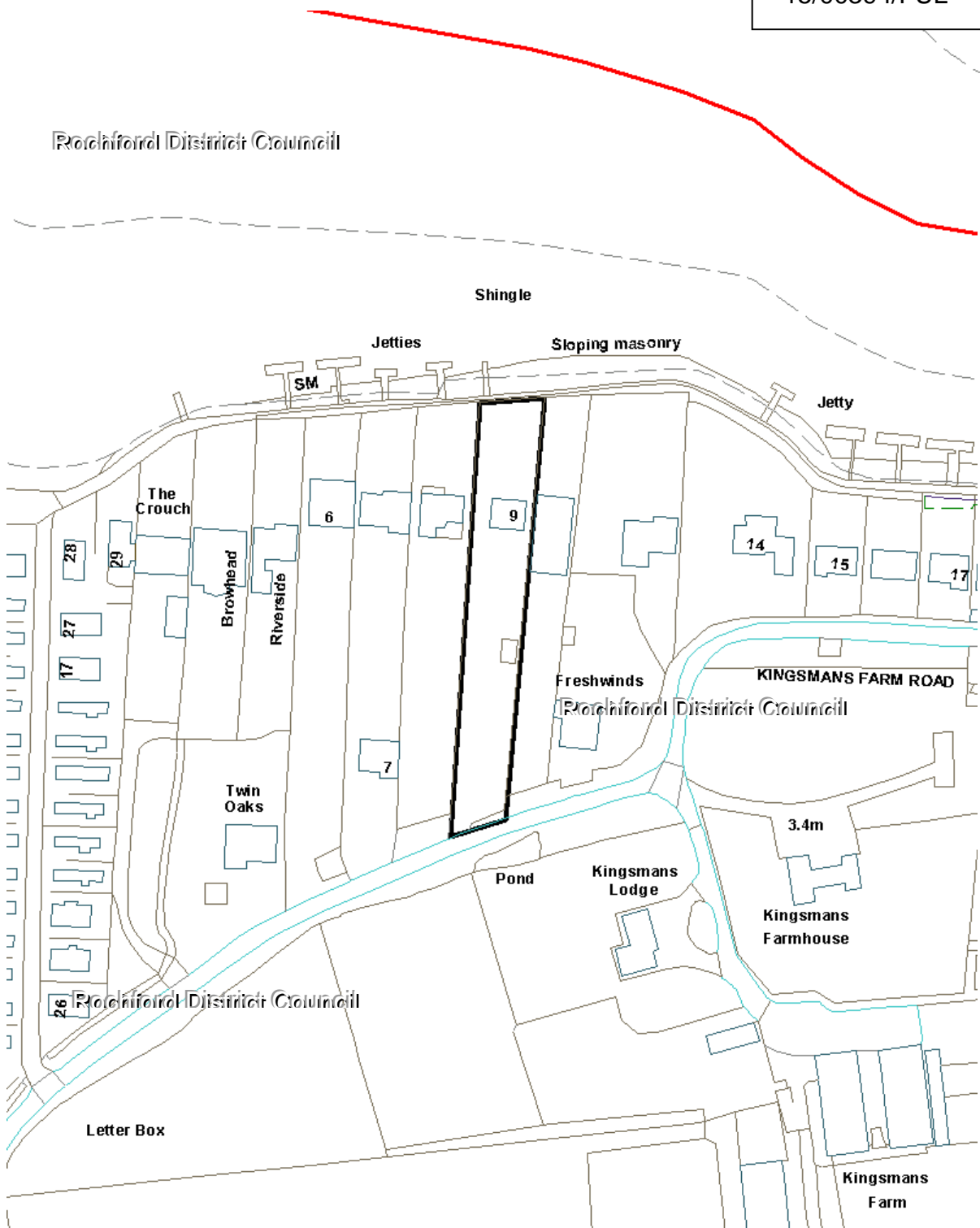
For further information please contact Katie Rodgers on:-

Phone: 01702 318094

Email: [katie.rodgers@rochford.gov.uk](mailto:katie.rodgers@rochford.gov.uk)

If you would like this report in large print, Braille or another language please contact 01702 318111.

15/00394/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138



NTS