
Application Number:	22/0484/FUL
Address:	Land At Brook Farm Daws Heath Road, Hadleigh, Essex (Victoria Ward)
Description of Development:	Construct 173No. dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings
Applicant:	Countryside Partnerships (Eastern Home Counties)
Case Officer	Terrence Garner
Expiry Date:	22/03/2024

1. Summary

- 1.1 This application seeks to secure planning permission for the provision of 173 dwellings with associated open space and infrastructure, including the provision of an extensive area of public open space, an extensive sustainable drainage system, community orchard and an equipped children's play area on land at Brook Farm, Daws Heath.
- 1.2 The applicant states that the scheme satisfies all relevant spatial standards whilst protecting as far as possible the current ecological value of the site and achieving a net increase in biodiversity. See **Fig: 1**.



Fig: 1 – Proposed Site Layout

- 1.3 The submitted scheme would make a significant contribution towards meeting both market and affordable housing needs, with the provision of some 69 affordable housing units, secured through a S106 agreement.
- 1.4 The technical details of the scheme have been reviewed by Essex County Council, the Lead Local Flood Authority, Natural England, the NHS and all other relevant statutory consultees, none of which have raised any objection to the proposal. The proposal has, however, attracted 696 objections.
- 1.5 The application site is allocated for Green Belt purposes in the adopted Local Plan and the proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should only be approved where very special circumstances that outweigh the harm to the Green Belt, exist.
- 1.6 The Planning Authority considers that a very special circumstance need not be a single matter but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.
- 1.7 Whilst a number of benefits may be identified within the scheme, detailed analysis has failed to determine that, either individually or cumulatively, they constitute the very special circumstances needed to outweigh harm to the Green Belt.
- 1.8 The proposal is therefore recommended for **REFUSAL**.
- 1.9 This application is presented to Committee because it is of sufficient scale to warrant consideration by Members, in the interest of open and transparent decision making.
- 1.10 It should be noted that, should Members seek to depart from this recommendation, by virtue of the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No 595) the application is identified as one which must be referred to the Secretary of State, in order that they might consider whether this is an application they wish to call in for their own determination.
- 1.11 If such an application were called-in by the Secretary of State, once that determination has been received, this matter would be presented to a further meeting of the Development Management Committee in the light of the Secretary of State's final decision.

2. Site Visit

- 2.1 It is considered that it would be beneficial for Members to visit the site prior to the determination of the application.

3. The Proposal

- 3.1 Planning permission is sought for the development of the site for 173 single storey, two storey and three storey dwellings comprising:
- o 12 x 1-bedroomed flats, all of which are provided as affordable housing units
 - o 6 x 2-bedroomed flats, all of which are provided as affordable housing units
 - o 34 x 2-bedroomed dwellings of which 24 are provided as affordable dwellings
 - o 73 x 3-bedroomed dwellings of which 25 are provided as affordable dwellings
 - o 33 x 4-bedroomed dwellings and of which 2 are provided as affordable dwellings
 - o 15 x 5-bedroomed dwellings.
- 3.2 In total the proposal seeks to provide 69 affordable housing units, equivalent to 40% of the total dwellings on the site.
- 3.3 18 flats are also to be provided within two x two and a half storey blocks, one located on the southern side of the site and one to the north.
- 3.4 Seven bungalows are provided on the site and the remainder of the dwellings comprise 124 two storey and 24 two and a half storey houses.
- 3.5 Approximately one third of the units will be designed to meet the needs of the elderly or those with disabilities.
- 3.6 All of the proposed dwellings have associated parking and amenity space provision.
- 3.7 The proposal also includes the provision of infrastructure, including an extensive sustainable drainage system, 10ha of public open space including the provision of an equipped area for children's play, an orchard, meadow and wetland area and an informal open space suitable for walking and riding. Extensive planting will be undertaken within the area to help maintain and enhance ecological linkages between Pound Wood and Great Wood/Dodds Grove.
- 3.8 Vehicular access to the site will be obtained from the old section of Daws Heath Road, via a modified junction and pedestrian and cycle routes will cross the site, linking Daws Heath to Bramble Road to the north-east.
- 3.9 The vernacular of the site will reflect that present within the Solby Wood development and will exhibit the use of red and yellow brick, red/brown or grey roof tiles, weatherboarding and cream and white render.

4. The Site and its Surroundings

- 4.1 The site is located to the south-east of the settlement of Daws Heath and comprises the complete curtilage of Brook Farm, extending to some 18.9ha.
- 4.2 The site comprises the buildings associated with Brook Farm, including the farm house and stables and caravan storage. There is a total of four buildings on the site. The residential dwelling is a two-storey pitched roof property. The stables and other agricultural buildings are single storey in height.

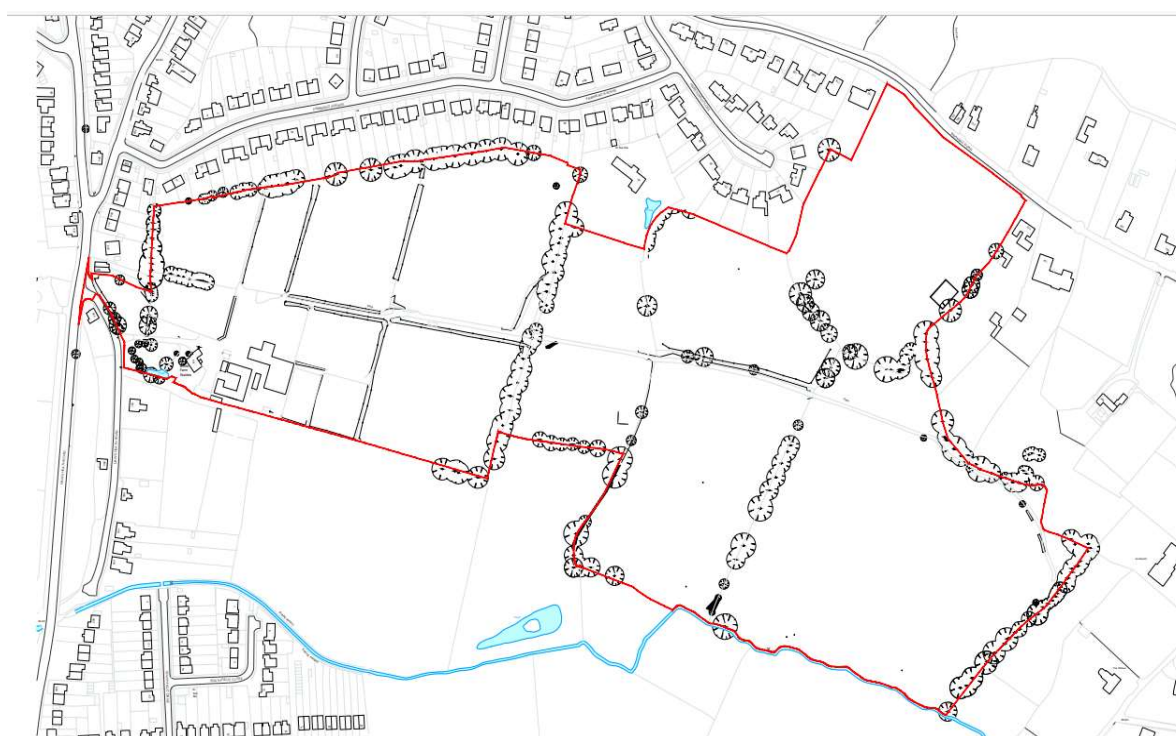


Fig: 2 - Site Location Plan

- 4.3 All existing farm buildings are to be removed but the residential dwelling is to be retained.
- 4.4 The remainder of the farm comprises a number of hedge and tree defined fields and paddocks which extend from Daws Heath Road eastwards.
- 4.5 None of the trees on this site are currently preserved.
- 4.6 Residential development is located immediately to the north, on Fairmead Avenue and Haresland Close with residential development also located to the south of the site, along the old section of Daws Heath Road and on Southfield Drive and Close; beyond is an area of green space outside of the application site.

- 4.7 Topographically, the site generally slopes from some 68m AOD in the north to 50m AOD on the southern boundary, with the central element of the site sloping from west to east.
- 4.8 There are no existing ponds or rivers within the site although a small stream runs west to east along the southern boundary. This separates the site from Dodds Grove.
- 4.9 The geology for the southern extents of the site is characterised by sub aerial slope superficial deposits, comprised of head – clay, silt, sand and gravels. The bedrock geology at the site is a mixture of the Bagshot Formation for the northern extents primarily comprised of sand (locally clayey) and the Claygate Member to the south, made up of clay, silt and sand.
- 4.10 A Badger sett is located on the northern boundary.

5. Supplementary Documentation

- 5.1 The application is accompanied by:
- Design and Access Statement
 - Planning Statement
 - Concept Design Document
 - Site Analysis
 - Photographic Field Survey
 - Schedule of Accommodation
 - Sustainability and Energy Statement
 - Noise Assessment
 - Health Impact Assessment
 - Ecological Impact Assessment and Biodiversity Net Gain Assessment
 - Habitat Regulations Assessment
 - Arboricultural Report and Tree Condition Survey
 - Site Habitat Creation report
 - Landscape and Visual Impact assessment
 - Landscape Management and Maintenance Plan
 - Landscape and Open Space Strategy
 - Statement of Economic Benefits
 - Transport Statement
 - Flood Risk Assessment and Drainage Strategy
 - Suds Proforma
 - Archaeology Desk Based Assessment
 - Risk Assessment
 - Tables of Compliance with Local Plan Policies
 - Utilities Assessment
 - Sustainability and Energy Statement

- Appeal Document – Jotmans Lane

5.2 The applicant has also submitted, within the Planning Statement, Heads of Terms for the S106 Agreement to include as necessary and appropriate:

- Provision of 40% Affordable Housing (equivalent to 69 units) and
- Financial contributions towards:
 - Highway Improvements
 - Healthcare Provision
 - Educational Facilities and Libraries
 - Green Infrastructure
 - Waste Water Management

6. Planning History

22/0375/Screen - Request for screening opinion. EIA not required. Opinion Issued 27.05.2022.

22/0284/MAJPRE - Request for pre application advice for development site with 173 dwellings. Advice provided 13.04.2022.

16/0742/PREAPP - Residential Development. Advice provided 27.10.2016

16/0099 PREAPP - Residential Development. Advice provided 03.03.2016

CPT/172/93 - Application for 1x 2/3 bedroomed bungalow. Refused 19.05.1993.

6.1 All previous history relates to the operation of the farm and is not relevant to consideration of the current application.

7. Pre Application Engagement

7.1 The applicants undertook their own community engagement on the site's development during the Local Plan process and have met with the Local Plan Delivery Board. Following such meeting, and in accordance with the wishes of the Local Plan Delivery Board, the applicants have engaged in pre application discussions with Officers prior to the submission of the current application.

8. Local Plan Allocation

8.1 Green Belt

9. Relevant Government Guidance and Local Plan Policies

9.1 The following policies are of relevance:

National Policy Planning Framework (2021)

Introduction and achieving sustainable development.

Paragraphs: 2, 7-10, 11, 12, 14.

Decision making

Paragraphs 47, 49, 52, 54.

Delivering a sufficient supply of homes

Paragraphs 61.

Promoting healthy and safe communities

Paragraphs 96, 97, 102, 104.

Promoting sustainable transport

Paragraphs 111, 112, 114.

Making effective use of land

Paragraphs 123, 124,

Achieving well designed places

Paragraphs 131, 135.

Protecting Green Belt land

Paragraphs 142, 152, 154.

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 158, 168-171, 173.

Conserving and enhancing the natural environment

Paragraphs 180, 186, 189, 190, 192.

Adopted Local Plan

EC2 Design

EC3 Residential Amenity

EC4 Pollution

EC13 Protection of Wildlife and their Habitats

EC14 Creation of new Wildlife Habitats

EC22 Retention of Trees Woodlands and Hedgerows

H9 New Housing Densities

H10 Mix of Development

T8 Car Parking Standards

RE4 Provision of Children's Playspace and Parks

CF1 Social and Physical Infrastructure and New Developments

CF14 Surface Water Disposal.

Residential Design Guidance (RDG)

Relevant guidance includes:

RDG1	Plot Size
RDG2	Space around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy and Amenity
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage
RDG16	Liveable Homes

Other relevant Documents

- Essex Planning Officers Association Vehicle Parking Standards (August 2009)
- Addendum to the South Essex Strategic Housing Market Assessment (2017)
- Addendum to the South Essex Strategic Housing Market Assessment (2020)
- Habitats Regulations Assessment (Screening Report and Appropriate Assessment) Sept 2020.
- Safer Places: The Planning System and Crime Prevention 2004
- Developer Contributions Guidance SPD – Adopted 1st October 2008
- Castle Point Open Space Appraisal Update 2012
- Technical Housing Standards – national described space standard (DCLG March 2015)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex County Council, 2020)
- Guidance for Assessing Planning Applications in the Green Belt in Castle Point (November 2023)
- Community Infrastructure Levy
- South Essex Strategic Flood Risk Assessment (April 2018)

The withdrawn Local Plan

- 9.2 Throughout the applicants' submissions reference is made to the withdrawn Local Plan and its implications for the application site. It is identified that the application site was allocated for residential development within the withdrawn Local Plan and it is opined that substantial weight can be attached to the provisions of the withdrawn Local Plan, it having been found sound by the Inspector.
- 9.3 It should be noted, however, that in June 2022 Members resolved to withdraw the Local Plan.

- 9.4 The provisions of that document can therefore have no weight in the consideration and determination of this application.

10. Community Infrastructure Levy (CIL)

- 10.1 The proposed development type is located within a Community Infrastructure Levy (CIL) charging zone, as set out in the Council's adopted. CIL is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development, and payment of CIL is due upon commencement of the development, in accordance with the Council's [CIL Instalment Policy](#). It may be possible to claim exemption or relief from CIL. Further information is provided on the Council's website: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

- 10.2 This proposal is a CIL liable development.

11. Consultation

- 11.1 Essex County Council Highways
No objection, subject to conditions.
- 11.2 Essex County Council Fire and Rescue
No objection. Additional Fire Hydrants are to be installed.
- 11.3 Essex County Council Infrastructure Planning Officer
No objection, subject to provision of appropriate contributions towards Early Years and Childcare, Primary education and Library provision.
- 11.4 Essex County Council Green Infrastructure Team
No objection, subject to conditions.
- 11.5 Essex County Council Lead Local Flood Authority
No objection, subject to conditions.
- 11.6 Environment Agency
No comments.
- 11.7 Anglian Water
The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows. Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. A feasible drainage strategy must be achieved. The preferred method of surface water disposal would be to a sustainable drainage system.

- 11.8 Essex Police
Detailed comments on design. No objection to the proposal.
- 11.9 NHS England
No objection, subject to an appropriate financial contribution to mitigate the impact on local healthcare provision.
- 11.10 Natural England
No objection, subject to appropriate mitigation.
- 11.11 UK Power Networks
No response.
- 11.12 Invertebrate Conservation Trust (Buglife)
No response.
- 11.13 Essex Wildlife Trust
No response.
- 11.14 Essex Badger Patrol
Objects to the proposal, which will encroach on badger habitat resulting in displacement and inconvenience for local residents as badgers seek new foraging areas.
- 11.15 CPBC Environmental Health Officer
No objection – conditions recommended.
- 11.16 CPBC Legal Services
No observations.
- 11.17 CPBC Streetscene
No response.
- 11.18 CPBC Housing Manager
The mix of dwellings would appear to meet the needs of the borough and it is welcome to see 40% being affordable homes. It is noted that this will be a mix of rent and home ownership and we would welcome 50% of these being rental properties.
- The properties show a mix of houses, flats and bungalows, with wheelchair accessibility which would be particularly welcome to the rented stock in the area with 1 and 2-bed properties being in high demand.

12. Public Consultation

- 12.1 Letters have been sent to all occupiers adjoining the site, along with site notices and a press notice posted in the Basildon Echo.
- 12.2 Some 695 responses have been received from residents which make the following comments:
- Proposal is inconsistent with Green Belt Policy.
 - No very special circumstances identified.
 - No need for more houses.
 - Population growth in the borough does not warrant more houses being built.
 - Greater use should be made of brownfield sites and existing vacant buildings.
 - Proposal is premature.
 - New Local Plan is under preparation – proposal should be held in abeyance until Plan is adopted.
 - Loss of wildlife habitat.
 - Loss of agricultural land.
 - Loss of open /dog walking space.
 - Area already over developed and over populated.
 - Loss of trees.
 - Loss of stabling/horse grazing.
 - Proposal is not beneficial to the area.
 - Proposal represents over development of the site lacking adequate private amenity areas and parking provision.
 - Proposal does not meet the needs of local people. Affordable housing is required.
 - Detrimental to the character of the area.
 - Inadequate infrastructure to support the proposal.
 - Increased traffic and potential for accidents.
 - Road junction is dangerous.
 - Road has no pavements.
 - Roads not suitable for heavy traffic.
 - Increased noise and air pollution. The air pollution in the area is already 3 times WHO recommendations.
 - Adverse impact on carbon footprint of the community.
 - Light pollution.
 - Flood risk and drainage systems inadequate.
 - Need to consider climate change.
 - Overlooking and loss of privacy.
 - Inadequate water pressure.
 - Proposal will adversely impact on quality of life and mental health.
 - Proposal is too close to Little Havens Hospice.
 - Too soon after the development of Solby Wood – residents need a respite.
 - Site is inappropriate for affordable housing.
 - Loss of view.
 - Proposal will devalue property.

12.3 Two letters of support have been received:

- Good opportunity for first time buyers – nice location for family homes.
- Proposal will replace poor neighbour.
- Proposal will be of benefit to local residents through provision of access to open space and improved biodiversity.

13. Comment on submitted responses

13.1 Essex County Council Green Infrastructure Team has requested the imposition of a number of conditions on the grant of any consent.

13.2 Whilst those related to the provision of a Construction Environment Management Plan and maintenance provisions for the proposed SUDS are considered appropriate, the Team has also requested that a condition be imposed preventing works on site until a detailed Green Infrastructure Strategy for the site, based on the Essex Green Infrastructure Strategy and Emerging GI Standards and an assessment of the ecological context of the development, has been submitted to and approved in writing by a landscape specialist from the local planning authority.

13.3 First it should be noted that this Authority has not adopted the Essex Green Infrastructure Strategy and Emerging Green Infrastructure Standards and is not therefore bound by them.

13.4 Furthermore, it should be noted that the current proposal seeks to provide approximately 10 hectares of greenspace, including a locally equipped area of play, together with natural greenspace including grasslands, woodland, ponds and wetland planting. The greenspace includes a new multi user greenway linking Daws Heath Road and Bramble Road, together with a circular route providing opportunities for informal recreation.

13.5 In addition, infrastructure such as benches and street furniture will be provided, providing a place in which people can rest ensuring routes are inclusive for less mobile people and a locally equipped area of play (LEAP) is proposed within the development within approximately 250m of all residents. The LEAP will be designed to be inclusive to all children and encourage active and imaginative play.

13.6 The development has been designed to prioritise active travel, with all key routes accessible by pedestrians and cyclists, including wheelchair users and less mobile people, with a shared footway/cycle route alongside the access road, a minimum 3.5m wide linking to Daws Heath Road and Bramble Road.

13.7 In addition, the applicants have undertaken extensive ecological surveys and have allowed the results of such surveys to determine the layout of the site.

- 13.8 Given these provisions it is considered that the imposition of a condition on the grant of any consent requiring a detailed Green Infrastructure Strategy for the site, based on the Essex Green Infrastructure Strategy and Emerging GI Standards and an assessment of the ecological context of the development, is unreasonable and unnecessary.
- 13.9 With regard to the comments received from the public - loss of view, the fact that another development may have only recently been completed in the area and the devaluation of properties are not material planning considerations and can have no weight in the consideration of the current proposal.
- 13.10 It should be noted that the current proposal is located on the south side of Daws Heath, whilst Havens Hospice is located on the north side, some 800m from the application site. As a consequence of the isolation achieved between the two, and given the presence of intervening development, the proposal is not considered likely to have any direct impact on its operation. Any indirect impact would be no greater than that already experienced as a consequence of the location of the Hospice in close proximity to existing residential development.
- 13.11 All material planning considerations raised during the public consultation period will be considered in the body of this report.

14. Evaluation of the Proposal

- 14.1 The proposal seeks consent for 173 residential units, together with associated access, parking, amenity space, strategic landscaping and open space provision.
- 14.2 The application site is allocated for Green Belt purposes in the adopted Local Plan and contains a small number of lawful buildings and uses which render a limited part of the site as previously developed, or brownfield land. See **Fig: 3**.
- 14.3 The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the Council's Adopted Local Plan (1998), alongside supporting policy documents and SPDs.



Fig: 3 – Green Belt Allocation

15. The Principle of Development

- 15.1 Planning law requires that applications for planning permission be determined in accordance with the Development Plan currently in force unless material considerations indicate otherwise (paragraph 2 of the NPPF 2023).
- 15.2 The adopted Development Plan 1998 is the starting point for decision-making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.
- 15.3 The Development Plan for Castle Point is the adopted Local Plan (1998). The Proposals Map associated with the Plan identifies the site as Green Belt. It should be noted, however, that the adopted Local Plan contains no policies which establish the general principles for the control of development within the Green Belt. For this reliance is now placed on the provisions of the National Planning Policy Framework 2023 (NPPF).

- 15.4 The NPPF 2023 states that plans and decisions should apply a presumption in favour of sustainable development . For decision-making this means approving development proposals where they accord with an up to date development plan, without delay, or where there are no relevant development plan policies, or policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework provide a clear reason that development should be refused (paragraph 11 of the NPPF).
- 15.5 Footnote 7 to the NPPF identifies that land allocated for Green Belt purposes is an example of where the policies in the Framework can provide a clear reason for refusing the development proposed.
- 15.6 The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Within the Green Belt there is a general presumption against inappropriate development. Such development should not be approved, except in very special circumstances. Therefore, the essential characteristics of the Green Belt are its openness and permanence.
- 15.7 Paragraph 143 of NPPF sets out the five main purposes of Green Belts:
- o to check the unrestricted sprawl of large built up areas.
 - o to prevent neighbouring towns from merging into one another.
 - o to assist in safeguarding the countryside from encroachment.
 - o to preserve the setting and special character of towns; and
 - o to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 15.8 The principle of development within the Green Belt will be fully and comprehensively assessed within the body of this report. Nonetheless, the Local Planning Authority has also developed an assessment template to aid assessing applications for residential development in the Green Belt.
- 15.9 This template has been developed with the aim to provide a consistent, comprehensive, robust and up-to-date approach to assessing all primarily residential applications in the Green Belt, where all harm resulting from a proposal, as well as all benefits, are clearly set out, considered and appropriately weighted.
- 15.10 However, it should be noted that the template is not and should not be used as a mathematical approach to applying weight to considerations for and against a development proposal. The balancing exercise is still a matter of planning judgment and not a numerical exercise.
- 15.11 The assessment of this application in accordance with this newly developed template can be found in Appendix 1 to this report.

- 15.12 Paragraph 145 states that, once established, Green Belt boundaries should only be altered in the most exceptional circumstances through the preparation or review of the Local Plan.
- 15.13 Paragraph 152 of the NPPF clearly states that inappropriate development in the Green Belt, which includes large scale commercial and residential development, is by definition harmful to the Green Belt and should not be approved, except in very special circumstances and paragraph 148 of the NPPF states that when considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 15.14 Paragraph 154 states that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless they qualify for consideration under one of the stated exceptions.

These exceptions are:

- a) Buildings for agriculture and forestry;
 - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
 - e) Limited infilling in villages;
 - f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 15.15 The proposed development does not qualify for such consideration and is therefore inappropriate development which is by definition harmful to the Green Belt.

- 15.16 Having determined the existence of definitional harm, consideration must be given to any other harm that might arise from the development of the site.
- 15.17 Paragraph 143 of NPPF sets out the five main purposes of Green Belts:
- o to check the unrestricted sprawl of large built up areas;
 - o to prevent neighbouring towns from merging into one another;
 - o to assist in safeguarding the countryside from encroachment;
 - o to preserve the setting and special character of towns; and
 - o to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 15.18 Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence.
- 15.19 The Castle Point Borough Green Belt Review 2018, Part 1 identifies the wider area of land to the south and east of Daws Heath, of which the application site forms part, as Parcel 8 and states that this parcel is predominantly a green field area with low vegetation cover which differentiates it from the Ancient Woodland parcels to the north and south.
- 15.20 This parcel also has some wooded areas and a degree of ribbon development and agricultural development, with these developments further differentiating it from the surrounding parcels. The parcel forms part of a ring of Green Belt around the settlement of Daws Heath, which as a whole, is identified as strongly serving the purposes of checking the unrestricted sprawl of the built up area, moderately performing the function of safeguarding the countryside from encroachment and very strongly performing the function of preventing the merging of adjacent settlements.
- 15.21 Parcel 8 therefore fulfils the critical Green Belt functions. It is necessary, however, to consider whether the release of part of that parcel, as presented by the application site, for development purposes would harm the Green Belt by prejudicing the capability of the wider Green Belt to continue to perform those functions.
- 15.22 Whilst the application site includes an area of previously developed, or brownfield land, the proposal would result in the intensive development of a currently primarily vacant site. Such development represents a physical and visual encroachment into the Green Belt which will contribute to the enlargement of the settlement of Daws Heath and urban sprawl, in conflict with the first purpose of the Green Belt. Development of the site will prejudice the ability of the developed area to contribute to the prevention of sprawl. This carries weight against the proposal.

- 15.23 In terms of the second purpose, whilst it is acknowledged that the area between Daws Heath and Hadleigh, of which the application site forms part, strongly performs the function of preventing the merging of those settlements, it is not considered that the release of the development site would unduly prejudice this objective. As with the development to the west at Solby Wood Farm, the development site is located immediately adjacent to the built up area and a substantial area of open land will be retained both within the site and beyond which will continue to perform the function of preventing the merging of the two settlements. Release of the land for development will significantly reduce the distance between the two settlements, whilst this will not result in the merging of those settlements. It is not therefore considered that the proposal is significantly harmful in this regard. The loss of the site in the context of the second purpose of the Green Belt is considered to carry moderate weight.
- 15.24 In terms of the third purpose of the Green Belt, development of the site would constitute a loss of countryside. However, the immediate surrounds are predominantly urban and semi-urban in appearance and this has a significant impact on the perception of the site being in countryside. In terms of the purposes of the Green Belt, the harm caused by the loss of this countryside is considered limited.
- 15.25 It is not considered that the application site makes a contribution to the setting or special character of an historic town. Redevelopment of the site would have no impact on this function of the Green Belt.
- 15.26 The fifth function of the Green Belt is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The extent to which the Green Belt around Daws Heath can contribute to the achievement of this purpose will be discussed when the satisfaction of housing need is discussed later in this report.
- 15.27 Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 15.28 *Prima facie*, and notwithstanding the further consideration of the fifth function, it is clear that the proposal represents inappropriate development, which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is also clear that the development of the site will cause harm as a result of the consequent expansion or sprawl of the urban area. Such harm is attributed substantial weight, in accordance with Government guidance.
- 15.29 However, before finally determining the proposal, the local planning authority (LPA) is required to consider whether there are any very special circumstances, either in isolation or combination, which would outweigh that harm and justify a departure from the policy requirements.

- 15.30 The Authority must also consider whether there are other material considerations that would justify inappropriate development in the Green Belt.

Openness of the Green Belt

- 15.31 As mentioned previously, paragraph 143 of the NPPF sets out the main purposes of the Green Belt which are to restrict development and to maintain the openness of the Green Belt, preventing towns from merging, restricting urban sprawl, avoiding encroachment in the open countryside, and preserving the setting and special character of historic towns.
- 15.32 In undertaking an assessment on the openness of the Green Belt, regard needs to be had to the findings of both *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 and *Euro Garages Limited v Secretary of State for the Environment* [2018] EWHC 1753.
- 15.33 Turner set out that the concept of “openness of the Green Belt” is not narrowly limited to the volumetric approach but is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these factors is how built up the Green Belt is now, how built up it would be if development occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents. Furthermore, the openness of the Green Belt has a spatial aspect, as well as a visual impact, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building.
- 15.34 The Euro Garages decision considers both the Turner decision and *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* [2018] EWCA Civ 489. It considers that where the issue of openness arises the visual impact of the development will generally require consideration, and that should be the case whether there is likely to be a visual impact or if there is no visual impact. It concludes that the open textured approach to visual impact, as well as spatial impact, requires consideration, subject to a margin of appreciation. It is not sufficient to treat any and all change as having a greater impact on the openness of the Green Belt; it is the impact or harm of the changes, if any, that need to be considered.
- 15.35 This is consistent with a recently updated section of Planning Practice Guidance (64-001-20190722) which states that openness is capable of having both spatial and visual aspects, meaning the visual impact of the proposal may be relevant, as could its volume.

- 15.36 The visual impact of development on the openness and perceived openness of the Green Belt is a material consideration, as identified in the aforementioned High Court cases.
- 15.37 The proposed scheme is considered to represent a significant spatial and visual intrusion within the Green Belt by reason of the large bulk, mass and scale of the proposed development. In the opinion of the LPA it is considered that the development would appear as a large and intrusive feature on this site, which is currently undeveloped.
- 15.38 The intended spread and density of development across part of the site is considered to succinctly illustrate these concerns, highlighting the visual intrusion and impact on the openness of the site. Although it is noted that development is concentrated within part of the site to reduce the impact of development across the wider site as a whole.

16. The Existence of Very Special Circumstances

- 16.1 There is no statutory definition of the term ‘very special circumstances,’ as the Courts have held that very special circumstances will be specific to the particular scheme under consideration. Such considerations do not have to be unique or incapable of repetition.
- 16.2 The Planning Authority considers that a very special circumstance need not be a single matter but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.
- 16.3 The NPPF 2023, states that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
- 16.4 The applicants have identified a number of factors which, in the applicants’ opinion, constitute, both individually and cumulatively, very special circumstances. These are:
- i) The provision of housing, defined by local needs and provided to contribute towards addressing the critical shortfall in the delivery of market and affordable housing;
 - ii) The provision of affordable housing;
 - iii) The provision of 10ha of public open space;
 - iv) The delivery of a package of ecological enhancement resulting in a net gain in biodiversity on the site;
 - v) The delivery of highly sustainable housing;
 - vi) The achievement of positive economic outcomes during the construction and operational periods as a consequence of employment opportunities,

- the operation of an apprenticeship scheme and increased local spend;
and
- vii) The 'unique circumstances' of the Castle Point Local Plan position and the fact that in previous iterations of the Local Plan the application site has been identified as suitable for release for development purposes.

16.5 Each matter will be considered in turn.

- i) **The provision of housing, defined by local needs and provided to contribute towards addressing the critical shortfall in the delivery of market and affordable housing**

The applicant identifies that for many years Castle Point has failed to deliver sufficient homes to meet its housing need. It is considered that the proposed development would address part of the unmet need and that this opportunity represents a very special circumstance which should weigh heavily in favour of the development.

A number of local residents have commented that a need for further housing does not exist and consequently the case of a very special circumstance on this basis cannot be made.

Since September 2018 the Government's standard methodology has been used to calculate objectively assessed housing needs within the context of the preparation of Local Plans. Work undertaken by this Authority, in the context of the preparation of its own Local Plan, identified that, when calculated in accordance with the standard methodology, the housing need for Castle Point was a minimum of 342 per annum.

Since that calculation was undertaken, however, revisions to the methodology to reflect the affordability ratio has increased to 355 per annum.

The standard methodology is primarily based on the 2014 national household growth projections and the age of this baseline, which may not now fully reflect growth, together with the fact that the use of the standard method is not mandatory, has led some to question the validity of use of the calculation and as a consequence the validity of identified local housing needs derived from such calculation.

Based on the standard methodology and information collated by the Planning Authority in its annual monitoring reports, this Authority has consistently failed to provide sufficient housing to meet its needs over a long period. Since the introduction of the standard methodology in 2018, only 42% of the requisite homes have been provided. Such performance is fairly typical across the past 20 years.

Where circumstances warrant it, Government guidance is clear that authorities can use an alternative approach.

Whilst the most recently prepared draft Local Plan (2018-2033) has been withdrawn, in preparing the new Castle Point Plan, the evidence base which underpinned the previous Local Plan has begun to be superseded with newer more relevant and up-to-date assessments and information. This is evident in the publication of a new housing needs assessment¹ which has identified a reduction in 100 homes per annum compared to the previous standard methodology based calculations.

However, in policy terms, a housing shortage still exists within the borough, driven primarily by a shortage of land available for development.

The NPPF 2023 requires authorities to identify deliverable sites sufficient to provide five years' worth of housing against their housing requirement. Where there has been significant under delivery of housing over the previous three years, as there has in Castle Point, a 20% buffer is required to improve the prospect of achieving the planned supply.

On this basis, in order to protect against unplanned housing provision this Authority needs to identify sufficient land to accommodate a significant number of dwellings over the next five years. At the present time, taking account of all available land within the urban area, land sufficient for the provision of equivalent to 2.31 years supply has been identified.

In numerical terms therefore, there would appear to be an argument for the release of further land for development. However, Government guidance is clear; in isolation housing need is unlikely to justify inappropriate development in the Green Belt and on this basis the need for housing would appear to carry limited weight in the consideration of the application.

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It must be noted, however, that case law and planning appeals have confirmed that a housing land supply shortfall can, in association with other considerations, contribute to the provision of sufficient weight to outweigh the harm to the Green Belt.

This attracts moderate weight in favour of the proposal.

¹ Castle Point Local Housing Needs Assessment – December 2023

Consideration is to be given to the harm arising as a consequence of the development of the site on the fifth function of the Green Belt – that of encouraging the recycling of derelict and other urban land.

In locations where significant areas of urban and other derelict land is available, the tight restriction of development in the Green Belt will inevitably force developers to look within the urban areas for development opportunities.

Within Castle Point, as is demonstrated by the housing land availability figures above, there are opportunities within urban and derelict locations, but which rarely offer the potential for larger scale developments, however, which can cumulatively add up to significant numbers of houses. This carries weight in favour of the proposal.

ii) The provision of Affordable Housing

A key element of the applicants' very special circumstances is the provision of 40% of the units as affordable housing.

Policy H7 of the adopted Local Plan (1998) states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes.

It should be noted, however, that Policy H7 was adopted some twenty years ago and that changes in the housing market have continually informed the Council's view on what constitutes appropriate affordable housing provision. For schemes of individual dwellings the Council currently seeks no less than 50% of all new affordable housing as affordable housing for rent, with the remainder provided as affordable home ownership products, as defined in the NPPF. The Council will seek nomination rights in a Section 106 Agreement.

The Council's Developer Contributions Supplementary Planning Document provides the latest adopted guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 61 affordable housing units on this site.

The applicant is offering 40% of the units as affordable housing. This reflects the fact that the application was primarily prepared within the context of the withdrawn Local Plan. The withdrawn Local Plan identified that within the mainland areas of the borough the provision of 40% affordable housing was achievable. Under this provision 69 affordable housing units would be required on this site.

The Castle Point Strategic Housing Market Assessment Addendum 2017 identifies a net annual affordable housing need of some 291 dwellings. More recent work suggests that the Council's Housing Waiting List, which currently has 591 requests for housing accommodation, is increasing by some 110 requests per year. These are requests from local people who are unable to access housing within the borough.

It may be noted that the lower quartile house price to income ratio in Castle Point is 12:1. In other words, the cheapest market housing in the borough is some 12 times the average annual household income of Castle Point residents.

The situation for rented property is similarly difficult, with average rent for a 2-bedroomed house being £241 a week.

The demand for affordable housing is growing. Given the opportunities available for the provision of affordable housing, the likelihood of this Authority fully meeting its affordable housing needs is remote.

In this context, it is considered that the proposed development of the site to provide 40% of dwellings as affordable housing represents a significant benefit. This attracts significant weight in favour of the proposal.

Any affordable housing proposed on the site will be secured through a S106 Agreement.

It should be noted that the Council will expect 50% of the affordable units to be affordable rent properties and will seek nomination rights in respect of such properties.

It should further be noted that the NPPF expects at least 10% of affordable housing to be provided as affordable home ownership products.

iii) The provision of 10ha of public open space

The South Essex Strategic Green and Blue Infrastructure Study identifies that in respect of parks and gardens and provision for children and young people, the borough exhibits a deficit of provision.

The submitted scheme seeks to provide some 10ha of open space to the south and east of the proposed development. This land will provide the opportunity for informal recreation, including passive enjoyment of the landscape, as well as more active options such as walking, cycling and horse riding.

The applicants point out that paragraph 150 of the NPPF states that local authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access for outdoor sport and recreation, to retain an

enhance landscapes, visual amenity and biodiversity, or to improve damaged or derelict land.

The current proposal will provide the opportunity for the beneficial use of land which is currently inaccessible to the public. However, paragraph 150 talks about the positive use of the Green Belt within the context of the definition of the Green Belt. It does not identify the positive use of the Green Belt as an exception to the presumption against inappropriate development. The provision of publicly accessible open space does not therefore automatically weigh in favour of the proposal.

It should be noted that any large scale development will be required to make provision for the recreational needs of its residents. The Fields in Trust benchmark guidelines recommends the provision of 3.35ha of formal outdoor space including playing pitches, outdoor sports provision and play and multi use areas, and 3.2ha of informal outdoor space, per 1000 population.

Applying this recommendation to the proposal, on the basis of an average household occupancy of 2.5 persons, gives a requirement for a total of some 2.83ha of space.

The proposal achieves some 10ha which far exceeds the recommendation.

A number of local residents have objected to the current proposal on the basis that it results in a loss of recreational facilities. Primarily these objections refer to dog walking and riding facilities.

It should be noted, however, that at the present time the application site is in private ownership and is not accessible to the general public for dog walking and riding purposes without the permission of the owner. No public rights of way exist across the site. Development of the site will therefore have no adverse impact on existing publicly accessible outdoor recreational facilities.

In terms of the weight that may be accredited to the provision of such space, in the context of the identification of very special circumstances, it should be noted that within a short walking distance from the site significant areas of public space exist at Pound Wood, Great Wood and Dodds Grove, West Wood and the John Burroughs Recreation Ground, all of which provide the opportunity for outdoor recreation. The site is not therefore considered to be within an area so deprived of the opportunity for recreation and enjoyment of open spaces, that the provision of a large area of open space would have a significant beneficial impact.

The provision of the proposed level of open space is therefore considered to attract only minor weight.

Comment has been received that the proposed development will result in a loss of stabling, the point being made that the opportunities for stabling have already been depleted in the area as a consequence of the development of the former equestrian site at Solby Wood Farm.

Whilst it is acknowledged that the proposal would result in the loss of a local stable livery facility, the retention of this facility, even in the absence of development, cannot be guaranteed. Furthermore, there is no policy provision for the retention of such facilities. Consequently, whilst the impact of the proposed development on users of the stables is recognised, such impact does not represent a robust and sustainable objection to the proposal.

iv) The delivery of a package of ecological enhancement resulting in a net gain in biodiversity on the site

The applicant identifies that development of the site will provide a significant opportunity for the enhancement of biodiversity on the site, resulting in a net gain. Greater discussion on biodiversity net gain will occur later in this report. At this stage consideration is only given to whether the provision of such gain is of sufficient weight, either in isolation or in conjunction with other considerations to outweigh the identified harm the Green Belt.

Paragraph 150 of the NPPF 2023 advises that, once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use such as looking for opportunities to retain and enhance biodiversity.

Paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The NPPF 2023 does not establish a target for biodiversity enhancement on development sites; however, the Environment Act seeks to secure a net 10% increase in biodiversity (Biodiversity Net Gain – BNG) on development sites and it is considered that this should be the minimum standard sought in respect of all proposed development. Although it should be noted that this 10% net gain is only mandatory for major developments submitted on or after 12 January 2024,

The applicants advise that at the present time the site is of relatively low biodiversity value and that opportunity exists to secure an overall increase in biodiversity. The submitted biodiversity report identifies the provision of 10% BNG.

The applicants further suggest that enhancement of the biodiversity value of the site will facilitate connectivity between Great Wood and Dodds Grove to the South and Pound Wood to the north.

Firstly it must be identified that the provision of biodiversity net gain is a requirement of the NPPF 2023 and the Environment Act and would be required of any large scale development.

Furthermore, it is considered that the site in its current state provides for connectivity without the need for extensive development. It is acknowledged, however, that enhancement of the link may improve connectivity.

It is not considered, however, that the proposed biodiversity net gain or the enhancement of connectivity constitutes very special circumstances which carry significant weight in the consideration of harm to the Green Belt.

(v) The delivery of highly sustainable housing

In support of the proposal, the applicants identify that the proposed development will deliver highly sustainable housing.

The issue of sustainability will be considered in greater depth later in this report; however, the principal provision of highly sustainable development is a matter that can and should be considered in any assessment of the very special circumstances offered to justify inappropriate development in the Green Belt.

The applicant advises that the proposed development will be constructed in accordance with a strict and all encompassing sustainability ethos. This will feature the use of sustainably sourced timber, the use of modular components, the reduction of embodied carbon and the diversion of waste from landfill to recycling.

The applicants advise that their focus is on the creation of sustainable communities through fabric efficiency, reducing carbon emissions through the use of alternative fuels and creating carbon sponges through the planting of trees.

The applicants further identify that the submitted scheme will fully achieve the social, economic and environmental objectives stated within paragraph 7 of the NPPF.

Whilst the applicants' accomplishments and aspirations are noted, any developer, on any site, will be required, either through planning policy or the provisions of the Building Regulations, to achieve developments which respond positively to the threat of climate change and provide sustainable developments.

It is not considered therefore that the features identified constitute very special circumstances.

Local residents have objected to the proposal on the basis that consideration needs to be given to climate change.

It must be acknowledged that environmentally sensitive development which considers its impact on climate and the environment throughout its lifecycle, as is the case with the current proposal, need not have an adverse impact on climate change.

vi) The achievement of positive economic outcomes during the construction and operational periods as a consequence of employment opportunities, and increased local spend

The applicants identify that the proposed development will generate an economic output of some £40,400,000, create a total of some 434 jobs, arising through direct employment on construction, within the supply chain, or by supporting local shops and services and will generate some £2.7million in local spend, annually.

The applicants also identify that the proposal would generate some £279,000 per annum in Council Tax and approximately £2,000,000 in terms of S106 contributions.

As any S106 contributions will only be required to meet the needs of the development, they cannot be considered a benefit. Furthermore, whilst the proposal will generate a liability for Council Tax, the proportion which comes to the local authority will be used to serve the needs of the development. There is therefore little if any financial benefit to the Council. Furthermore, monetary gain for the Council is not a material planning consideration and is not an appropriate justification to permit development.

It is clear that the development will contribute to the local economy; however, this could be said of any development and a lot of the employment generated will be short term; following completion of the development this will be lost. Whilst such economic uplift represents a benefit of the scheme, it is not considered to constitute a very special circumstance, which would outweigh the harm to the Green Belt.

vii) The 'unique circumstances' of the Castle Point Local Plan position and the fact that in the last three iterations of the Local Plan the application site has been identified as suitable for release for development purposes

The applicant identifies that the application site has been identified by the planning authority as suitable for release for residential purposes and was allocated for development purposes within the 2018- 2033 submitted Local Plan.

It is acknowledged that the status of the 2018 - 2033 Local Plan is unusual in that whilst it was found sound, it has been formally withdrawn and therefore, in itself, can have no weight in the consideration of the proposal.

The evidence clearly indicated, that within the current statutory framework and with the particular development vision of the future held at that time, the borough's identified housing need could not be satisfied within the urban area. To meet the statutorily identified housing need the evidence identified a solution to require the release of land from the Green Belt.

The Inspector, when considering objections to the Local Plan, mindful of housing need and the identified limited opportunity to meet that need within the urban area, did not find the allocation inappropriate. This may be expected to carry significant weight in the consideration of the application.

As part of the assessment of the satisfaction of housing needs, the applicants identify that a site in close proximity the application site, at Solby Wood Farm to the west, was allocated for residential purposes in a submitted Local Plan and has received consent, despite the Plan not being adopted. The applicants consider that the Green Belt arguments in respect of the Solby Wood site are the same as those for this application site and that a similar outcome in respect of the current application should be achieved.

It is not the purpose of this report to repeat the consideration of another proposal on a different site; however, it is considered necessary to point out that there are a number of significant distinctions that can be drawn between the two proposals:

- The Solby Wood site was dominated by built structures and the storage of caravans and was identified as a brownfield site. The current application site, whilst presenting some limited structures, together with the storage of caravans, is predominantly open land, the brownfield element forming a much smaller proportion of the site.
- Whilst the development of the brownfield area may be considered as being suitable for development purposes within the context of current Green Belt policy, that area of the site which is greenfield cannot, unless very special circumstances can be demonstrated. It is not considered that the development of a nearby brownfield site can be identified as a very special circumstance.

- Assessment of the Solby Wood proposal identified that development of the site, by reason of its existing developed nature, would not result in an impact on the openness of the Green Belt. The same cannot be said of the current proposal.
- Within the report on the Solby Wood site, it was commented on that the view to be taken that the proposed development did have a greater impact on the openness of the Green Belt, very special circumstances existed which would justify such inappropriate development. One of the very special circumstances was the fact that Solby Wood Farm, like the application site, had been identified as an area of land which could be released from the Green Belt for residential purposes. This had been formalised in the 2016 Local Plan which had, at the time of the consideration of the Solby Wood application, been submitted for examination. Whilst not yet adopted, it was considered that the 2016 Local Plan represented the direction of travel for the Council in terms of the identification of land for development purposes and was accorded some weight in the consideration of this application.

However, in the case of the withdrawn 2018-2033 Local Plan, which identified the release of the application site for development purposes, this has been withdrawn and the release of land associated to this site from the Green Belt is not currently the Council's objective or policy.

The circumstances surrounding both sites are therefore significantly different. The development of Solby Wood is therefore of no weight in the consideration of the current proposal.

17. Conclusion on Green Belt considerations and the tilted balance

- 17.1 It is no longer sufficient to simply say 'the land is Green Belt' and expect that statement to carry weight in the consideration of the proposal. In order to present a robust reason for refusal, it must be demonstrated that there are no very special circumstances or other material planning considerations which would provide the basis for a more positive consideration of the proposal.
- 17.2 Paragraph 11 of the NPPF 2023, which sets out the presumption in favour of sustainable development and provides that where there are no relevant development plan policies, or the policies which are most important for the determination of applications are out of date, including by virtue of the provisions of footnote 8 to the NPPF 2023, applications for the provision of housing in situations where the local authority cannot demonstrate a five year supply of deliverable housing sites.
- 17.3 Permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for

- refusing the development proposed or any adverse impacts of granting permission would outweigh the benefits when assessed against the policies of the Framework taken as a whole (the tilted balance).
- 17.4 The Green Belt is specifically identified as a protected area; however, the tilted balance creates a presumption in favour of beneficial and sustainable development. Paragraph 11 of the NPPF 2023 provides that if there is no benefit to set against the harm of a proposal, or if the benefits are insufficient to outweigh the harm, the decision maker could properly conclude that the application of the policy provides a clear reason for refusing the development.
- 17.5 Paragraph 152 of the NPPF 2023 does, however, require a higher test. It requires inappropriate development, which as a matter of principle is harmful, should not be approved except in very special circumstances that clearly outweigh any harm, not just slightly, but clearly outweigh the harm.
- 17.6 Conversely, where very special circumstance or other material considerations are of sufficient weight to outweigh the harm to the Green Belt, approval of the proposal would be consistent with Government guidance, as set out in the NPPF 2023.
- 17.7 However, the subsequent withdrawal of the Local Plan has reaffirmed and reinforced the Green Belt status of the site. Therefore, whilst it is acknowledged that the site was previously identified for residential purposes, this allocation represented a particular response to a previous situation. That response is no longer considered appropriate and the proposal now needs to be considered on its own merits, in the context of the harm to the Green Belt.
- 17.8 The proposal will, as a matter of fact, result in the loss of the openness of the Green Belt and will also result in the loss of open countryside representing a visual intrusion within a currently undeveloped area of Green Belt. Furthermore, the proposal would contribute to the sprawl of the existing developed area and whilst harm to the Green Belt function, which seeks to prevent the merging of settlements is less acute, the proposal would nevertheless erode the level of isolation that is currently achieved.
- 17.9 The harm to the Green Belt, as defined within the NPPF 2023, and in terms of the physical impact of this site is considered substantial.
- 17.10 The applicants have identified a number of material factors and benefits, however, both individually and cumulatively, which they consider constitute very special circumstances needed to outweigh the harm to the Green Belt.
- 17.11 Notwithstanding the above, an objection is raised to the proposal on the basis of Green Belt policy.

18. Prematurity

- 18.1 A number of local residents have objected to the proposal on the basis that this Authority is currently engaged in the preparation of a new Local Plan and that in the context of that Plan the current proposal is premature.
- 18.2 Paragraph 50 of the NPPF 2023, states '*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process*'.
- 18.3 The 'new' Local Plan has yet to be prepared in draft form and submission for examination is some time away, currently scheduled for mid-2025 under the current Local Development Scheme (LDS). At this stage an objection to the proposal on the basis of prematurity cannot be sustained.
- 18.4 Furthermore, it is unclear at this stage how the current proposal may be demonstrated to prejudice the outcome of the plan-making process. Under the circumstances, no objection is raised to the proposal on the basis of prematurity.

19. The Scale and Form of Development

- 19.1 The proposal seeks to provide a mix of single storey, two storey and two and a half storey dwellings in a variety of detached and semi-detached forms. It is also proposed to provide two three storey blocks of apartments.
- 19.2 The surrounding area is generally characterised by detached and semi-detached houses, ranging from single to two and a half storey in form. Within the context of the surrounding development the proposed houses are considered to be consistent with the general scale and form of development in the area.
- 19.3 The proposal also includes the provision of two apartment blocks. This style of development is not a common feature of the area and may be considered inconsistent with the existing general form of development. Whilst this is noted, it is clear that the setting of the proposed apartment blocks will ensure that they have a minimal impact on the character and appearance of the area and will add an opportunity for the provision of smaller housing units which are generally absent from the area, but for which a demand is known to exist.
- 19.4 Under the circumstances, no objection is raised to the scale and form of the development proposed.

20. The Density and Mix of Proposed Housing

- 20.1 Policy H9 of the adopted Local Plan requires the optimum density of housing to be achieved on any site, whilst ensuring that the proposal does not harm the character of the surrounding area, provides a functional and attractive layout with adequate building lines, landscaping, setting and space around the buildings and ensuring that the proposal accords with all appropriate policies.
- 20.2 Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is a somewhat vague policy which is inconsistent with the requirements of paragraph 63 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 20.3 Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.
- 20.4 The Addendum to the South Essex Strategic Housing Market Assessment (SHMA) for Castle Point (2020) reviews the need for different house sizes and types to meet the changing needs of the borough's population. This Addendum concludes that there will be demand from a range of different household types, although demand will be particularly strong from families with children and people of retirement age. This means that there is a strong demand, for 3 or 4-bedroom properties reflecting the need of growing families. It is important that these homes are provided as they will help to serve the needs of working aged people to live in the area. This is particularly important for both business growth and sustaining public services, such as healthcare.
- 20.5 In addition to the above, the Addendum also identified 'housing pressure' arising from the growing population of older people, which highlights the desirability of bungalows in Castle Point.
- 20.6 Bungalows make up approximately 29% of the housing stock currently, and it is expected that there will be demand for additional bungalows in the plan period, reflecting the characteristics of the local housing stock. It also identifies the need for specialist accommodation for older people, suggesting a need for around 45 units per annum of sheltered housing types. In addition to this around 20 additional bed spaces are required each year in residential care/nursing accommodation.

The Addendum identifies the potential need for different housing types and sizes as follows:

Type of Accommodation required			
Houses	Bungalows	Flats	
68%	25%	7%	
Size of Accommodation required			
1 bed	2 bed	3 bed	4+ bed
6%	22%	43%	29%

- 20.7 The proposed development identifies the provision of 12 1-bed units (7%), 40 x 2-bed units (23%), 73 3-bed units (42%) and 48 (28%) of the properties will be 4+ -bedroomed units. Therefore, it can be seen that the housing mix proposed closely reflects identified housing need.

21. Design and Layout

- 21.1 Adopted Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals with particular regard paid to the scale, density, siting, design, layout and external materials which should be appropriate to the setting, and which should not harm the character of the surroundings. Proposals should take account of all elements of the local design context.
- 21.2 Policy EC2 of the adopted Local Plan seeks to promote healthy and active lifestyles through design.
- 21.3 The NPPF 2023 similarly seeks well designed development and it is therefore considered that Policy EC2 is consistent with the NPPF 2023.
- 21.4 Local Plan Policy H17 states that in designing proposals regard must be had to the design and layout guidelines contained within Appendix 12 of the Local Plan. Appendix 12 has been superseded by the adopted Residential Design Guidance (RDG).
- 21.5 RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes. The proposed development is not, of course, within the existing built up area. This guidance therefore has no particular relevance in the context of the proposed development.
- 21.6 RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the building. At least 1m should be provided between the property and the boundaries of the site. Where dwellings are located adjacent to public open

- space or other areas of land which serve as a buffer to development, less space may be considered acceptable.
- 21.7 It is further stated that for new large-scale developments, such as that proposed, a different character with varying degrees of space around dwellings can be created; however, this should be accompanied by a robust design rationale.
- 21.8 RDG3 essentially requires the establishment of appropriate building lines and seeks to ensure that development does not result in excessive overshadowing or dominance to any elevation of an adjoining property.
- 21.9 In terms of RDG2, plots 1, 3, 31, 40, 104 and 156 were initially shown to abut the plot boundary achieving only 1m isolation between dwellings, contrary to the provisions of RDG2. However, following discussions with the applicants, the layout was amended to achieve compliance with RDG2.
- 21.10 A number of other plots also abut plot boundaries; however, in these instances they are either located immediately adjacent to parking spaces or are located immediately adjacent to grass verges or open areas. This arrangement is typical of most modern housing developments and maintains the appearance of a spacious setting. It is not considered that an objection to the proposal on this basis would be supported on appeal.
- 21.11 For flatted development this Authority seeks isolation space equivalent to 25% of the width of the building. This is achieved in respect of both of the proposed blocks. No objection is raised to the setting of these buildings.
- 21.12 In terms of RDG3, the proposal is visually isolated from existing development within the adjoining streets and the necessity to reflect existing building lines does not arise.
- 21.13 Within the context of the proposed development, reasonably strong building lines are maintained to new roads with isolation spaces maintained at the front of sites which are more restricted than found in the surrounding area, but which are typical of newer forms of development. The result is a compact form of development which is efficient in terms of its use of land.
- 21.14 The arrangement of buildings precludes the potential for dwellings within the scheme to be unduly overshadowed or dominated by the proposed development, whilst those existing dwellings beyond the site boundary are considered to be too remote to be unduly affected by this respect.
- 21.15 No objection is raised to the proposal on the basis of RDG3.
- 21.16 RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots

- should provide active and articulated frontages to all elevations that face the public realm.
- 21.17 Corner plots should also be designed to limit the length of high level garden screening, particularly along return frontages. The guidance states that in all appropriate cases opportunities should be taken to create features on corner locations, which enhance legibility.
- 21.18 Plots 4, 7 (handed), 28 (handed), 34 (handed), 37, 65, 74, 77, 83, 84, 89, 101, 105 (handed), 127, 135, 139, 151, 153, 162 (handed), 163, 166 (handed) and 172 are considered to constitute corner plots.
- 21.19 Following the receipt of revised drawings, all 'corner plot' properties are considered to appropriately turn the corner in design terms.
- 21.20 RDG5 states that for all residential development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level and 15m at second floor level.
- 21.21 Plots 1, 2, 3, 4, 5, 6, 7, 21–22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35–36, 37, 38, 39, 40, 56–57, 59–60, 65, 68, 69, 70, 71, 72, 73, 75–76, 77, 80–81, 82–85, 89–90, 91–92, 95, 98, 101, 102, 103, 104, 105, 108–111, 112, 113, 114, 115–116, 117, 127, 130–131, 132, 136, 137, 138, 139, 140, 141–142, 143, 144, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 173 all provide windows at first floor level in the side elevations which are not the requisite distance from the boundaries they face.
- 21.22 These windows serve bathrooms, en suites and halls/stairwells or constitute secondary windows associated with primary accommodation such as living areas, kitchens and bedrooms. In each instance it is considered, given the nature of the areas served and the presence of alternative means of securing natural light and ventilation available, the amenity of adjoining residents can be adequately secured by requiring such windows to be obscure glazed and fixed to 1.7m above the finished floor level.
- 21.23 A condition to this effect can be attached to the grant of any permission.
- 21.24 Plots 7, 95, 101 and 127 also provide windows in the rear elevation, which due to the orientation of the dwellings, are less than the requisite distance from the boundary. These are all hall windows and a condition requiring these to be obscure glazed and fixed can also be attached to the grant of any consent.
- 21.25 As initially submitted, a number of dwellings were provided with second floor dormers serving rooms within the roof. None of these proposed dormers were

located a minimum of 15m from the boundary they faced, as required by RDG5. Where these dormers overlooked areas of open space, it was not considered that the lack of isolation achieved would be likely to result in a loss of amenity or privacy; however, where such dormers were within 15m of an elevation of an adjoining property which was perforated by windows, or was within 15m of a private amenity area, such dormers were considered likely to result in a significant diminution in privacy and amenity. Discussion with the applicants has resulted in all inappropriately sited dormers being replaced by roof light windows. These will serve to naturally light the rooms they serve whilst protecting the privacy and amenity of adjoining residents.

- 21.26 The installation of dormers in the future may have an adverse impact on adjoining residents. Where appropriate, therefore, it is considered a condition restricting the formation of other openings in the roof planes should be imposed on the grant of any consent.
- 21.27 With regard to the proposed flats, those proposed at plots 41-49 originally achieved the requisite isolation between windows and the boundary of the curtilage in all but the northern elevation. In this elevation windows serving unit 7 at second floor level were located only some 11.2m from the front boundary of the opposing dwellings. In this configuration it was considered that these windows were likely to lead to undue overlooking and loss of privacy. However, following discussion with the applicants, the northern elevation of the flats was amended to remove the windows at second floor level. This deletion is not considered to unacceptably impact the living conditions of future residents of that flat and will protect the privacy and amenity of those residents to the north. No objection is therefore raised to the flats on plots 41-49 on the basis of overlooking from the northern elevation.
- 21.28 Furthermore, in the original submission it was noted that a balcony serving unit 9 on plots 41-49 was located less than 15m from the opposing boundary. This represented an opportunity for overlooking of the adjoining dwellings at a distance of less than 15m and represented an objection to the proposal. Further discussion with the applicants has resulted in this balcony being replaced with a Juliet balcony which achieves acceptable levels of isolation.
- 21.29 The proposed balcony serving unit 7 will require screening to the north to protect the amenity of adjacent residents. This can be secured by condition
- 21.30 The proposed flats at plots 8-16 are located some 6m from the southern boundary of the site; however, no windows are provided above ground floor level; consequently there is no overlooking of adjoining land from this elevation.
- 21.31 This building is located just under 15m from the western boundary of the site. As originally submitted, this elevation supported windows at second floor level which were less than the requisite distance from the boundary. Following discussion,

- these windows have been replaced by roof lights which will enable appropriate levels of natural light and ventilation to the second floor units without prejudicing the privacy and amenity of the occupiers of the dwelling to the west.
- 21.32 Windows across all floors on the northern elevation would be some 3m-15m from the boundary of the site. Where less isolation is achieved, the proposed units would overlook the highway and would not result in an adverse impact on privacy or amenity.
- 21.33 No windows are provided in the extreme eastern elevation, thus there is no overlooking of the proposed development to the east.
- 21.34 Those balconies provided on the eastern elevation overlooking the car park will be required to be screened to a height of 1.8m, with an opaque material, on the southern edge. This can be secured by condition.
- 21.35 Roof lights are provided in the western and southern elevation, if provided above 1.7m from finished floor level, are considered acceptable although these offer little, if any, outlook.
- 21.36 RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. Flats are required to be provided with 8m² of amenity space for each habitable room. Where three or fewer rooms are provided a minimum amenity space of 25m² per unit is required. This may be provided at a communal level. Where balconies are provided these will only be considered to contribute to amenity area provision where they have a depth of at least 1.5m and an area of at least 5m². Common practice within the borough where flats are concerned and they are provided with a private balcony meeting the requisite size requirements is to allow a reduced standard, where appropriate.
- 21.37 For dwellings 15m² per habitable room is required. Where three or less rooms are provided an area of 50m² will be required. Habitable rooms do not include bathrooms, en suites and utility rooms. All other rooms, including kitchens, are included.
- 21.38 Where it appears to the Planning Authority that rooms have been enlarged to incorporate several functions in an attempt to limit the requirement for amenity space provision, a judgment will be made as to whether the enlarged room may reasonably be considered as two rooms and the calculation of the amenity space will proceed on that basis.
- 21.39 Detailed consideration of the submitted drawings has identified that all plots are provided with appropriate levels of private amenity space and no objection is raised to the proposal on this basis.

- 21.40 RDG7 is concerned with roof development and particularly seeks to ensure that proposals which incorporate features such as dormers and roof lights into roof planes do not result in over dominant or disproportionate roof treatments.
- 21.41 The scheme exhibits a variety of roof forms. Whilst reference has been made above to the provision of dormers in some instances, in general terms the treatment of roofs within the scheme is considered acceptable. No objection is therefore raised to the proposal on the basis of RDG7.
- 21.42 RDG8 requires the design of all development to result in well proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.
- 21.43 Notwithstanding the comments above in respect of the proposed blocks of flats, it is considered that generally the development presents well proportioned and balanced properties. No objection is therefore raised to the proposal on the basis of RDG8.
- 21.44 RDG9 is concerned with the achievement of energy and water efficiency and renewable energy.
- 21.45 In terms of energy efficiency, the applicants identify that dwellings have been orientated as far as possible to maximise natural lighting and solar gain and will incorporate features such as roof mounted PV panels and/or heat pump and electric vehicle charging points.
- 21.46 The applicants also confirm that the homes will be constructed to accord with anticipated changes to the Building Regulations which will secure at least a 75% reduction in carbon emissions above the current Part L (2013), by reducing the primary energy demand of buildings through the use of energy efficient fabric and services, improved insulation and air leakage levels, the use of high efficiency, low energy light fittings and high efficiency heating systems. It is considered that the incorporation of these features into the construction of the dwellings will ensure appropriate energy efficiency.
- 21.47 With regard to water efficiency, the new development will aim to reduce water consumption through a range of water efficiency measures such as dual flush WCs, water meters and low flow fittings. Through the use of these measures the new homes will target a water consumption rate of at least 110lpp/d, exceeding the national baseline requirement of 125l/p/d and significantly below the UK average of 150l/p/d.
- 21.48 Subject to the incorporation of such features, which can be secured by condition, no objection is raised to the proposal on the basis of RDG9.

- 21.49 RDG10 provides guidance in respect of boundary treatments and states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high quality materials, appropriate in terms of appearance and ongoing maintenance to the location.
- 21.50 The applicants have identified that the southern boundary shared with Dodds Grove will be enhanced with additional planting to enhance habitat and deter access and the northern boundary will be enclosed by close boarded fencing where required. Existing landscaping and trees line the northern boundary and, where appropriate, this vegetation will be enhanced. A maintenance gap between the site boundary and vegetation is proposed for access.
- 21.51 The southern boundary where built development is proposed will include additional planting. A maintenance gap between the site boundary and vegetation is again proposed for access.
- 21.52 With regard to hard surfacing, the applicants advise that the main spine road through the site will be asphalt with footpaths either side. The cycle/ footpath linking the site from west to east will be paved.
- 21.53 Shared surfaces and private drives will be less formal and natural colours and materials will be used with parking areas using different styles to clearly identify parking and shared surfaces.
- 21.54 No specific details of the proposed materials, planting or specific locations have been submitted; however, it is considered that the principles identified are acceptable. The submission and approval of materials, planting and locations can be secured by condition.
- 21.55 RDG11 of the Residential Design Guidance is concerned with landscaping.
- 21.56 The applicants have submitted a broad landscape strategy which seeks to focus on integrating the built form with the wider landscape to the south and to utilise the existing vegetation as a natural buffer between the neighbouring urban context and the development parcels to the north.
- 21.57 Tree planting will be provided along the spine road with the intention of breaking up any hard edge to the development with mature planting along the southern boundary. Landscaping will increase as one progresses through the site eastwards with the eastern parcel of the development featuring set back dwellings with spacious front gardens which will link to the open space retained to the east and south.

- 21.58 The open spaces of the site will vary with formal areas including a hard paved feature square and formal green with amenity grass enclosed by hedgerows and trees. Others will be more naturalistic in character with groups of trees and areas of meadow parkland, wildflower meadows, orchards and a pond area, together with the provision of parkland and street trees, the retention and enhancement of key hedgerows through the site and the provision of a children's play area.
- 21.59 To accompany the scheme, the applicants have also submitted a landscape management and maintenance plan.
- 21.60 Whilst the broad principles contained within the submitted strategy and management plan are considered acceptable, they do not in themselves constitute a robust landscaping scheme. No details are provided in respect of species or location or density of proposed planting at this time. However, such details can be secured by condition and their absence at this stage does not represent a robust objection to the proposal.
- 21.61 RDG13 is concerned with the provision of appropriate refuse and recycling storage facilities. The proposed dwellings will be on a normal refuse collection round. Adequate space exists within the curtilage of each dwelling to provide for the storage of refuse and recycling waste.
- 21.62 The location of bin stores is identified within the curtilage of each block of flats. No details of these buildings have been provided; however, these can be secured through the imposition of a condition on the grant of any consent.
- 21.63 No objection is raised to the proposal under RDG13.
- 21.64 Paragraphs 60-63 of the NPPF 2023 seek the delivery of a wide choice of high quality homes to meet the needs of different groups in the community, including families with children, older people and people with disabilities.
- 21.65 This requirement is reflected in RDG16 which requires all new dwellings to provide appropriate internal space and circulation space and meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaptation. It further states that internal space and circulation space should reflect current best practice. Current best practice is provided by the Nationally Described Space Standards which establish appropriate internal space provision.
- 21.66 Following detailed consideration of all of the proposed units and amendments to some internal layouts, the requirements of the Nationally Described Space Standards are satisfied.

22. Access

- 22.1 The proposal has been considered in detail by the Highway Authority which has raised no objection to the proposal on highway grounds, subject to conditions which can be appended to the grant of any consent. No objection is therefore raised to the proposal on the basis of access, highway safety or highway capacity.
- 22.2 It is clear that the construction phase will generate traffic, including potentially heavy vehicles, and that such traffic will change during the various stages of the build programme. The presence of such traffic is a temporary feature of the scheme and cannot provide a robust objection to the proposal as it is not a constant. The physical impact of such traffic can, however, be longer lasting than originally envisaged. Impacts arising from noise and disturbance will be discussed later in this report; the impact on highway infrastructure is considered here.
- 22.3 Large vehicles have the potential to damage the highway. Consequently, prior to commencing any construction works on site, a suitable Construction Management Scheme can be agreed and Highways Condition Survey Report of the construction vehicle routes to/from the site to the A127 and the A13 will be required. These will include full photographic evidence of the routes with a categorisation of the quality of the existing highway infrastructure.
- 22.4 A further survey will be required post construction to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-construction survey findings.
- 22.5 Any identified damage or further defects would be mitigated or improved to the standard identified at the pre-construction stage.
- 22.6 Compliance with this requirement can be secured by condition.

23. Parking

- 23.1 Policy T8 of the adopted Local Plan requires the provision of appropriate levels of on site car parking in accordance with the Essex Planning Officers Vehicle Parking Standards 2009.
- 23.2 Policy EC2 of the adopted Local Plan highlights the need to ensure that all modes of movement are safe and convenient.
- 23.3 Standard C3 is relevant to the proposed development and requires one space to be provided for all dwellings having one bedroom and 2 spaces for each dwelling having more than one bedroom.

- 23.4 Each parking space should be a minimum of 2.9m wide and 5.5m deep and parking spaces may be provided within garages - single garages are required to be 3m wide (internally) and double garages are required to be 6m wide (internally). All garages are required to be 7m deep (internally) and must be provided with a 6m deep forecourt.
- 23.5 It should be noted that RDG12 requires that parking provision should not dominate the public realm and should be sited so as not to have an adverse impact on visual or residential amenity.
- 23.6 The proposal provides parking on the basis of one space for each 1-bedroomed property and at least two spaces for dwellings having more than one bedroom, with many of the larger dwellings being provided with three spaces. Parking spaces are the requisite size, as are single garages. Where provided, double garages are slightly shorter than the minimum of 7m, but these dwellings have utility rooms which compensate for the lack of storage space provided within the garages and no objection is raised to the proposal on this basis. Parking spaces are each 2.9m wide and 5.5m deep.
- 23.7 A number of garage forecourts were initially identified as being less than the requisite depth of 6m. However, following the submission of revised plans, this deficiency has been removed. All garages now achieve the requisite forecourt depth.
- 23.8 It is noted that a number of dwellings are provided with car ports. Conversion of these car ports to garages could result in the provision of inadequate forecourt depths.
- 23.9 A condition will be imposed on the grant of any consent which precludes the conversion of car ports to garages or living accommodation without the prior consent of the planning authority.
- 23.10 On the basis of the provision of one space for each 1-bedroomed property and two spaces for each property having two or more bedrooms and given the requirement for visitor parking to be provided on the basis of 1 space for every four dwellings, a total of 378 parking spaces are required.
- 23.11 The scheme achieves some 400 car parking spaces which exceeds the minimum parking standards and no objection is therefore raised to the proposal on this basis.
- 23.12 It is noted that the scheme includes a significant area of open space which may attract visitors from off site. The intention is that this open space will form part of an active travel and recreation package and people will be encouraged to walk to and around the open space area. Consequently, there is no specific parking provision for the open space. It is considered, however, that some may choose to

access the site by vehicle and those arriving by car are considered likely to park along the spine road.

- 23.13 In order to prevent vehicles accessing the open space it is considered that an appropriate means of preventing unauthorised vehicular access should be provided. Details of this can be secured by condition.
- 23.14 Bicycle parking is required on the basis of one covered space per dwelling. The applicants identify that such provision will be made. Whilst it may be assumed that those dwellings with garages will store bicycles at the property, there are, however, a number of dwellings which do not benefit from garages. Full details of the means of provision in these cases have not been provided; however, details of such provision can be secured by condition.

24. Security

- 24.1 The key principles of secured by design have been followed in the development of the proposed layout which avoids easy opportunities for crime and anti-social behaviour and achieves good levels of natural surveillance on all routes to residential properties. The development will be well lit, and all dwellings will have a 'defensible space' with a clearly defined boundary between private and public space.
- 24.2 No objection to the proposal is raised on the basis of security.

25. Flood Risk and Drainage

- 25.1 The applicants have submitted a SUDs proforma which identifies the information required by the LLFA to enable a technical assessment of the applicants' approach to water quantity and quality as part of a sustainable drainage approach and a Flood Risk Assessment and Drainage Strategy.
- 25.2 This identifies that the application site is located within Flood Zone 1 and is therefore considered to be at low risk of tidal or fluvial flooding.
- 25.3 Within Table 2 of the NPPG: Flood Risk and Coastal Change, residential developments are considered to be 'more vulnerable' in terms of the impact of flooding. Table 3 of the NPPG: Flood Risk and Coastal Change states that more vulnerable and less vulnerable development is considered appropriate within Flood Zone 1. The development therefore passes the flood risk Sequential Test and the Exception Test does not need to be applied.
- 25.4 The Environment Agency (EA) 'Flood Map for Planning' shows that the site has a low probability of flooding from rivers and seas. Areas liable to flooding from Prittle Brook, located to the south of the site, are approximately 200m from the proposed development and some 8m below it, thus the impact of flooding from

Prittle Brook on the proposed development is considered negligible. The Environment Agency (EA) has advised that it has no comments to make on the application other than to state that there are no constraints from the EA perspective.

- 25.5 The development area of the site is also identified as having a generally low risk of surface water flooding. There are two notable flow paths flowing north to south shown to be, partially, at medium high risk of flooding. These are attributable to topography and the existing ditch network which passes through the site. The drainage proposals for the development seek to retain existing ditches and provide additional storage features, which will seek to alleviate surface water flooding. Existing ditches will be maintained as part of the ongoing management plan for the development.
- 25.6 Following implementation of the proposed surface water drainage strategy and minor ground re-profiling, the risk associated with flooding from fluvial sources is considered by the applicants to be low.
- 25.7 Paragraph 173 of the NPPF states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.
- 25.8 At the present time surface water run off flows overland into the existing ditches to the west, running through the site and the EA main river Prittle Brook in the southeast corner of the site.
- 25.9 Clearly development of the site will ensure that a greater area is covered by an impermeable surface and the proposal therefore has the capacity to generate increased surface water run off which may have implications for adjoining development.
- 25.10 In order to ensure that the risk of surface water flooding to adjoining land is adequately mitigated, the applicants advise that it is proposed to divide the site into catchment areas, determined by topography. Due to the topography of the site and the available space, it is proposed to discharge surface water run off from part of the site into the existing ditch to the west of the site and the rest of the site will discharge to the existing water course running west to east towards the Prittle Brook, through a series of cascading attenuation basins and swales which will not only regulate the flow of water but provide opportunities for the treatment of the water before it enters the water course.
- 25.11 The submitted strategy has been considered by the Lead Local Flood Authority (LLFA) and found to be broadly acceptable. The LLFA does, however, request the imposition of conditions on the grant of any consent requiring the submission of a detailed drainage scheme for the site, the control of surface water and ground water run off during the construction period and the provision of appropriate maintenance arrangements.

25.12 These can be appended to the grant of any consent.

26. Ecology and Trees

26.1 The site is located adjacent to a network of statutory and non-statutory designated sites which are characterised by ancient woodland and species rich grassland including Great Wood and Dodd's Grove SSSI immediately adjacent to the southern boundary and Garrold's Meadow SSSI to the northeast and Pound Wood Local Wildlife Site (LWS) to the north.

26.2 The majority of the site is occupied by improved grassland of relatively low ecological value; however, the site is bisected by a network of species rich hedgerows and contains trees, ditches and ponds. In general, these habitats are associated with the boundaries of the site and are of greatest value to protected and notable species including badgers, hazel dormice, bats, birds, notable invertebrates (including cinnabar moth which is a priority species), reptiles (primarily slow worms), harvest mice, common toad, pole cats and hedgehogs, all of which have been identified as present on the site by survey.

26.3 Surveys undertaken failed to provide evidence of the presence of great crested newts.

26.4 Paragraph 186 of the NPPF 2023 states:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 26.5 Policy EC13 of the adopted Local Plan states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.
- 26.6 Policy EC14 encourages proposals to promote the creation of new wildlife habitats. It further states that the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.
- 26.7 Policy EC14 is considered consistent with the NPPF 2023, particularly in respect of paragraph 179. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 180 of the NPPF 2023.
- 26.8 Policy EC22 is concerned to ensure the appropriate retention of trees, woodland and hedgerows in all new proposals for development.

27. Biodiversity at the Macro level

- 27.1 The site has no ecological designation but is within the zone of influence associated with the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site and the Outer Thames SPA.
- 27.2 The Castle Point Habitats Regulations Assessment 2020 identified that development of the application site had the potential for Likely Significant Effects (LSE) on the designated areas.
- 27.3 'Significant effects' has been defined through case law. A significant effect is any effect that would undermine the conservation objectives for the qualifying features of Habitats Sites potentially affected, alone or in combination with other plans or projects. There must be a causal connection or link between the proposed development and the qualifying features of the site which could result in possible significant effects on the site(s). Effects may be direct or indirect and a judgment must be taken on a case by case basis. The decision as to whether or not a potential impact is significant depends on factors such as: magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned. What may be significant in relation to one site may not be in relation to another. An effect which is not significant can be described as 'insignificant', '*de minimis*' or 'trivial' - i.e. it would not undermine the conservation objectives.

27.4 Given the identified potential for adverse impact there is a need for a Habitats Regulations Assessment (HRA) to be undertaken in respect of the current proposal.

27.5 There is a wide range of potential impacts and in the context of the current application the following impacts are considered most likely to cause Likely Significant Effects:

- Increase of any type of disturbance;
- Changes in water availability or water quality as a result of development and increased demands for water treatment, and changes in ground water regimes due to increased impermeable areas; and
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities, etc.

It is also considered that the proposed development could lead to the introduction or spread of non-native species.

27.6 Each will be considered in turn:

27.7 Increase of any type of disturbance

Disturbance concerns species rather than habitats and the intensity, duration and frequency of repetition of disturbance are important parameters.

Any event, activity or process contributing to:

- o The long-term decline of the population of the species on the site.
- o The reduction, or to the risk of reduction, of the range of the species within the site or
- o The reduction of the size of the available habitat of the species,

can be regarded as significant disturbance.

Factors such as noise, light, dust and vibration and even invasive species, are all capable of causing significant disturbance.

Given the nature of the proposed development and its isolation from the internationally designated sites, it is not considered that operational activity would be likely to give rise to a significant adverse impact on the designated sites. However, the construction phase may result in noise, light, dust and vibration which could have an impact.

It is considered, however, that such impact may be adequately mitigated through the preparation and implementation of an appropriate Construction Environment

Management Plan. This can be secured by condition attached to the grant of any consent.

The proposal also has the potential to adversely affect the designated site through increased recreational pressure.

In 2020 Castle Point adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This identifies that within Castle Point any new residential development will be likely to generate recreational activity within designated areas.

It further identifies that such impact can be mitigated through investment in the management, education and control of visitor numbers.

In order to fund such investment every new dwelling provided within the borough will be expected to make a financial contribution. The applicants have confirmed that the appropriate contribution will be made. This can be secured through a S106 agreement.

It must further be noted that, in mitigation of the potential for increased recreational pressure, the proposal seeks to provide some 10ha of accessible, high quality, natural open space. It is considered that such provision, in close proximity to the proposed dwellings and coupled with measures to educate and control access to adjoining more sensitive sites, is considered likely to satisfactorily mitigate any recreational impact arising from the development.

27.8 Changes in water availability, or water quality

The quality of the Habitats Sites (wetlands) is dependent on water quantity and quality. Any changes in water quantity and quality therefore has the potential to significantly impact them. Consequently, impacts could be caused if developments cause increased demands for water, water treatment or changes in ground water regimes because of increased impermeable areas.

It should be noted that following the expansion of the Abberton Reservoir there is sufficient capacity to meet water demand for the foreseeable future. No further consideration of need should therefore be given to this aspect of the development.

At the present time almost all of the site is permeable, there being limited hard surfacing present. Development will inevitably limit permeability as a consequence of the provision of a greater area of hard surfacing. This has implications for surface water run off, not only in terms of surface water flooding, but also through nutrient enrichment of water and potential lowering of dissolved oxygen as well as increased water velocities and levels, all of which could

adversely impact on the designated sites as a consequence of their relationship with the Thames and associated tributaries.

All run off is treated at one of three water recycling centres (WRC) operated by Anglian Water. All discharge into the Thames or its tributaries and each has the capacity to adversely impact in the designated sites if waste water generated by development exceeded capacity and untreated waste water was allowed to enter the ecosystem.

Anglian Water has confirmed, however, that there is sufficient capacity within the WRCs to accommodate the proposed growth. This, coupled with the requirement for the development to limit pollution through the implementation of Construction Environmental Management Plans and to secure sustainable drainage methods which limit the quantity and/or speed of water reaching the WRCs, will sufficiently mitigate impacts to avoid significant effects.

27.9 Changes in atmospheric pollution levels

There are a number of atmospheric pollutants which can result in direct or indirect impacts to Habitats sites. These impacts are usually caused when the qualifying features are plants, soils and wetland habitats although some species may also be indirectly impacted from air pollution causing changes in habitat composition.

The main source of air pollution in the borough has been identified as traffic emissions, particularly along the major routes. The Highways Agency Design Manual for Road and Bridges (DMRB)¹⁶ assumes that air pollution from roads is unlikely to be significant beyond 200m from the road itself.

The application site is located more than 200m from a major road and therefore has limited potential to be adversely affected by traffic emissions.

The application site is considerably further than 200m from the designated sites and it is not considered that any pollution generated by the normal use of the site would lead to significant impacts on those sites. However, the proposed development is indirectly capable of impacting the sites through the generation of pollution associated with the construction period and the construction and post construction generation of traffic emissions.

During the construction period precautionary air quality mitigation can be secured through the Construction Environment Management Plan. This will ensure that the proposed development will not, either individually or cumulatively, lead to an unacceptable risk to air quality.

A Construction Environment Management Plan can be secured through the imposition of a condition on the grant of any consent.

27.10 Cumulative Impact

In the preparation of the submitted Local Plan appropriate assessment was undertaken which included comprehensive identification of all the potential effects of the Local Plan likely to be significant, including development of the application site, taking into account the combination of the effects of the Local Plan with those of other plans or projects.

The current proposal represents the development of a site previously identified as suitable for development.

Appropriate assessment has been undertaken in the context of all potential developments which might come forward in the foreseeable future and the conclusion drawn was that development of this site would not, for the most part, have an adverse impact on the designated sites or any functionally linked land.

The only area of concern which has been identified is the potential for additional recreational disturbance arising from the proposed residential development. It is considered that in respect of development currently proposed, that impact would be resolved through the provision of an extensive area of natural open space in close proximity to the proposed development and a financial contribution towards measures for the mitigation of such impacts under the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).

A Construction Environment Management Plan will, however, be required to avoid the other identified potential adverse effects.

27.11 Introduction of Invasive species

The applicant has identified that there is the potential for non native species to be introduced into the designated areas.

It is considered that this already poses a risk to the designated sites as a consequence of their proximity to the urban area; however, the applicants advise that a properly implemented landscaping scheme focused on native species would limit such potential and the planning authority would concur with this view.

27.12 Conclusion on Habitat Regulations Assessment

It is considered that the development proposed will **not** have an adverse impact on the integrity of the international designated sites, provided that the proposed open space is provided and appropriately managed and maintained, an appropriate contribution towards the mitigation of recreational disturbance is secured and a Construction Environment Management Plan is provided which

addresses pollution and water quality/quantity impacts during the construction phase of the development. This can be secured through a pre-commencement condition.

Outside consideration of the impact of the proposed development on the international designated sites, it should be noted that the site is within the zone of influence associated with Great Wood, Dodds Grove, Garrolds Meadow and Thundersley Common which are Sites of Special Scientific Interest and are considered to be of national importance. The site immediately adjoins Dodds Grove on its south-eastern boundary. The site also extends to Bramble Road, providing easy access to Pound Wood Nature Reserve, on its northern boundary, which whilst not a SSSI is one of the largest remaining areas of Ancient Woodland in South East Essex.

Paragraph 186(b) of the NPPF 2023 identifies that development on land within or outside a Site of Special Scientific Interest which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Paragraph 186(c) identifies that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused.

In considering the current proposal it is therefore incumbent on the Planning Authority to consider whether the proposed development will have an adverse effect on Pound Wood or Dodds Grove.

The measures put in place to protect the integrity of the European designated sites will similarly protect the non European sites, including the SSSI at Dodds Grove. However, the applicants advise that to further protect this area and those in proximity to the site, including Pound Wood, it is intended to restrict access where possible through the use of natural barriers such as thorny hedges and to educate residents on the availability of the on site resources.

An appropriate management plan to secure these objectives can be achieved by condition and or obligations through the legal agreement. As such, no objection is raised to the proposal. This approach is supported by Natural England who have no objection to the proposal, subject to appropriate and proportionate mitigation.

27.13 Current Ecological Value of the site and mitigation of the impact of development

The majority of habitats on site are defined as being of *site importance* only, with the exception of the hedgerow network. This is because the majority of the habitat present on site is common within the wider landscape and lacks species diversity. However, the hedgerow network is classified as a Habitat of Principal

Importance and some is considered 'important' under the hedgerow regulations and assessed as being of district value because of their diversity.

Three ponds are present on the site and are considered to be of site level importance as they are common in the surrounding landscape with a further 10 ponds recorded within 250m of the site.

The botanical assemblage of the development site is considered to be of site value only, as no protected flora was recorded as being present.

Whilst the biodiversity value of the site is currently limited, it does have significant value as a connecting landscape and provides a significant opportunity for ecological enhancement and the creation of a positive contribution towards local ecological networks.

The proposed development will result in a loss of unimproved grassland and some suitable nesting habitat, including ten sections of hedgerow, two of which are considered 'important' under the Hedgerow Regulations (1997).

The removal of the important hedgerows will be undertaken under a European Protected Species Mitigation (EPSM) Licence; however, it is important for the Planning Authority to ensure that the impact of any loss will be adequately mitigated.

During the construction phase, the applicants advise that mitigation will be achieved in the form of planting new native species hedgerows on new sections of boundary, planting new native species trees in the proposed public open space and enhancing existing hedgerows through management plans.

Retained vegetation will be protected with suitable fencing and a sensitive lighting strategy will be implemented to minimise disturbance to species using the hedgerows during the construction phase.

The use of buffering and a sensitive lighting strategy would also mitigate any impact on the adjoining ancient woodland.

During the operational phase of the development the hedgerows will be protected, managed and maintained for ecological purposes. Such management will be secured through the Landscape Environment Management Plan which can be secured via a S106.

As a result of these measures it is considered that connectivity with off site populations at Belfairs Wood Local Nature Reserve/Great Wood and Dodd's Grove SSSI will be improved and there will be no net loss of biodiversity on site as a consequence of the removal of the identified hedgerows.

As mentioned, the site contains three ponds. One will be lost as a consequence of development. However, new ponds will be provided and, together with the retained ponds, will be enhanced for biodiversity purposes; fish (if present in the existing ponds) will be removed and native species will be planted around the pond edges and margins to increase the biodiversity value in the long-term. Re-profiling the banks of the existing ponds will also increase the structural diversity of ponds, providing micro habitats suitable to support a variety of species occupying different ecological niches such as invertebrates and amphibians and provide quality foraging habitats for birds and bats.

It should be noted that the ponds will form part of the sustainable drainage system and may not therefore be wet all of the time. The SUDS will, however, be designed and managed for biodiversity benefit and will have a varied topography with permanently wet areas, broad draw-down zones and shallow gradients to provide niches for aquatic, emergent and marginal vegetation. Management will involve retention of long grassland cut on rotation (1-3 year) and management to prevent intrusion by invasive weeds.

The implementation of these measures is considered likely to improve habitat provision and biodiversity on the site.

It is also proposed to provide species rich grasslands, an orchard and to retain the existing and provide additional tree planting within the site, the management of which, together with the features identified above, will benefit the notable features/species associated with the adjacent SSSIs and Local Wildlife Sites.

These enhancements will be delivered as part of a long-term management plan set out within a Landscape Enhancement Management Plan (LEMP).

It is considered that the preparation, approval and implementation of a LEMP incorporating all of the measures identified above is likely to lead to increased connectivity between habitats and the potential for a significant improvement in on site biodiversity.

In terms of the mitigation of the impact of development on species present on the site, surveys undertaken have identified the presence of badgers, hazel dormice, bats, birds, invertebrates, reptiles (primarily slow worms), harvest mice, common toad, pole cats and hedgehogs.

The impact of the proposed development and the potential mitigation such impact on each species is examined below.

28. Badgers

- 28.1 Eight setts including a likely main badger sett have been identified on site. The development falls within 30m of six badger setts (sett 1, 3, 5, 6, 7 and 8) which

- includes the likely main sett; there is therefore potential to disturb, damage or destroy underground chambers and risk killing/injuring animals as a result of earthworks and road traffic collisions during the construction period. This is considered to represent a major adverse effect at a site level.
- 28.2 A network of paths and foraging signs have also been identified on site which indicate that the development would have an impact on the badger population's feeding and commuting routes through loss of habitat. This will also have a negative impact at a site level.
- 28.3 Post development, recreational pressure may also impact on badgers.
- 28.4 Works to close six of the setts, including the main sett, will be required. This will be undertaken under the provisions of a Natural England Licence. A new artificial sett will be created within the open space within the site to compensate for the loss of the main sett. This will be created several months before the closure of the setts and measures to actively encourage the badgers to relocate, such as the provision of attractive foodstuffs at the new sett and the placing of bedding materials and spoil from the old sett into the new, will be implemented, to facilitate an easier transition.
- 28.5 Two of the existing setts will be retained. Heras fencing, defining a 30m exclusion zone around the retained setts will be installed throughout the construction period, in order to protect the badgers and the sett from disturbance and all operatives will receive instruction on appropriate behaviour around the badgers. Precautionary techniques which are sympathetic to badgers will be implemented throughout the construction phase and will be delivered through a CEMP which can be secured by condition such as badger ramps to enable badgers to get out of any foundations or trenches.
- 28.6 As part of the development, wildflower meadows will be created on the eastern part of the site. These will include the provision of berry rich native species hedgerow planting which will mitigate the loss of foraging habitat. A three-year grass cutting rotation will be implemented which will ensure the continued presence of rough grassland suitable for badgers.
- 28.7 It is possible that badgers could be affected post-development through increased recreational disturbance (e.g. disturbance from pedestrians and domestic animals).
- 28.8 In order to mitigate such impact reduced speed limits will be implemented along residential roads, with roads generally set back from dispersal corridors and garden fencing will restrict direct access to the sett from residents and domestic animals (such as dogs). To further protect the main sett from increased recreational disturbance and in conjunction with the hedgerow mitigation, additional thorny native hedgerow species will be planted to enhance the

hedgerows surrounding the setts. This would act to discourage access to the setts.

28.9 With the implementation of the above mitigation, the effect on badgers is considered to be neutral.

28.10 No objection is raised to the proposal on the basis of impact on badgers.

29. Bats

29.1 Bats are currently known to use the site for commuting and foraging purposes. Whilst the potential for roosting is available within the existing buildings and some of the trees, the likelihood of bats roosting on the site is considered limited. There is, however, significant potential for bats to be adversely affected by the proposed development within both the construction and operational phases without appropriate mitigation.

29.2 The programme of mitigation measures suggested by the applicants includes further surveys prior to the demolition of existing buildings on the site. Where roosting bats are identified licensed mitigation, including a soft strip of the roost features under ecological supervision and the provision of alternative, appropriately sited roosting opportunities, such as bat boxes, will be necessary.

29.3 In addition, the retention and enhancement of trees, hedgerows and nectar rich species planting on the site (which will encourage colonisation and use by a range of invertebrates which are a primary food source for bats) and the use of a sensitive lighting strategy is proposed.

29.4 It is considered that the implementation of these measures will ensure that conditions for bats on site will not be adversely impacted and indeed are likely to be improved.

29.5 No objection is therefore raised to the proposal on that basis.

30. Birds

30.1 The majority of the site's breeding birds are associated with the small area of woodland and within the hedgerows and neighbouring gardens. These habitats will be retained and enhanced where possible; however, development of the site will result in some loss of habitat and the potential impact on birds, unless appropriately mitigated. Such impacts could include death, damage to and disturbance of nests during vegetation clearance and reduced foraging resource for wintering and breeding birds from habitat loss.

30.2 In order to mitigate these impacts, the applicants identify the retention of all of the trees and most of the hedgerows present on the site. Where hedgerows are to be

removed to facilitate development, new native species rich hedgerows will be planted and, in addition, nesting boxes will be integrated into the design of the dwellings and placed on retained trees. The number, type and placement of the nesting boxes can be controlled by condition.

- 30.3 Any scrub/vegetation clearance will take place outside of the nesting season and the habitats provided will be subject to the provisions of the Landscape Environment Management Plan, in order to maintain the features in the long-term.
- 30.4 Subject to the implementation of these measures, it is not considered that the proposed development would have an adverse impact on the avian credentials of the site.

31. Hazel Dormice

- 31.1 Dormice are particularly associated with the boundary hedgerows of the site, and the removal of these hedgerows would, if unmitigated, have an adverse impact on the dormice population.
- 31.2 However, only hedgerows within the site are to be lost and as such removal is coupled with the enhancement of the existing and provision of new hedgerows; it is considered unlikely that such removal would adversely impact on the Dormice.
- 31.3 All vegetation clearance will require a Natural England licence which will further limit harm.
- 31.4 In addition, to enhance nesting opportunities, nest boxes within nearby, connecting suitable habitats (including boundary habitat) will be installed.
- 31.5 Dormice have the potential to be impacted during construction through disturbance. To mitigate for this effect, the applicants advise that retained vegetation will need to be screened to prevent construction workers from encroaching onto these areas. In addition, sensitive lighting will need to be implemented to mitigate lighting disturbance for this nocturnal species.
- 31.6 These provisions can be secured by condition.
- 31.7 Nest box density, subsequent monitoring of the species and ongoing management will be confirmed at the licensing stage by Natural England (NE).
- 31.8 Subject to the implementation of these measures it is not considered that the proposed development would have an adverse impact on dormice on the site.

32. Invertebrates

- 32.1 The most significant invertebrate present on the site is the heath fritillary butterfly.
- 32.2 The site is located in a potentially strategically important area in relation to two woodlands with species protected heath fritillary butterflies (Pound Wood and Belfairs Wood LNR / Great Wood and Dodds Grove SSSI) and the wider blocks of ancient woodland to the north, west, east and south-east.
- 32.3 The heath fritillary butterfly is an endangered species and any impact on its habitat can result in a significant danger to the species.
- 32.4 The development therefore has the potential to impact on the passage of butterflies and other invertebrates in the area. However, the location of development within the north-west 'quarter' of the site is probably in the least important part of the site for invertebrates, and whilst the development may create a partial barrier to east-west movements, it should not restrict access between the heath fritillary woodlands. As such, the impact of habitat fragmentation is considered to be minor.
- 32.5 Enhancements for invertebrates will be delivered through site landscaping which will provide an improved range and quality of habitats for most invertebrates. Due to the difficulty of successfully creating new habitat for the heath fritillary butterflies, this is not included within the landscaping scheme; however, connectivity between the heath fritillary woodlands will be facilitated by providing habitat patches (stepping stones) with abundant nectar resources in June and July and scrub and shelter providing cover for individual butterflies.
- 32.6 The implementation of a sensitive lighting scheme will reduce the impact on night flying invertebrates.
- 32.7 Implementation of all of these measures will ensure no net adverse impact on invertebrates on the site and can be secured by condition and the implementation of an appropriate management plan.
- 32.8 Subject to such provisions, and careful monitoring, no objection is raised to the proposal on the basis of impact on invertebrates.

33. Reptiles

- 33.1 The presence of reptile species on the proposed development site is not considered to significantly constrain the proposed layout due to the large areas of open space which will be maintained and enhanced to the east of the site.

- 33.2 However, without suitable mitigation, the potential direct negative effects on reptiles during the construction phase could include loss of foraging habitat, habitat fragmentation and potential killing / injury.
- 33.3 Given that the majority of the recordings of slow worm were found to the east of the site it is considered that only a small proportion of the slow worms on site will be negatively impacted by the development.
- 33.4 In order to mitigate this impact it is intended to erect temporary reptile fencing around the development zone to exclude reptiles from the construction area, alongside a period of trapping and translocation to previously established refugia within an agreed area of open space on site which would be enhanced for reptiles prior to translocation commencement.
- 33.5 The retention and enhancement of hedgerows on site will provide ongoing and improved connectivity for reptiles post-development, south to north (i.e. between Great Wood and Dodd's Grove SSSI and Pound Wood), as well as east to west, i.e. along the stream corridor.
- 33.6 Further enhancement for reptiles can be achieved through the creation of hibernacula or log piles within the grassed areas and open spaces. This will result in an increase in availability of hibernating / sheltering habitat for any potential reptiles. In addition, planting species of benefit to wildlife will be planted in these areas to encourage invertebrate prey into the area and thus enhance the site for wider biodiversity in general.
- 33.7 The impact of these measures is that development of the site would result in a neutral residual effect for reptiles during construction and a positive residual effect for reptiles will potentially be achieved through landscaping enhancements and the provision of hibernacula.
- 33.8 Subject to the implementation of these measures, which can be secured by condition, it is not considered that the proposed development would have an adverse impact to reptiles on the site.

34. Other Notable Species

- 34.1 Hedgehogs, polecat, harvest mouse and common toad have been identified on the site. These species are at risk of death/injury during the proposed construction/vegetation clearance.
- 34.2 Furthermore, if access is impeded to new residential gardens, habitat loss/fragmentation could significantly impact hedgehogs during the occupational phase.
- 34.3 In order to mitigate these impacts, the applicants identify the use of precautionary

measures during the vegetation clearance and construction phases including sensitive timings for works, e.g., outside of hedgehog hibernation season (November-March), a search by an ecologist for hedgehog and harvest mouse nests prior to clearance and a two-stage cut of tall vegetation, where the first cut is made to a height of no less than 15cm and 24 hours is then allowed before remaining vegetation is cleared to ground level, providing time for any disturbed animals to move away from the area.

- 34.4 In addition, the measures recommended for badgers (e.g. covering trenches overnight or provision of a mammal ladder), will further serve to protect hedgehogs during construction.
- 34.5 To facilitate the movement of hedgehogs through the site post-construction, 'hedgehog highways' will be provided within all new lengths of garden fencing (and where feasible boundaries).
- 34.6 The enhancement of retained hedgerows and creation of new hedgerow habitats will benefit hedgehogs, harvest mouse, polecat and common toad by providing enhanced foraging and refuge opportunities on site. The new SUDS created will further enhance potential for the common toad. Wildflower meadows will further benefit the harvest mouse.
- 34.7 Implementation of all of these measures will ensure no net adverse impact on other notable species on the site and can be secured by condition and the implementation of an appropriate management plan.
- 34.8 Subject to such provisions, no objection is raised to the proposal on the basis of impact on other notable species.

35. Biodiversity Net Gain

- 35.1 As currently presented the ecological impact of the proposed development may be appropriately mitigated to ensure that there is no harm to the biodiversity value of the site.
- 35.2 However, paragraph 8(c) of the NPPF 2023 identifies the improvement of biodiversity as one of the elemental features of sustainable development and paragraphs 186(d) and 192(d) require that planning decisions secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 35.3 The objective is very much therefore that development should leave sites in a better biodiverse state post construction.
- 35.4 Biodiversity net gain is calculated using the DEFRA metric 3.1.

- 35.5 The applicants have submitted a BNG calculation which identifies that at the present time the site is of relatively low biodiversity value and that opportunity exists to secure an overall increase in biodiversity. The submitted biodiversity report identifies the provision of 10% BNG.
- 35.6 The applicants further suggest that enhancement of the biodiversity value of the site will facilitate connectivity between Great Wood and Dodds Grove to the South and Pound Wood to the north.
- 35.7 Subject to securing the provision of 10% BNG, no objection is raised to the proposal on this basis.

36. The provision of open space.

- 36.1 Natural England guidance on Suitable Alternative Natural Green Space (open space) provision to mitigate for recreational pressures on European designated sites recommends 8ha per 1,000 persons. With 173 units proposed and an average 2.4 persons per household (based on UK 2011 Census Data); this equates to a 3.32ha requirement for the site. Some 10ha is proposed, to include a range of different experiences including wetland areas, traditional orchard, wet grasslands, scrub grasslands and meadow grasslands which are all interlinked and accessible, connecting to the wider footpath network.
- 36.2 The proposal also includes the provision of children's play space.
- 36.3 No objection is therefore raised to the proposal on the basis of inadequate provision of open space.

37. Sustainability

- 37.1 Reference has been made to elements of sustainability throughout this report; however, consideration of the wider concept in respect of this proposal is considered necessary.
- 37.2 The NPPF seeks to ensure that new development is sustainable and within paragraph 8 identifies three overarching objectives:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure,
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-

designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 37.3 The NPPF is clear that whilst these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. They are, however, worthy of some consideration in the context of the current proposal.
- 37.4 It is acknowledged that the construction period of the proposed development will result in some economic gain through direct employment, the supply chain, and in the long-term stewardship of the development, plus services provided to new residents and by new residents to the local area. The new development will also potentially provide a pool of labour for local businesses and the public and voluntary sectors.
- 37.5 In terms of the social objective, the proposal seeks to secure a range of housing types and sizes, including a significant element of affordable housing and a significant area of open space. The proposal may be assumed to have the potential to support strong, vibrant and healthy communities.
- 37.6 Finally, in terms of the environmental objective, the site is within 1.4km of local retail and entertainment facilities, some 1.2km from the nearest primary school and some 1.4km from the nearest secondary school.
- 37.7 Employment sites at Rayleigh Weir and Manor Trading Estate are some 2.3km and 4km distant respectively, With other sites located within Hadleigh, Thundersley, Benfleet and Rayleigh town centres not too far away either.
- 37.8 Whilst the railway station is approximately 3.6km away, access to bus routes is good, with the nearest bus stop being some 160m from the site, and provides links to all local facilities.
- 37.9 In addition, the proposal provides the opportunity for the extension of the footpath network through the wider area, facilitating access by foot to local services and education and recreation facilities.
- 37.10 The site does therefore offer the opportunity for alternative means of travel than the private car.

- 37.11 At site level, consideration of the energy and water efficiency of the proposed development have been considered above.
- 37.12 It may be noted as well that the applicants intend to provide electric vehicle charging points to all properties; it is unclear as to whether these charging points will be the rapid charge type.

38. Waste Management

- 38.1 Paragraph 8 of the NPPF 2023 recognises the importance of using natural resources prudently and minimising waste to ensure the protection and enhancement of the natural environment and to achieve sustainable development. It also reiterates the need to mitigate and adapt to climate change and move towards a low carbon economy. An efficient and effective circular economy is important to achieving these objectives.

- 38.2 Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated as a result of development/ redevelopment. Not only does this reduce the need for mineral extraction, it also reduces the amount sent to landfill. Clause 4 specifically requires:

“The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site.”

It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF 2023.

- 38.3 The applicants have advised that prior to the construction phase a Construction Environmental Management Plan (CEMP) will be developed to ensure the use of measures to minimise waste during the construction phases of the development, including the use of a scheme for recycling/disposing of waste arising from demolition and construction works. In addition, the development will be registered with the Considerate Constructors Scheme and achieve certification against the Code of Considerate Practice.
- 38.4 To ensure compliance with these requirements it is considered that conditions should be attached to the grant of any consent requiring the applicants to prepare an appropriately detailed waste management strategy through the CEMP.
- 38.5 The applicants have also advised that the development will make provision for the storage of non-recyclable waste and recyclable waste and that appropriate

waste management infrastructure will be provided to ensure that the occupiers have the necessary infrastructure to participate in any kerbside recycling services

39. Contamination

- 39.1 Paragraph 189 of the NPPF 2023 states that planning decisions should ensure that a site is suitable for its proposed uses taking account of any risks arising from contamination.
- 39.2 The site has been used for equestrian and other commercial purposes, including the storage of caravans and trailers, for a number of years. There is therefore the potential for soil contamination on the site.
- 39.3 The applicants have submitted a Risk Assessment Report which confirms the potential for such contamination from asbestos, polycyclic hydrocarbons (PAHs), heavy metals, organic and inorganic compounds and land gases, particularly around the existing buildings, an existing fuel tank and around what appears to be a historically filled pond.
- 39.4 No works are proposed in proximity to the filled pond, so the potential risk from this feature is more limited; however, the risk does exist in those areas of the site which are to be developed.
- 39.5 In the event that planning permission is achieved, an appropriate remediation strategy can be secured by condition.
- 39.6 Any asbestos in existing buildings to be removed will be required to be removed by specialist contractors.

40. Archaeology

- 40.1 Paragraph 200 of the NPPF 2023 states that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 40.2 Paragraph 201 continues that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)

taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 40.3 In determining applications, local planning authorities are required to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 40.4 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 40.5 Policy EC38 of the adopted Local Plan seeks to ensure that the historic record of the borough as presented by its Heritage Assets is appropriately protected.
- 40.6 In accordance with the provisions of the NPPF, the applicants have undertaken a desk based archaeological assessment of the site. This assessment has identified that no World Heritage Sites, Scheduled Monuments, Registered Parks and Gardens, Historic Battlefield or Historic Wreck Sites occur on the site. It has, however, identified that a Scheduled Roman Moated site is located some 350m to the north-east of the site.
- 40.7 A limited number of worked flints, shards of Iron Age pottery and a Roman coin pottery, tegulae, flue tiles, millstone and a burial urn, as well as evidence of built structures, have also been found in the general area.
- 40.8 From the later period, a Saxon spear and knife have been recorded, as well as evidence of a medieval deer park, and land to the north of the site has been designated an Ancient Landscape by Essex County Council due to the high number of hedgerows present that are likely to originally have been established in the medieval period.
- 40.9 In the post medieval period, the area of the application site was cleared of trees and farmed. The 1838 Thundersley Tithe map and associated Award note that the greater majority of the site had been cleared of woodland for the purpose of growing arable crops. Only a small plot of woodland survived in the central part of the site. By 1867 the site was fully farmed. With the exception of the construction of a number of buildings adjacent to Daws Heath Road, and minor alterations to the existing field boundaries, the layout of the site was unaltered between 1898

and 1960 when the buildings associated with the current farm were constructed and subsequently expanded in around 2013.

- 40.10 Having reviewed the submitted assessment and considered the relationship between the scheduled monument and the proposed development, it is not considered that the proposal would adversely impact on the setting of the monument, which is located within a wooded area and would be largely screened from the development by trees and other development.
- 40.11 However, given the relative lack of deep ground disturbance, the level of artefacts identified in the area and the proximity to the Scheduled Monument, it is considered that the site offers the possibility of further finds. The significance of any heritage assets that may exist on the site cannot, however, be determined in advance of confirmatory fieldwork. Consequently, it is considered that a programme of archaeological trial trenching should be undertaken to better determine the presence or absence of archaeological remains.
- 40.12 A condition to secure an appropriate scheme of trial trenching can be attached the grant of any consent.

41. Health Impact Assessment (HIA)

- 41.1 HIA is a tool used to identify the health impacts of a plan or project and to develop recommendations to maximise the positive impacts and minimise the negative impacts, while maintaining a focus on addressing health inequalities. HIAs can also identify opportunities to deliver benefits across a range of policy areas: better quality housing will, in the long term, improve health outcomes; more and better active travel infrastructure in areas of poor air quality will lead to improved cardiovascular health; safer and more inclusive spaces for older people, as well as those with a mental or physical health problem; and will deliver benefits to individuals' quality of life. Each of the above opportunities will contribute to reductions in health inequalities.
- 41.2 The NPPF sets out the government's planning policies and how they should be applied. It requires planning policies and decisions to "enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs".
- 41.3 The Essex Joint Strategic Needs Assessment (JSNA) provides a profile of people living in Castle Point (2018) and identifies that Castle Point has the highest smoking prevalence in the county (26.9% compared to the national average of 18%) and the highest levels of obesity at 70.2%. It also identifies that only 16.8% of adults in the borough take part in the recommended level of physical activity to benefit their health and some 35% of 10/11 year olds are obese or overweight. Opportunities for the encouragement of physical activity therefore have an important role to play in making communities healthier and reducing health risks.

- 41.4 Population estimates for 2020 highlight that Castle Point has a significantly older age profile than the national average, with a higher proportion of over 65's and lower proportion of under 18's than the regional or national average. The Castle Point and Rochford Health and Wellbeing Strategy identifies that physical activity appears to decline with age, with nearly 7 out of 10 adults aged 34-54 being physically active compared to nearly 6 out of 10 adults aged 55-74-year olds (Active Lives data, Sport England 2019-2018).
- 41.5 These factors have particular implications for the consideration of healthy lifestyle requirements.
- 41.6 The applicants have submitted a Health Impact Assessment which identifies the positive physical and mental health benefits arising from the provision of a large area of open space, and the measures to be implemented within that space, such as the provision of seating and circular routes suitable for all, including the less mobile and wheelchair users,
- 41.7 The existing bridleway through the site is to be retained and enhanced to enable greater use and a residential travel plan will be implemented encouraging active and sustainable travel.
- 41.8 Streets within the scheme have been designed to encourage low vehicle speeds (20mph), creating an environment where cycling and walking is prioritised, thus encouraging active travel. A pedestrian friendly environment is considered likely to encourage social interaction with neighbours, reducing isolation and encouraging active play, to the benefit of physical and mental health.
- 41.9 The applicants identify that approximately a third (57 dwellings) will meet Building Regulations M4(Category 2 - Accessible and adaptable dwellings.) whilst a further 7 (4%) will meet M4 standard (Category 3 – Wheelchair user dwellings.). All dwellings will comply with the national space standards.
- 41.10 The applicants further identify that the public realm will support those with visual or sensory impairment. Key elements will include the use of differing materials and textures to define areas such as resin bound gravel on pedestrian paths within open space, block paving on shared surfaces and tarmac on primary streets, the use of colour contrast in architecture and landscaping and the use of clear signage.
- 41.11 Finally, the applicants identify that a community orchard will be provided within the scheme to encourage community activity and provide access to healthy food.
- 41.12 Having reviewed the measures proposed within the scheme, it is considered that the proposal has the capacity to improve the physical and mental health and well-

being, not only of future residents, but as a consequence of access to the open space being available to all, as well as to existing residents.

41.13 One local resident has objected to the proposal on the basis that it will adversely impact on mental health.

41.14 As is demonstrated above, it is considered that the proposal has the capacity to significantly impact positively on mental health and physical well-being. In the absence of any evidence to the contrary no objection is raised to the proposal on the basis of its impact on health.

42. Other Considerations

42.1 A number of objections and comments have been made in respect of the proposed development, by interested parties. Whilst many of the concerns and comments have been addressed in the foregoing, a number remain to be considered. These are as follows:

42.2 Loss of Agricultural Land

An objection has been raised on the basis that development of the site will result in the loss of agricultural land. Such loss is considered important in the current context of climate change, the cost of living crisis and access to locally produced food.

First it must be identified that the land is not currently used for agricultural purposes and makes no contribution to the availability of locally produced food. Development of the site will not therefore have an adverse impact on local food production.

It may be argued of course that the demise of the current use of the site for the grazing of horses could provide land suitable for such production.

Land within the Daws Heath area is identified as being of good to moderate quality on the Natural England Land classification map for the Eastern Region, whilst DEFRA identify the area as having a moderate likelihood of providing best and most versatile agricultural land.

Both sources identify, however, that the classification provided is for use at the strategic level only and should not be relied upon in respect of the classification of individual fields. Such classification must therefore be treated with caution.

The fact remains, however, that the land in its current form could, in principle, be put to an alternative, agricultural use. However, this objective relies on a number of factors which are beyond the control of the planning authority, including the willingness of the applicants to farm the land, or sell the land at agricultural rates

for such purposes and, in the case of the latter scenario, the identification of a farmer willing to take on a relatively small, isolated area in close proximity to the urban edge and the capacity of the land to support farming on an economic basis is considered limited.

In the absence of any demonstration that the land is capable of being farmed economically and any policy provision at either local or national level to require the retention of moderate quality land for agricultural purposes, there is no robust basis on which an objection to the proposal on the grounds of the loss of agricultural land can be sustained. No objection is therefore raised on this basis.

It may be noted that the proposal includes the provision of orchards within the scheme which will be accessible to the community. Thus, to a small degree, access to locally produced food will be available as a consequence of the development.

It must be remembered too that farming activity can often include activities beyond the control of the planning authority, and beyond the growing of crops, which can have an adverse impact on local residents, such as odours, crop spraying, high levels of pollen production and noise and general activity associated with the farming calendar.

42.3 Inadequate infrastructure to support proposal

Policy CF1 of the adopted Local Plan seeks to ensure that the infrastructure requirements generated by development are met by developers.

It should be noted that a developer cannot be required to remediate existing deficiencies in service provision.

Where service providers identify a need for service enhancements to secure the capacity to support the proposed development, such enhancements can be secured through a S106 Agreement.

Several residents have objected to the proposal on the basis that existing services such as doctors, dentists, schools, etc. are currently stretched to capacity and that further development would exacerbate the existing situation.

Concern has also been expressed that the proposed development will also exacerbate water pressure and water main resilience issues. The Planning Authority has consulted Anglian Water, the EA and the LLFA. None have advised of any deficiencies in drainage infrastructure provision arising from the proposed development which cannot be appropriately mitigated.

The Planning Authority has also consulted relevant service providers including Essex Fire and Rescue, Essex Infrastructure (Education and libraries) and the

NHS to determine the capacity of existing resources to meet the needs of the proposed development.

Contributions towards the enhancement of health service provision and educational capacity have been identified and appropriate contributions for the provision of the requisite increase in capacity can be achieved through the provisions of a S106 Agreement.

It should be noted that no issues in respect of water pressure or electricity supply have been identified by suppliers. No improvements in this area may therefore be requested.

No provision is made within the scheme for the satisfaction of formal recreational needs arising from population growth generated by the proposal.

The Infrastructure Delivery Plan (2020) identifies that growth will generate a need for additional sports hall, swimming pool, indoor bowls and sports pitch provision. A contribution towards the provision of such facilities will be secured through a S106 Agreement.

42.4 The proposal will result in the loss of open space

Policy RE4 of the adopted Local Plan states that the Planning Authority will seek to provide and facilitate the provision of additional children's play space and parks.

The South Essex Strategic Green and Blue Infrastructure Study identifies that in respect of parks and gardens and provision for children and young people, the borough exhibits a deficit of provision.

At the present time the application site is in private ownership with no access available to the general public.

The proposal provides some 10ha of open space which will meet the informal recreational needs of future residents, as well as an equipped children's play space and the opportunity for ecological enhancement.

Management and maintenance of the land for recreation and ecology purposes will be required in perpetuity and can be achieved through a S106 Agreement.

The Agreement will also include provisions to ensure that the open space and the play space will be accessible to all. Far from resulting in a loss of open space, the proposal will make more open space available for recreational use.

42.5 Increased traffic and potential for accidents

Whilst it is inevitable that development of the site will result in increased traffic in this part of Benfleet, the Highway Authority has not identified a lack of capacity in the highway network to accommodate the traffic flows associated with the proposed development. No objection may therefore be raised to the proposal on this basis.

Whilst increased traffic could generate a potential for increased accidents, this application cannot be determined on the basis of events that might happen. In the absence of any evidence that the proposal represents a real and substantial threat to highway safety and in the absence of any objection to the proposal from the Highway Authority, no objection is raised to the proposal on this basis.

42.6 Proposal is not needed

Evidence clearly identifies that there is an acute housing shortage in Castle Point with particular pressure in the affordable housing sector.

Under current Government policy and economic circumstances, affordable housing can only be realistically achieved in anything like the numbers required, on the back of general needs (market) housing development.

The proposed development will provide both affordable and general needs housing, in a variety of formats. 40% of the dwellings, some 69 units to be provided on the site, will be affordable rent and purchase housing products. Thus the proposal, if approved, will mitigate to some extent the growing demand for affordable housing required within the borough.

Reference to the lack of need for housing has been linked to low levels of population growth in the borough identified within the 2021 Census. Such data must be interpreted with caution.

The Census identifies that the population of the borough has grown by some 1.8% from around 88,000 in 2011 to 89,600 in 2021. This low level of growth has occurred at a time when demand for housing in the south-east has been strong and where population has grown by some 8.3% within the East of England and 6.6% nationally.

It is interesting to note also that within Castle Point since 2011 there has been an increase of 18.9% in people aged 65 years and over, a decrease of 4.6% in people aged 15 to 64 years and an increase of 3.2% in children aged under 15 years. It is these latter groups which are most likely to include people wishing to enter the housing market over the next ten years and most likely to either currently contribute, or will contribute, to the number of concealed households.

Castle Point is not an obviously unattractive place to live so there must be other reasons for low growth. It is considered likely that the lack of housing is a significant contributor to the limited growth in population.

Accompanying the reported low growth in population is the popularly held assumption that such low growth means that the need for housing is similarly low.

This is a somewhat simplistic assessment of the situation which fails to fully recognise, amongst other considerations, the needs and growth potential of concealed and overcrowded households, those unable to leave the parental home due to the lack of suitable, available and affordable local housing and the need to provide some flexibility within the market in order to facilitate movement between properties as people's needs change.

The 2011 Census identified that there were 449 concealed families and 1005 overcrowded households within the borough. Whilst the data is somewhat dated now, given that this Authority has failed to supply sufficient houses commensurate with identified housing needs, over a number of years, it is likely that this figure has increased as adults in their twenties, who were children at the time of the last census, may now be looking to establish their own family homes, but are unable to do so, due to the lack of supply of suitable and affordable housing. This lack of supply will be contributing to the low levels of population growth; a people may either delay starting families or may leave the area in search of suitable housing.

Such low growth is ultimately damaging to the community as an ageing population is likely to be less economically active, which dissuades employers and services entering an area, whilst creating greater demands for the services which are substantially funded through agreements attached to planning permissions.

Some local residents have opined that greater use should be made of brownfield land and vacant properties, to meet the housing needs of the borough. The assumption appears to be that use of such land and properties would remove the need for development in the Green Belt.

It must be identified that the public's perceived availability of brownfield sites generally within the borough is significantly overestimated. A detailed assessment of brownfield sites suitable for residential development have been undertaken pursuant to the Brownfield Land Register Regulations. As at April 2020, this revealed a capacity for 184 dwellings over the next 15 years. Clearly, with an identified housing need of 355 dwellings per annum, full utilisation of all identified brownfield sites would not satisfy identified housing need.

Furthermore, whilst the Council makes all possible efforts to ensure that dwellings are not maintained as empty in the longer term, there is no practicable mechanism which can require the occupation of dwellings which the owners do not wish to have occupied. And it must also be remembered that the housing market requires an element of vacancy in order to facilitate the movement of people.

42.7 Provision of affordable housing is inappropriate

One local resident has objected to the provision of affordable housing on the site on the basis that the site is inappropriate.

The nature of the inappropriateness has not been made clear; however, it is assumed that the reference is to the perceived isolation of the site from local facilities.

First it should be noted that the affordable housing provision is located towards the western end of the site and is therefore in greater proximity to facilities than some of the proposed market housing. Distances across the site, however, are relatively limited and the size of the site is not considered to impact on access to facilities.

It should further be noted that the site is in close proximity to local bus routes which serve both Hadleigh, Rayleigh and beyond.

The site is approximately 2km from the Rayleigh Weir Trading Estate, 1.2km from the Deanes School and 1.4km from Hadleigh Town Centre and infant and junior schools. This compares favourably with many other parts of Hadleigh and is not considered an impediment to the provision of affordable housing.

In terms of access to facilities, the site is no more remote and inaccessible than the settlement of Daws Heath itself. It is not considered that the site is, in principle, unsuitable for the provision of affordable housing.

42.8 That the proposal is of no benefit to the area

Objections have been received which argue that the proposal is of no benefit to the area.

It is not a requirement of either national or local policy that development should only be considered favourably where it is of benefit to the local community. The NPPF requires a balanced view of development which considers the weight of benefits against any harm to the environment. This report has been entirely concerned with considering that balance.

That being said, it is difficult to see how the argument that the proposal results in no local benefit may be sustained. As can be seen from above, this borough has an acute housing need for both market and affordable housing and this scheme would contribute to the satisfaction of those needs, of direct benefit to the area.

The scheme would provide a significant recreational open space which would be accessible to the wider community, thus offering health and wellbeing benefits to the area.

The scheme will generate demands for local services, thus supporting the economic resilience of local shops and services.

The scheme will also ensure the management of the open space for the benefit of ecology and achieve ecological enhancements which could not otherwise be secured.

It is considered that the proposal would achieve local benefits and no objection is raised to the proposal on the basis of the lack of benefits provided to the wider community.

42.9 Increased air pollution and carbon footprint

Paragraph 180(e) of the NPPF 2023 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 191 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Policy EC4 of the adopted Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air or by reason of dust, vibration, light or heat will be refused.

Objections have been received that the proposal will adversely affect the carbon footprint of the area.

This objection raises a number of issues and is considered in terms of the operational and construction phases of the development.

Firstly, however, it must be identified that areas, at the local level and in themselves, do not have a carbon footprint.

A carbon footprint is defined as:

'the best estimated measure of the total, (direct and indirect) amount of Green House Gas emissions by an item, activity or individual as expressed in tonnes or carbon dioxide equivalent'.

(Wiedmann and Minx 2008: A definition of Carbon footprint' Ecological Eugenics Research Trends 2008).

The common interpretation of the carbon footprint is a means of quantifying the damage that individuals, companies and governments are doing to the planet. Reducing the carbon footprint of items, activities or individuals is seen as the means to prevent spiralling climate change and the consequent adverse impact on life on earth. Climate change is a global phenomenon, but positive change can occur through the actions of individuals at the more local level.

Within the context of the planning application and the operational phase of the development, it should be recalled that the proposed development will serve the needs of individuals who already exist and who already have a carbon footprint. The provision of houses to accommodate those people will occur, if not here, then somewhere else, in order to meet national housing needs. The existing carbon footprint will simply be relocated, but nationally it will not be substantially altered.

However, with the provision of modern, energy efficient homes in sustainable locations, the potential for the carbon footprint of individuals to be reduced is available, although much also depends on the lifestyle choices of the future residents. The planning system cannot control those choices, but can, by providing access to better quality homes with good access to social, recreational and other facilities, either within walking distance or accessible by means other than the private vehicle, influence that behaviour and encourage more carbon neutral impacts.

The current proposal seeks to provide highly sustainable dwellings in a sustainable location. There is no evidence to support the contention that the proposed development will have a significant adverse impact on the carbon footprint and no objection is therefore raised to the proposal on this basis.

It must also be remembered that the current use of the land for the keeping of horses has a carbon impact.

Whilst horses are essentially minor carbon sinks, the waste matter they produce is a significant source of nitrogen oxide emissions at the local level. (21st EGU General Assembly EGU 2019 Proceedings from Conference April 2019, Vienna).

Removal of this activity from the site is not therefore entirely without benefit in terms of emissions, although again it is anticipated that the horses will likely be moved elsewhere, carrying their emissions footprint with them.

A further objection to the proposal is that the area currently experiences air quality which is significantly below the standard recommended by the World Health Organisation. It should be noted that this standard is guidance only and has no legal status.

It is unclear from the objection whether this is an objection raised on the basis that the proposed development will exacerbate poor air quality or on the basis that future residents would be subjected to poor levels of air quality.

It must be recognised that Castle Point, along with adjoining authorities and indeed most other built up areas in the country, do present NO₂ and PM_x statistics that exceed the WHO recommendations. In terms of the 'percentiles' (the method used to rank locations) the majority of the borough falls into the 60-100 category (i.e. the highest 40%) but given the urban nature of the borough this is not an unusual or unexpected statistic.

The Government recognises that to meet the WHO levels in the short term there would need to be a very significant cull of internal combustion engine (ICE) based vehicular traffic and polluting industry that would not be economically viable or realistically achievable. As such the current government 'target' against which air quality is monitored is 4 times higher than the WHO figure. There are no exceedances of this figure within Castle Point.

Air quality within this part of the borough is therefore no worse than anywhere else in the borough. Poor air quality does not represent a sustainable objection to the proposal.

The potential for air pollution during the construction period can be adequately mitigated through the preparation and implementation of an appropriate Construction Environment Management Plan which can be secured by condition.

42.10 Detrimental to the character of the area

One respondent has objected to the proposal on the basis that it would be detrimental to the character of the area. No statement elaborating on this comment is made but it is assumed that the objector is referring to a change in the landscape of the site rather than any socio-economic or demographic character.

It should be noted that the site is not within an Area of Outstanding Natural Beauty and has no particular landscape designation.

The landscape character of the application site has been identified in three documents:

- ☐ A description of the landscape character of England, which was published by Natural England in 2014.
- ☐ Essex Landscape Character Assessment (2002) Landscape Character Area 2 South Essex Coastal Towns and
- ☐ The Castle Point Green Belt Landscape Assessment (2010)

'The latter described the area as gently sloping with a mixture of woodland, pasture, housing and reservoirs. Small fields with orchards, pasture, ponds and water courses and dense hedges with hedgerow trees comprising hawthorn, blackthorn, oak and ash are common. The landscape is compartmentalised with hedges and fences separating areas and the woodland is attractive and well managed with pedestrian access. The landscape generally is intimate, rural and attractive in its quality. Development is well screened by trees and hedges and roads are few, narrow and sinuous, relating well to the landform. Landscape management is reasonably good, and there are good views within the area. The landscape has a sense of history, or having retained its pattern for many years.'

The quality of the landscape is, however, tempered by its relationship with adjoining residential development and that present on site.

The Green Belt landscape assessment considers the landscape to be of medium sensitivity to change.

The proposed development would, for the most part, be viewed against a backdrop of residential development - in both long and short distance views, albeit the urban edge would be closer to those parties viewing from the adjoining development, in that respect therefore it is not considered that the character of the area would be changed significantly, particularly when one considers that it is proposed to retain the majority of the existing hedgerows and trees and undertake extensive landscaping and tree planting across the site.

It is considered that whilst the landscape would change as a consequence of the proposal, the character of the area would not and the site would still offer views of residential development across an open space. In landscape terms it is not considered that such change would be significantly adverse.

No objection is raised to the proposal based on its impact on the character the area.

42.11 Noise and disturbance affecting existing and future residents

Policy EC3 of the adopted Local Plan is concerned with residential amenity and states that development that would have a significant adverse effect on residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is, however, transitory and rarely provides a robust reason for refusal of an application for development of the type proposed.

However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicants to ensure that the levels of noise generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment.

The potential for noise and disturbance affecting the amenity of existing and future residents during the construction period can be adequately mitigated through the implementation of the provisions of a Construction Environment Management Plan, the submission and implementation of which can be secured by condition.

In terms of the operational phase of the development, there is no evidence to suggest that the noise generated by the occupiers of the proposed dwellings would be significantly different from that generated by the occupiers of the adjoining dwellings. It is not considered that an objection can be raised to the proposal on the basis that neighbours may be noisy. Should this situation arise in the future, appropriate legislation exists to deal with the matter.

42.12 Light pollution

At the present time the site is primarily unlit at night. New development will necessitate the provision of an appropriate lighting system; however, the applicant will be required to submit a lighting strategy which mitigates the impact of light spill from any lumens provided to an acceptable level. The operational phase lighting strategy will be secured by condition.

Lighting required during the construction phase can be adequately mitigated by the implementation of a Construction Environment Management Plan.

Light pollution emanating from the proposed development is unlikely to provide a robust reason for refusal, which would be sustainable on appeal.

43. Summary and Conclusion

43.1 The Framework sets out at paragraph 11 a presumption in favour of sustainable development, which for decision-taking means that permission should be granted, unless the harm caused by the proposal outweighs the benefits of the proposal.

43.2 The Framework sets out at paragraph 11 a presumption in favour of sustainable development, which for decision-taking means:

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

43.3 In this case, the Council's development plan is not up-to-date. Footnote 8 of the Framework explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 75); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.

43.4 Castle Point Borough Council is unable to demonstrate a five-year supply of deliverable housing sites, therefore the policies most important for determining the application are out-of-date and permission should be granted unless (i) or (ii) above apply.

43.5 The NPPF 2023, attaches great importance to the Green Belt, attaching substantial weight to any harm to the Green Belt by reason of inappropriateness and any other harm arising from the proposal. The proposed development is inappropriate development and there would be harm to the character, purpose

-
- and function of the Green Belt which conflicts with national policies as contained within the NPPF. Substantial weight is attributed to this harm.
- 43.6 This application seeks to secure planning permission for the provision of 173 dwellings with associated open space and infrastructure including the provision of an extensive area of public open space, an extensive sustainable drainage system, community orchard and an equipped children's play area, on land at Brook Farm, Daws Heath.
- 43.7 The applicants have produced a scheme which satisfies all relevant spatial standards whilst protecting as far as possible the current ecological value of the site and achieving a net increase in biodiversity.
- 43.8 The submitted scheme would make a significant contribution towards meeting both market and affordable housing needs, with the provision of some 69 affordable housing units, secured through a S106 agreement.
- 43.9 The technical details of the scheme have been reviewed by Essex County Council, the Lead Local Flood Authority, Natural England, the NHS and all other relevant statutory authorities, none of which have raised any objection to the proposal.
- 43.10 The proposal has, however, attracted almost 700 objections, all of which are addressed in the report.
- 43.11 Whether very special circumstances exist is a matter of planning judgment based on a consideration of all relevant matters. However, as set out in paragraph 153 of the Framework, 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. Consequently, for permission to be granted, the planning balance would have to clearly outweigh this identified harm, not just marginally, but decisively.
- 43.12 Following detailed consideration of the submissions, within the context of extant planning policy and guidance, it is noted that the application site is allocated for Green Belt purposes in the adopted Local Plan and that the proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt and should only be approved where very special circumstances which outweigh that harm are evidenced.
- 43.13 Whilst a number of benefits may be identified within the scheme, detailed analysis has failed to determine that, either individually or cumulatively, they constitute the very special circumstances needed to outweigh the harm to the Green Belt.

43.14 Therefore, it is considered that the other considerations in this instance do not clearly outweigh the harm identified to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

43.15 I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the above recommendation.

44. Recommendation

44.1 My Recommendation is Refusal for the following reason

- (1) The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework 2023. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated which either in isolation or in combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework.

Informatives

- (1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Appendix 1 – Green Belt Assessment

Template for Assessing Green Belt Planning Applications		
Stage	Question	Has this question been answered? Y/N
Stage 1 Proposal	1. Is the development proposal in Green Belt land?	Y
Stage 2 Inappropriate Development	2. Is the development proposal inappropriate development according to NPPF para 154?	Y
	3. Is the development proposal inappropriate development according to NPPF para 155?	Y
Stage 3 Weight of Harm on the Green Belt	4. What are the harms arising from the development proposal on the Green Belt?	Y
	5. What weight is attributed to harm from the development proposal on the openness of the Green Belt?	Y
	6. What weight is attributed to harm from the development proposal on the purposes of the Green Belt?	Y
Stage 4 Other Non-Green Belt Harms	7. Example: What weight is attributed to harm on the character and appearance of the area?	Y
Stage 5 Other Considerations	8. What are the other considerations for the development proposal?	Y
	9. What weight is attributed to the other considerations of the development proposal?	Y
Stage 6 Very Special Circumstances	10. Do very special circumstances exist to clearly outweigh harm to the Green Belt?	Y

DEVELOPMENT MANAGEMENT COMMITTEE
- 19 March 2024

Item 5

Stage 1 Proposal - Template for Assessing Green Belt Planning Applications		
Planning Application (Reference)	Located in the Green Belt? Y/N	
22/0484/FUL Land at Brook Farm Daws Heath Road Hadleigh Essex	Y	

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Stage 2 Inappropriate Development – Template for Assessing Green Belt Planning Applications		
<p>National Planning Policy Framework Paragraph 154 states: <i>A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.</i></p> <p>Exceptions to this are listed in the column below. Note that there are qualifications in relation to the exceptions which should be considered noted in this table.</p>	Does the development proposal meet one (or more) of the types of development in paragraph 154?	Using the answers provided in the rows below, explain why or why not the development proposal is considered to be inappropriate development in the Green Belt.
	State ‘Yes’ or ‘No’ and where answering ‘Yes’ provide a description in the rows below.	
	Where the development proposal does not meet one (or more) of the types of development in paragraph 154, provide a summary of the development proposal in the Conclusion section below.	Where the development proposal does not meet one (or more) of the types of development in paragraph 154, provide a summary of the development proposal in the Conclusion section below.
	No	Exception not met
a) buildings for agriculture and forestry;	No	Exception not met
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;	No	Exception not met
c) the extension or alteration of a building provided that it does not result in disproportionate additions	No	Exception not met

over and above the size of the original building;			
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;	No		Exception not met
e) limited infilling in villages;	No		Exception not met
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and	No		Exception not met
g) limited infilling or the partial or complete redevelopment of previously developed land ² , whether redundant or in continuing use (excluding temporary buildings), which would: <ul style="list-style-type: none"> – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing 	Yes	<p>The proposal would redevelop an area of previously developed land containing single storey stables and other farm related buildings.</p> <p>The proposal would redevelop an area of previously developed land containing single storey stables and other farm related buildings which covers a very small area of the site in comparison to the proposed area of development.</p> <p>It is inarguable that the proposed development would have a materially greater impact on the openness of the Green Belt than the existing development and also that it would cause substantial harm to the openness of the Green Belt by reason</p>	Exception not met

² For the definition of Previously Developed Land, refer to the [National Planning Policy Framework, Annex 2: Glossary](#).

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<i>need within the area of the local planning authority.</i>		of the scale, spread and mass of the proposed development of 173 new dwellings.
Conclusion:	Whilst the proposal would seek to redevelop an area of previously developed land, the overall proposed building envelope is much larger than this existing brownfield land and by reason of the scale, spread and mass of development would result in materially greater impacts to the openness of the Green Belt which would result in substantial harm. The exception is not therefore considered to be met.	
National Planning Policy Framework Paragraph 155	Does the development proposal meet one (or more) of the types of development in paragraph 155, does it preserve the openness of the Green Belt and not conflict with the purposes of including land within it?	Explain why the development proposal is or is not considered to be inappropriate development in the Green Belt?
a) mineral extraction;	No	Exception not met
b) engineering operations;	No	Exception not met
c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;	No	Exception not met
d) the re-use of buildings provided that the buildings are of permanent and substantial construction;	No	Exception not met
e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and	No	Exception not met
f) development, including buildings, brought forward under a	No	Exception not met

Community Right to Build Order or Neighbourhood Development Order.		
Conclusion:	No exceptions have been identified	

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Stage 3 Green Belt Harm - Template for Assessing Green Belt Planning Applications			
What are the harms arising from the development proposal on the Green Belt?			
<p>The applicant is seeking full planning approval for residential development of 173 dwelling units, public open spaces, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings</p> <p>This land is currently entirely allocated within the Green Belt and no exceptions have been found to exist which might therefore justify this inappropriate development. Therefore, a full consideration of the harm resulting from this development on the Green Belt will be considered.</p>			
Green Belt Harm	Assessment of Harm on the Green Belt	Weight of Harm <i>Limited – Moderate – Substantial</i>	Notes
<i>Impact on openness</i>	<p>The proposal would result in the existing site which comprises a patchwork of fields with a relatively small area of previously developed land comprising single storey stables and farm buildings being developed with 173 dwellings including a access roads and ancillary buildings.</p> <p>The proposal would replace for the most part open fields with a significant level of built development spread across part of the site, which would substantially erode the openness of the Green Belt by reason of its actual and perceived visual intrusion.</p>	Substantial	<p>Turner, Euro Garages Limited and Samuel Smith Old Brewery cases</p> <p>PPG 64-001-20190722</p>

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Green Belt purposes (NPPF, paragraph 143)	Assessment of Harm on Purposes of the Green Belt	Weight of Harm <i>Limited – Moderate Substantial</i>	Notes
a) to check the <i>unrestricted sprawl</i> of large built-up areas	<p>There is limited development within this area and the site is bounded by hard, defensible boundaries to the north and west by the existing settlement of Daws Heath.</p> <p>With the exception of small enclave of development within the westernmost section of the site, the site is free of built-up development which this proposal would change, replacing this area with development, and for this reason it is considered to result in substantial harm to this purpose.</p>	Substantial	
b) to prevent <i>neighbouring towns</i> merging into one another	<p>The site forms part of a wider area which provides the strategic gap between Daws Heath north and Hadleigh to the south.</p> <p>This large development would result in the enlargement of the Daws Heath settlement which would act to decrease the gap between there urban areas. Although a substantial area of land with only a band of ribbon development along Daws Heath Road would remain and as</p>	Moderate	

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	such the proposal is considered to result in moderate harm to this purpose.		
c) to assist in safeguarding the countryside from encroachment	<p>The proposal would result in the existing site which comprises a small area of previously developed land and a large expanse of open farmland being developed with 173 dwellings, an access road, ancillary buildings and other associated infrastructure across much of the site.</p> <p>Whilst the site is bounded to the north and west largely by the rear gardens of existing development, the site is still capable of being viewed as being part of the wider area of undeveloped countryside to the east and south.</p> <p>Consequently, the proposal is considered to result in limited harm to this purpose.</p>	Limited	
d) to preserve the setting and special character of historic towns	Not applicable	Not applicable	
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	This proposal to build in the Green Belt acts against this purpose where one of the key functions is to direct development to urban areas and assist in urban regeneration through use of previously developed land and other land within urban areas.	Substantial	NPPF Paragraph 11d) i. and Footnote 7

	As a result the proposal is considered to result in substantial harm to this purpose.		
Stage 4 Non-Green Belt Harm			
What are the Non-Green Belt harms arising from the development proposal?			
<p>The applicant is seeking full planning approval for residential development of 173 dwellings with vehicular access taken from Daws Heath Road, associated infrastructure and ancillary buildings.</p> <p>A small part of the site constitutes previously developed land whilst the majority of the site is currently a patchwork of fields utilised for farming. The proposed development of the site has the potential to detrimentally impact on the local biodiversity of the area as well as wildlife, result in increased traffic, pollution, noise and surface water flooding as well as place additional pressure on existing utilities and community facilities.</p>			
Other Harm	Assessment of Harm	Weight of Harm <i>Limited – Moderate - Substantial</i>	Notes
Ecology/Biodiversity	The proposal would result in the loss of some parts of the historic hedgerows where the development proposes to remove sections to facilitate the construction of the development. There will also be the loss of ecology and biodiversity on the site supported by the removed sections of hedgerow as well as across the wider site which is proposed to be built on. However the application also proposes a	Limited	

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Wildlife	comprehensive scheme of biodiversity and ecology benefits. The development of the site would involve the closure of the existing main badger sett, as well as several subsidiary setts, whilst other setts would remain. The proposal would also impact upon other wildlife such as bats, but not significantly provided the development is suitably designed and suitable mitigation is implemented.	Limited	
Protected Sites	The site lies within the zones of influence for the Benfleet and Southend Marshes, the Blackwater Estuary and Foulness Special Protection Areas (SPAs) identified in the RAMS. The applicant has agreed, via a S106 agreement, to pay a RAMS contribution to mitigate the harm the proposal would have on these SPAs in line with the guidance contained within the RAMS document. Such a contribution is considered to satisfactorily mitigate the harm resulting from the proposed development and therefore limited harm would arise.	Limited	Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
Increased Traffic		Limited	

Noise and Disturbance	<p>The proposal would result in the intensification of the use of the existing access to Brook Farm and the junction onto Daws Heath Road. The proposed development for 173 dwellings would likely result in additional traffic and pressure on surrounding roads. A transport assessment has been undertaken by the applicant and this has been scrutinised by the Highways Authority along with technical details of the proposed accesses. Subject to conditions, the Highways Authority raise no objection to the proposal and as subject matter experts the proposed accesses and impact on the highway network can in the absence of expert evidence to the contrary it can be concluded as being acceptable and limited harm would therefore arise.</p> <p>The proposal has the potential to result in noise and disturbance during the construction phase, however this can be suitably managed through an appropriate Construction Environment Management Plan (CEMP) which can be secured by condition. It is also not considered that noise and disturbance resulting from the use of the completed development would be harmful to the</p>	Limited	
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Pollution	residential amenity of surrounding residents given the indicative layouts and intended uses of the proposal.	Limited	
Flooding	<p>The proposal has the potential to result in increased dust and particle concentrations during construction. Mitigation measures could form part of a CEMP which would address this concern and which could be secured by way of condition.</p> <p>The proposal by reason of the increased areas of impermeable surfaces resulting from the development has the potential to result in increased levels of surface water runoff which could lead to surface water flooding of the site and nearby areas if not properly managed.</p> <p>Whilst the increase in number of dwellings may place additional pressures on GPs, schools and other community facilities, no objection has been raised to the proposal from the relevant consultees. Subject to relevant conditions and financial contributions to be secured by an appropriate S106 agreement, the harm resulting from the development would be ameliorated and</p>	Limited	
Oversubscribed Services		Limited	

	therefore limited harm would occur as a result.		
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Stage 5 Other Considerations – Template for Assessing Green Belt Planning Applications			
What are the other considerations for the development proposal? (see Table 5.2 above for examples)			
<p>The applicant is seeking full planning approval the residential development of 173 dwellings, associated infrastructure and ancillary buildings with access utilising the existing access off of Daws Heath Road.</p> <p>The proposal would result in the provision of 40% affordable housing with the remainder being market housing which would meet an identified unmet need within the borough. It also proposed new open space provision and a contribution to the local economy. A full consideration of the benefits of the proposal will be considered here.</p>			
Category	Other Considerations	Assessment of Other Considerations	Weight of Other Considerations <i>Limited – Moderate - Substantial</i>
<i>Social</i>	<i>Unmet housing need</i>	173 dwellings are proposed as a result of this development. Given the boroughs lack of five-year housing land supply and the figure calculated within the latest housing needs assessment identifying the need to provide 255 dwellings a year, this site would significantly contribute to meeting that annual figure over the course of the development, providing much needed housing the borough. This consideration is therefore given substantial weight.	Substantial
	Affordable housing provision	The applicant proposed to provide 40% affordable housing which would amount to 69 residential units. Given the boroughs lack of affordable housing provision over recent years this represents a significant contribution to meeting the affordable	Substantial

		housing needs of the boroughs residents and is therefore accorded substantial weight.		
	Childrens Place Space	A new outdoor children's play space would be provided as part of the development, which would provide an outdoor recreation space for children to play and enjoy the outdoors.	Limited	
	Better non-vehicular transport links	A multi-use footpath is proposed to link the entrance of the site on Daws Heath Road to Bramble Road which would improve accessibility across the site.	Limited	
<i>Environmental</i>	<i>RAMS mitigation</i>	The site lies within the zones of influence for the Benfleet and Southend Marshes, the Blackwater estuary and Foulness Special Protection Areas (SPAs) identified in the RAMS. The applicant has agreed, via a S106 agreement, to pay a RAMS contribution to mitigate the harm the proposal would have on these SPAs in line with the guidance contained within the RAMS document. Such a contribution is considered to satisfactorily mitigate the harm resulting from the proposed development and would therefore help to maintain and enhance these local areas.	Limited	
	Open space provision	A large amount of multi-functional open space is proposed as part of the indicative plans submitted accompanying this application. Such spaces contribute positively to both mental wellbeing as well	Moderate	

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		as the environment by creating habitats for wildlife throughout the site.		
	Retention of hedgerows	The retention of historic field boundaries and hedgerows wherever possible will contribute to retaining a historical element of the site which has been carefully considered in the indicative layout of the site. This will also result in retaining a degree of biodiversity and wildlife habitats.	Limited	
	Enhancement of biodiversity	It is proposed to provide at least 10% biodiversity net gain on the site through multiple different means as part of the multi-functional spaces, new tree and hedgerow planting provided as part of this development.	Limited	
<i>Economic</i>	<i>Contribution to local employment</i>	The development will create construction jobs as well as a role for an apprentice which have an acknowledged economic benefit within the local area, however these will be short-lived until the development is completed, so the benefit is limited due to its temporality.	Limited	

Stage 6 Very special circumstances – Template for Assessing Green Belt Planning Applications	
Do very special circumstances exist? Y/N	Explain why very special circumstances do or do not exist.
N	In undertaking this assessment, an initial assessment has been undertaken to ascertain whether any exceptions under paragraphs 154 or 155 of the NPPF are met and justify the development. No such exceptions have been identified and it is therefore considered that the proposal would amount to

	<p>inappropriate development within the Green Belt which is by definition harmful to the purposes of the Green Belt and should therefore be refused.</p> <p>Inappropriate development should only be permitted where very special circumstances exist which clearly outweigh the harm to the Green Belt. In assessing the harm to the Green Belt, it was considered that the proposal would result in substantial harm to purposes 1 and 5, moderate harm to purpose 2 and limited harm to purpose 3 of the Green Belt as set out in paragraph 143 of the NPPF, as well as have a detrimental impact on openness of the Green Belt. Other harms have also been identified on a number of matters which have been attributed limited harm.</p> <p>The proposed scheme has been assessed to represent a significant spatial and visual intrusion within the Green Belt by reason of the large bulk, mass and scale of the proposed development. The concentration of development across the western part of the site is considered to succinctly illustrate these concerns, highlighting the visual intrusion and impact on the openness of the site.</p> <p>The benefits of the proposal have also been assessed. Most notably the provision of housing in order to meet an unmet housing need, as well as affordable housing provision have both been afforded substantial weight in favour of the proposal, with open space provision afforded moderate weight in favour, whilst a number of other considerations are afforded limited weight.</p> <p>Despite the totality of considerations in favour of the proposal, it is not considered that these considerations clearly and definitively outweigh the combined weight of the harm to the character, purpose, function and openness of the Green Belt, and conflict with national planning policy.</p> <p>Therefore, it is considered that the other considerations in this instance do not outweigh the harm identified to the Green Belt and even if it were a finely balanced argument, the requirement of within the NPPF to clearly outweigh the harm highlighted categorically that a proposal cannot just tip the scales in favour of development, but needs to do so by some margin in order to have clearly outweigh the harm to the Green Belt.</p>
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	Consequently, the proposal has been assessed to have an unmitigated harmful impact on the character, purpose, function and openness of the Green Belt, which is not clearly outweighed by the benefits of the proposal and would directly conflict with national planning policy. Therefore, the very special circumstances necessary to justify the development do not exist.
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