



Appeal Decision

Site visit made on 30 May 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2017

Appeal Ref: APP/M1595/W/16/3162119

Land adjacent to St Cleres Hall, Stanford Road, Stanford le Hope, Essex SS17 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr M Valente against the decision of Thurrock Borough Council.
 - The application Ref 16/00271/FUL, dated 23 February 2016, was refused by notice dated 5 September 2016.
 - The development proposed is the demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings at land adjacent to St Cleres Hall, Stanford Road, Stanford le Hope, Essex SS17 0LX in accordance with the terms of the application, 16/00271/FUL, dated 23 February 2016 subject to the conditions set out in the schedule to this decision letter.

Main Issues

2. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt; and
 - (iii) on the living conditions of the future occupiers of the plots 1-5 and the development itself with particular regard to garden size.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. Paragraph 79 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
4. The Framework, at paragraph 89, sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling or the partial or complete re-development of previously developed sites (excluding temporary buildings) which would not have a

greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development¹.

5. Given the location of the site, in a rural area where there is not a clear settlement pattern or the development of a small gap in an otherwise continuous built up frontage, the proposed dwellings could not be considered to be limited infilling.
6. It is common ground between the main parties that the site is previously developed land and I have no reason to disagree. Given that, it therefore follows that in order to determine whether the proposal would be inappropriate development or not it is necessary to consider whether or not the proposal would have a greater impact on openness than the existing building.

Openness of the Green Belt

7. The appeal site contains a building which from the evidence before me was previously used as a car storage building. From the Council's figures the proposed development would result in a significant reduction of the footprint and volume of the building when compared to the existing situation. Whilst there would be an increase in the amount of overall floorspace, this is as a result of the three storey nature of the proposed dwellings.
8. Notwithstanding the increase in floor area, given the overall size, design, siting, and height of the proposed dwellings they would have a beneficial effect on the openness of the greenbelt when compared to the existing situation.
9. Consequently, the redevelopment of this previously developed site would not be inappropriate development when considered against paragraph 89 of the Framework. The proposed development would also comply with Policy PMD 6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) (2015) (CS&PMD) which seeks to maintain, protect and enhance the open character of the Green Belt in Thurrock.

Living conditions

10. The proposed development would result in a reduction in the previously approved garden sizes for plots 1 to 5 when compared to the original planning permission for the overall development². From the figures supplied to me, the smallest garden area would be around 57 square metres in size.
11. From the evidence before me other dwellings currently under construction on the same development site would have garden areas just over 50 square metres in size. My attention has also been drawn to other developments which have similar levels of garden space below the Councils standards as set out in Annex 1 of the Thurrock Borough Local Plan (1997). Notwithstanding that, the development must be considered on its individual merits.
12. Whilst it is clear that the rear garden areas are below the standard as set out in Annex 1, a rear garden area of at least 57 square metres for a 3 bedroom dwelling would be sufficient to meet the reasonable expectations of the occupiers of these properties. That is to say the spaces would be of a size to

¹ sixth bullet point of paragraph 89 of the Framework

² Planning permission 11/50268/TTGFUL

allow occupiers to carry out all the domestic activities one would normally expect for the size of the dwellings.

13. I have also had regard to the potential for overlooking to occur to existing residential properties on Oxford Road. However, given the length of the proposed gardens and the distance to the Oxford Road properties themselves I consider that there would not be a significant level of overlooking or loss of privacy to the occupants of those properties.
14. For the above reasons, the development would provide adequate garden space for the future occupiers of plots 1-5 currently under construction and the future occupiers of the appeal development itself. The proposal would therefore accord with the aims of Policy PMD2 of the CS&PMD which amongst other matters seeks to ensure that adequate private amenity space is provided.

Other matters

15. The appeal site is located in proximity to St Cleres Hall which is a Grade II* Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of St Cleres Hall.
16. The Hall itself is separated from the appeal development by the other housing which is currently under construction. As such, the appeal proposal would be seen in the context of this development and given the visual separation from the Hall, no harm would result to the setting of this Listed Building. The proposal would therefore accord with the conservation aims of the Framework and Policy PMD 4 of the CS&PMD which amongst other matters seeks to ensure that the setting of such heritage assets are appropriately protected.
17. In addition to the above, I have also had regard to the comments made in respect of potential asbestos in the existing barn. However, this is not a significant planning matter and the presence of such would be controlled under other legislation.

Conditions

18. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
19. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
20. Conditions relating to a construction management plan and a highways management plan are necessary to ensure that the construction process does not give rise to any harm to the occupants of neighbouring properties or cause any highway safety issues. It is necessary for the details of these to be agreed prior to works commencing to ensure that the entire demolition and construction process does not cause any adverse impact.
21. For environmental reasons, conditions relating to the details of surface and foul water drainage and dealing with any unexpected contamination are also necessary.

22. Conditions are also necessary in the interest of the amenity of the area, and to ensure that adequate provision is made for the future occupants of the development, in respect of landscaping (inc tree protection), details of cycle parking facilities, together with refuse and re-cycling storage.
23. A condition relating to the provision of parking spaces for each dwelling is also necessary to ensure that adequate off street parking is provided in the interests of highway safety. However, as they are not located within the curtilage of the dwelling, it is not necessary to restrict permitted development rights for future permanent development.
24. In respect of extensions to the dwellings and garden structures, it is necessary to restrict permitted development rights for such future development owing to the size of the garden areas.
25. As the proposed materials and the finished floor levels are already specified on the submitted drawings, it is not necessary to require further details of these matters.
26. The Council have also recommended conditions relating to window/door details and finishes, electrical and telephone services, meter cupboards and satellite dishes. Although the development is located near to a grade II* Listed Building, I do not find any special circumstances which justify the requested details above and beyond what is already detailed on the submitted drawings. As such further details are not necessary.
27. In respect of the removal of permitted development rights for additional windows or other openings on the rear elevation this is also unnecessary given the distances to the residential properties on Oxford Road.

Conclusion

28. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans - 12210-P001C, 12210-P002B and 12210-P003A.
- 3) No construction works in association with the erection of the dwellings hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, the details of which shall include:

- (a) All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (b) Means of enclosure;
- (c) External surface material for parking spaces and pedestrian accesses; and
- (d) Tree protection measures and details of the proposed management of the retained trees and hedges.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling to which it relates to or the completion of the development whichever is the sooner. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be first agreed in writing with the local planning authority.

- 4) Prior to the commencement of the works a Construction Management Plan and Waste Management Plan shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - (a) details of measures to minimise fugitive dust during construction demolition and stockpiling of materials;
 - (b) a Waste Management Plan;
 - (c) details of any security lighting or flood lighting proposed including mitigation measures against light spillage outside the site boundary;
 - (d) details of crushing and/or screening of demolition and excavation materials including relevant permits;
 - (e) a contingency plan, remediation scheme and risk assessment for any unforeseen contamination found at the site; and
 - (f) details of measures to minimise noise and vibration during construction and demolition to comply with the recommendations (including those for monitoring) set out in Parts 1 and 2 of BS5228:2009 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.

The works shall only be undertaken in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

- 5) Prior to the commencement of the works a Highways Management Plan shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - (a) Hours of operation;
 - (b) Construction vehicle routing;
 - (c) Construction access;
 - (d) Temporary hard standing;
 - (e) Storage of materials;
 - (f) Heavy plant storage;
 - (g) Abnormal Load Vehicle movements and routing;
 - (h) Crane storage and its use;

- (i) Contractor parking; and
- (j) Wheel Washing Facilities

The works shall only be undertaken in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

- 6) Prior to the first occupation of any part of the development, details of cycle parking, refuse and recycling storage facilities shall be submitted to and approved in writing by the local planning authority. The approved details, together with the car parking spaces for each dwelling, shall be constructed and made available for use and retained as such for the life of the development.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A and or E of Part One of the Second Schedule of that Order shall be carried out on the site.
- 8) Prior to the commencement of construction works, details of the foul and surface water drainage systems to serve the development, incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development and the site shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of any of the dwellings.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.