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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 4<sup>th</sup> September 2018 at 7.30 p.m.

**Venue:** Council Chamber

**N.B. This meeting will be webcast live on the internet.**

**Membership:** Councillors Hart (Chairman), Mumford (Vice Chairman), Acott, Anderson, Blackwell, Cole, Cross, Mrs Haunts, Johnson, Ladzrie, Sharp, Taylor and Mrs Wass.

**Substitutes:** Councillors Mrs Blissett, Dick, Palmer and Mrs Sach

**Canvey Island Town Councillors :** Greig and TBC

**Officers attending:** Rob Davis - Planning Development and Enforcement Manager  
Kim Fisher-Bright – Strategic Developments Officer  
Fiona Wilson – Head of Legal Services

**Enquiries:** Cheryl Salmon, ext. 2454

### PART I (Business to be taken in public)

#### 1. Apologies

#### 2. Members' Interests

#### 3. Minutes

A copy of the Minutes of the meeting held on 7<sup>th</sup> August 2018 is attached.

#### 4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

## 5. Deposited Plans

The reports are attached.

	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
1.	18/0584/FUL	65 Hawkesbury Road, Canvey Island, Essex, SS8 0EY (Canvey Island West Ward)	1
2.	17/1063/OUT	Garden World Plants Ltd, Canvey Road, Canvey Island, Essex, SS8 0QD (Canvey Island West Ward)	6

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DEVELOPMENT CONTROL COMMITTEE

7<sup>TH</sup> AUGUST 2018

**PRESENT:** Councillors Hart (Chairman), Mumford (Vice Chairman), Acott, Blackwell, Mrs Blissett\*, Cross, Mrs Haunts, Johnson, Ladzrie, Palmer\*, Mrs Sach\*, Sharp, Taylor and Mrs Wass.

**\*Substitute Members Present:** Councillor Mrs Blissett for Councillor Cole, Councillor Palmer for Councillor Anderson and Councillor Sach for Councillor Taylor.

**Also Present:** Councillors Isaacs, Partridge, Riley, Sheldon and Smith also attended.

Apologies for absence were received from Councillors Anderson, Cole and Taylor.

**7. MEMBERS' INTERESTS**

There were none.

**8. MINUTES**

The Minutes of the meeting held on 3<sup>rd</sup> July 2018 were taken as read and signed as correct.

**9. DEPOSITED PLANS**

- (a) **18/0035/FUL – 191-193 HIGH ROAD, BENFLEET, ESSEX, SS7 5HY (ST MARY'S WARD) – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF THREE STOREY BUILDING CONTAINING 14 SHELTERED FLATS WITH COMMUNAL ROOMS AND RECESSED ROOF GARDEN IN THE ROOF, NEW CROSS-OVER AND DRIVEWAY AND ON OFF-STREET PARKING AT REAR – DONCOR DEVELOPMENTS**

The proposal represented the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted Local Plan, with 14 sheltered housing units within a three storey block. The site was located on the west side of High Road, close to the junction with Brook Road and was allocated for shopping purposes. The Planning Officer reported that redevelopment of land for residential purposes was consistent with the provisions of the NPPF and in principle was considered acceptable on the site, subject to conditions.

Whilst the scheme exhibited a minor deficiency in terms of isolation spaces, when assessed against the adopted policies and guidance of the Planning

Authority, the deficiency was not considered so significant as to provide a robust reason for refusal. The proposal was therefore recommended for approval.

The application was presented to the Development Control Committee at the request of Councillor Sheldon.

Mr Richards and Ms Stokes, representing Bodycare gym, spoke in objection to the application.

Mr MacVicar, the applicant, spoke in support of the application.

Councillors Sheldon and Partridge, Ward Members, spoke in objection to the application.

The Committee noted the objections of local residents and users of the gym to the proposal. During debate concern was raised that the replacement of a commercial unit with residential use would have a detrimental impact on the High Street however the comments of the Planning Officer that the continued operation of a business was not a material planning consideration and that redevelopment of the land for residential purposes was consistent with the provisions of the NPPF were noted. It was also considered that there was a need for sheltered housing units in the area.

During discussion a Member suggested that a higher building with more density than the one proposed could allow for the commercial element of the building to be retained at ground floor level and felt that further discussions should take place between officers, Members and the applicant to consider whether this could be achieved.

In response to questions it was explained that the building would include a lift, the sheltered housing units were for those aged over 55, that the building adequately set back from the High Road frontage and that Essex Highway Authority had raised no objection to the proposal.

At the conclusion of debate a vote was taken on the Motion for approval which was not carried. A Member proposed the application be refused on the grounds that it was over dominant in the area and that it would result in erosion of the High Street against Policy S9 of the Adopted Local Plan. The Planning Officer explained that Policy S9 was not an appropriate policy in the consideration of the proposal and that the proposed building would not be significantly dominant in the context of the surrounding area.

Following discussion a further motion was moved and seconded and accordingly it was:

**Resolved** - That a decision on the application be deferred for further discussion between officers, Members and the applicant.

**(b). 18/040012/FULCLC – GARAGES AT WINDSOR GARDENS, THUNDERLSEY, BENFLEET, ESSEX, SS7 3YF (VICTORIA WARD) – 2 NO. DWELLINGS – CASTLE POINT BOROUGH COUNCIL**

(Councillor Sharp left the Chamber during discussion of this item)

The application sought permission for the replacement of some redundant garages with two new council houses.

The proposal was considered to be acceptable as it met all relevant policies and residential design guidance and was therefore recommended for approval.

The application had been withdrawn from the agenda in July in order that the matter of access to a neighbouring property could be resolved. The application was presented to the Committee as the land was owned by the Council.

Mr Watkins, a local resident, spoke in objection to the application.

During discussion Members expressed their support for the proposal as they felt that the site was suitable for this type of development.

Following discussion it was:-

**Resolved** - That the application be approved subject to the conditions as set out in the Planning Officer's report.

**(c). 18/0527/ADV – RUNNYMEDE SWIMMING POOL, REAR OF COUNCIL OFFICES, KILN ROAD, THUNDERSLEY, BENFLEET (CEDAR HALL WARD) – NON-ILLUMINATED FASCIA BANNER ON A BANNER POLE SYSTEM – CASTLE POINT BOROUGH COUNCIL**

Permission was sought for the installation of a non-illuminated banner on a banner pole system on the front of the Runnymede Swimming Pool and Gym complex. It was considered that the proposal was acceptable and the application was therefore recommended for approval.

The application was presented to the Committee because it was on Council owned land and the application had been submitted by the Council.

During discussion Members expressed their support for the proposal and it was:

**Resolved** - That the application be approved subject to the conditions as set out in the Planning Officer's report.

**(d). 18/0419/TPO – 334 THE CHASE, THUNDERSLEY, BENFLEET, ESSEX, SS7 3DN (CEDAR HALL WARD) – LATERAL CROWN REDUCTION OF 4 METRES TO EAST SIDE OF TWO NEIGHBOURING PROPERTY – MR AND MRS BOB AND PAT KURN**

The application sought permission for a lateral crown reduction of 4m to two oak trees. Subject to the works being agreed on site with an officer from the Council the proposal was felt to be acceptable and was recommended for approval.

The application was presented to the Committee because the applicants were related to a member of staff.

During discussion a Member questioned who would monitor that the works had been completed properly and when they were planned to be undertaken. Trees generally had suffered due to the recent extreme hot dry weather and it was considered that it would be more appropriate to undertake the works in a few months to give the tree time to recover and avoid permanent damage. The Planning Officer explained that the works would be carried out by a tree surgeon and could be checked by officers. If approved, a condition could be added to any consent to specify when the works should be carried out.

Following discussion it was:-

**Resolved** - That the application be approved subject to a condition to prevent the works being undertaken prior to February 2019 and the conditions as set out in the Planning Officer's report.

**(e) THE DEANES SCHOOL, DAWS HEATH ROAD, HADLEIGH, BENFLEET, ESSEX (VICTORIA WARD) – DEMOLITION OF SINGLE STOREY TEACHING BLOCK AND ERECTION OF TWO STOREY TEACHING BLOCK AND EXTENSION OF EXISTING CAR PARK – SECRETARY OF STATE FOR EDUCATION**

The proposal sought consent to demolish an existing single storey school building located at the centre of the site and replace this with a part two storey Food Technology, Arts, Graphics and Science Building on land currently used for car parking purposes on the southern edge of the developed core. The site of the former school building would then be landscaped to provide an open space and replacement parking.

In addition modifications were proposed to the internal road system to facilitate access to retained and proposed car parks and 12 new covered cycle parking spaces and 2 covered motor bike spaces were to be provided.

The site was allocated for Green Belt and School purposes in the adopted Local Plan. This factor, coupled with Government advice in respect of the provision of a wide range of high quality educational opportunities, the grant of consent by Essex County Council for the redevelopment of the school in 2010 and the limited impact of the proposal on the openness and strategic function of the Green Belt at this location, were considered to represent the very special circumstances required to outweigh the harm to the Green Belt.

The proposed development was considered to be of an appropriate design and location and appropriately controlled was considered unlikely to have a significant adverse impact on the amenity of adjoining residents, ecology or highways.

The Planning Officer explained that whilst there was still an element of doubt in respect of the potential for the proposed development to increase the risk of off-site surface water flooding, it was considered that the imposition of conditions on the grant of any consent could ensure the provision of an appropriate strategy which would limit such potential in accordance with Government guidance.

Subject to conditions seeking inter alia to secure the amenity of adjoining residents, the protection of wildlife and trees, appropriate landscaping and the implementation of an appropriate surface water drainage strategy, no objection was raised to the proposal.

Councillor Riley, a Ward Member, spoke in support of the application.

During discussion a Member raised concern regarding vehicles using the internal road system on the site and suggested that some form of traffic calming would be appropriate.

Following discussion the Committee expressed its support for the proposal and it was:-

**Resolved** - That the application be approved subject to the conditions as set out in the Planning Officer's report.

Chairman

## ITEM 1

<b>Application Number:</b>	<b>18/0584/FUL</b>
<b>Address:</b>	<b>65 Hawkesbury Road Canvey Island Essex SS8 0EY (Canvey Island West Ward)</b>
<b>Description of Development:</b>	<b>Single storey rear/side extension and alterations to front porch and fenestration</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Malcolm Price</b>
<b>Case Officer</b>	<b>Miss Genny Middlemast</b>
<b>Expiry Date:</b>	<b>30.08.2018</b>

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## Summary

Permission is sought for a single storey rear/side extension and alterations to the front porch and fenestration. It is considered that the proposal is acceptable and the application is therefore recommended for **APPROVAL**.

The application is presented to committee because the applicants are related to a member of staff.

## Site Visit

It is not considered necessary for members to visit the site prior to determination of the application.

## Introduction

The application site is located on the eastern side of Hawkesbury Road, some 100m west of its junction with Hawkesbury Close. The proposal concerns a semi-detached bungalow with a flat roofed front porch that has been extended with a conservatory across part of its rear elevation. A ramp, providing disabled access to the property, extends forward of the principle elevation. There is a dropped kerb with hard standing which can accommodate at least two vehicles.

## The Proposal

Permission is sought for the demolition of the rear conservatory and part of the flat roofed rear section of the bungalow to accommodate a pitched roof side extension, flat roofed side/rear extension with roof light, and alterations to the front porch and fenestration.

The proposal has a maximum depth of some 10m, extends past the rear wall of the main part of the dwelling by 3.7m and would be some 1.7m deeper than the existing conservatory. It would have a maximum width of 9.1m reducing to 6.7m at its deepest point. The height of the pitched roof side extension would be 4.5m, the flat roofed rear extension is shown to be 2.6m.

Proposed internal alterations reduce the size of the existing front bedroom to allow for an extended lounge and hall way. The bathroom is to be relocated to the northern flank wall and a larger bedroom and kitchen/diner provided at the rear of the dwelling.



A pitched roof will be added to the existing front porch. The front porch is slightly reduced in size and is to have a pitched roof added.

The existing front bays are to be replaced with windows level with the principle elevation of the dwelling.

The exterior of the dwelling is to be finished with render to the walls and concrete roof tiles to the pitched roof. Windows are to be white UPVC.

### **Supplementary Documentation**

This application is not accompanied by any supplementary documentation.

### **Planning History**

No Relevant History

### **Local Plan Allocation**

Residential

### **Relevant Policies and Government Guidance**

NPPF            National Planning Policy Framework

#### Local Plan (Adopted 1998)

EC2	Design
H17	Housing Development – Design and Layout
T8	Car Parking Standards

#### Residential Design Guidance (Adopted January 2013)

RDG2	Space around Dwellings
RDG3	Building Lines
RDG6	Amenity Space
RDG8	Detailing
RDG12	Parking and Access

### **Consultation**

No statutory consultees were notified of this application and no responses have been received from neighbours.

### **Evaluation of Proposal**

This proposal raises no significant issues however the key considerations are its design, impact on neighbours and whether it provides adequate amenity space and parking provision.

#### Design

Policy EC2 of Castle Point Borough Council's Adopted Local Plan states that a high standard of design will be expected in relation to extension and alterations to existing buildings. Particular attention is paid to the scale, density, siting, design, layout and materials of any development which shall be appropriate to its setting and which should not harm the character of its surroundings. This policy is consistent with paragraphs 124 – 127 of the National Planning Policy Framework.

RDG2 in the Residential Design Guidance is concerned with the space around the dwellings and requires new development to reflect the prevailing character of the area. In forms of development where there is no clear pattern the proposed development should be proportionate to the size of the dwelling, seeking to provide at least 1m between properties.

In the Residential Design Guidance Policy RDG8 requires all detailing elements to be consistent with the overall approach of the dwellinghouse. Developments must not be prominent, dominant, alien or incongruous which detract from the visual appearance of the dwelling.

The dwelling is orientated at an angle to its northern boundary and consequently provides a side isolation space of some 4.5m at the front reducing to less than 3m at its rear. The proposed side extension would reduce this to 2.5m and 0.8m respectively.

The distance between the proposal and the boundary at its nearest point is below the 1m usually sought. However, it should be noted that there are many other examples of side extensions in the street located even closer to their boundaries and as such it is considered that this proposal reflects the character of the surrounding area.

Furthermore, where side isolation space narrows, the proposal is set well back from the front elevation which is the point from where the dwelling derives its setting when viewed from the street.

The change in fenestration, which currently consists of a mixture of painted and stained timber are to be replaced with white UPVC, and the bow windows replaced with flat windows. This would provide the dwelling with a more modern appearance.

The proposed alterations to the front porch will remove the flat roof and replace it with a pitched roof. Although neighbouring porches are flat roofed, the alterations to the porch would make a positive contribution to the streetscene and are considered acceptable.

The proposal is considered to be sympathetic in design terms to the existing dwelling and not to conflict or detract from the appearance of character of the surrounding area.

No objection is raised to the proposal under policy EC2, RDG2 or RDG8.

#### Impact on neighbours

The Residential Design Guidance policy RDG3 requires proposals to respect established building lines whilst not resulting in excessive overshadowing or dominance to any elevation of an adjoining dwelling.

The attached neighbour has a staggered rear wall and the proposal extends past this by between 1m and 3m. To the north it would extend some 5m behind the neighbour's rear wall. This is a little deeper than that generally found elsewhere in the area.

However, the flank wall of the neighbouring dwelling is set over 2.5m back from the boundary and the height of the proposal, where it projects behind this dwelling, is only 2.6m high. Therefore, notwithstanding its orientation to the south, it is not considered that the proposal will result in any undue overshadowing or dominance.

The side extension and alterations to the porch would not disrupt the front building line.

No objection is raised to the proposal under RDG3.

### Amenity Space

Policy RDG6 in the Residential Design Guidance Policy states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m<sup>2</sup> amenity space per habitable room.

The existing dwelling has 4 habitable rooms, 5 if the conservatory is included, requiring a minimum of 60m<sup>2</sup> of amenity space. The proposal, whilst extending the footprint of the dwelling, only provides 4 habitable rooms.

The proposal retains well in excess of 90m<sup>2</sup> of amenity space and is therefore fully compliant RDG6.

### Parking Provision

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with County parking standards. These standards state that a minimum of two spaces, having a bay size of 5.5m by 2.9m each, should be provided for properties with two or more bedrooms. Policy T8 is consistent with paragraph 105 of the National Planning Policy Framework.

RDG12 requires the provision of all forms of parking not to dominate the public realm or have an adverse impact on visual or residential amenity.

The proposed side extension would remove one of the two current parking spaces provided by the dwelling. Only one space is shown provided, which is below what is required by the council's parking standards.

However, the property provides sufficient frontage to accommodate this requirement and subject to a condition requiring the provision of a second space there is no objection on the basis of the council's adopted parking standards. The provision of two spaces would not have an adverse impact on appearance of the property or visual amenity of the surrounding area.

### **Conclusion**

The proposal is capable of complying with all national and local relevant policies and guidance and would have no adverse impact on the character and appearance of the street scene or the amenity of adjoining residents. It is therefore recommended that permission be granted.

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

**My Recommendation is Approval with the following conditions**

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The materials used in any exterior work shall be of similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse.

REASON: In the interest of visual amenity.

- 3 Finished ground floor levels within the extension shall be set no lower than finished ground floor levels within the existing building.

REASON: To ensure that occupiers of the dwelling are not placed at increased risk given that the site is liable to flood.

- 4 Two parking spaces, each having minimum dimensions of 2.9m x 5.5m, shall be provided prior to the first occupation of the development hereby approved. Any extension or replacement of the existing hard surface required for this purpose shall be designed and constructed in accordance with SuDS principles and provided with a properly constructed vehicular access to the highway. Thereafter the hard surface shall be maintained in accordance with SuDS principles.

REASON: In order to ensure the provision of adequate on-site parking facilities, commensurate with the level of accommodation provided and to limit the potential for increased surface water runoff from the site.

**Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## ITEM 2

Application Number:	17/1063/OUT
Address:	Garden World Plants Ltd Canvey Road Canvey Island Essex SS8 0QD (Canvey Island West Ward)
Description of Development:	Demolition of existing buildings and construction of residential care home comprising of 57No. units
Applicant:	S. Howard
Case Officer:	Ms Kim Fisher-Bright
Expiry Date:	28.09.2018

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### Summary

The application seeks outline permission for the erection of a part two storey, part three storey, 57 bedroomed nursing home with associated parking.

Consideration of the proposal under the provisions of the NPPF and adopted Local Plan identifies that the proposal constitutes inappropriate development in the Green Belt, which could only be justified if Very Special Circumstances could be identified, either individually or cumulatively, which outweighed the harm to the Green Belt.

The need for specialist residential accommodation has been identified as a circumstance to which consideration should be given; however, there has been no demonstration that this need can only be met on the application site. In the absence of a clear demonstration that the identified need could not be met elsewhere it is not considered that this circumstance nor any others suggested by the applicant or identified by the Planning Authority either individually or cumulatively would justify inappropriate development in the Green Belt.

The proposal is therefore contrary to Government guidance as contained in the NPPF.

Furthermore, in the context of Government advice and the continuing work on the preparation of a new Local Plan, the proposal is considered to be premature.

In considering the principles embedded within the scheme, whilst the proposed materials and general form of development is considered acceptable in principle, it is considered that the specific scale of development proposed is excessive, resulting in a building of mean and cramped appearance and lacking the ability to satisfy the requirements of the Residential Design Guidance.

The proposal is therefore recommended for **REFUSAL**.

The application is presented to the Development Control Committee as the applicant is related to a Member of this Council. Such action is in accordance with the provisions of the Council's adopted Constitution.

### The Site and its Surroundings

The application site is an irregular shaped plot of land, incorporating the site of the Garden World Garden Centre, the carriageway of Old Canvey Road and the parking bays provided on the eastern side of that road. The developable area of the site extends to some 0.4ha of land on the west side of Old Canvey Road, at the junction with Northwick Road.

The development site is currently used as a garden centre and hosts a single storey flat roofed retail/display building and a number of single storey canopies which shelter a large plant display area.

The retail building is irregular in shape and has a maximum width of 40m and a maximum depth of 21.5m. It is set some 19m from the front boundary of the site.

The canopy at the front of the site is some 22m wide and 15m deep. It is set some 3.5m from the front boundary.

The site is entirely hard-surfaced or covered in buildings. Car parking is provided to the front of the site within an off-road stand provided specifically for the Garden Centre.

To the north the site is adjoined by a detached two storey dwelling beyond which is a bungalow and some 112m further to the north, the Dutch Cottage, a Grade II Listed building.

To the west the site is bounded by open land designated an Ancient Landscape and Wildlife site (West Canvey Marshes Nature Reserve) and used, in part, for the grazing of horses.

To the south, beyond Northwick Road, the site is bounded by commercial buildings forming part of the Charfleets Industrial Estate.

To the west, beyond Canvey Road is residential development within the urban area of Canvey Island.

## **The Proposal**

Outline permission is sought for the erection of a part three storey, part two storey pitched roofed building providing a nursing home supporting 57 units of accommodation (60 bed-spaces) with associated communal and administrative facilities and 47 parking spaces.

The application is in outline form with only landscaping excluded from consideration at this stage. Access, Appearance, Layout and Scale are not reserved for later consideration and will therefore form part of the consideration of the current application.

The proposed 'L' shaped building is three storey in form, with two storey wings at its northern end. The building will be primarily pitched roofed, although a flat roofed element is provided to the southern-most element to accommodate the proposed span and provide third floor accommodation in a building designed to appear as being two storey in height.

A turret feature is provided at the south eastern corner.

The building would have a maximum height of some 13m, a maximum width to Canvey Road of some 52m and a return width to Northwick Road of 46m.

The building would be located a minimum of 4m from both road frontages, although the proposed portico porch would extend to within 1.2m of the front boundary. The entrance staircase and access ramp would extend up to the highway boundary.

The proposed building would be set some 1m – 1.3m above natural ground level. This is to assist in the reduction of flood risk and flood remediation.

### **Supplementary Documentation**

The application is accompanied by:

- A Flood Risk Assessment
- Structural Design Review
- Ecological Assessment
- Core Strategy DPD Examination Submission Report.

All of these documents can be viewed on the Council's website.

### **Site Visit**

It is recommended that Members visit the site prior to determination of the application.

### **Planning History**

There is limited specific planning history relevant to the development of the site for the provision of a nursing home. One application of relevance concerns alterations to the existing access and the formation of a layby to provide parking for the Garden Centre. This was approved in 1985 (CPT/392/85).

In more recent times the site has been the subject of consideration within the context of the preparation of the Draft New Local Plan.

Policy H17 of the 2014 Draft New Local Plan identified the site, as part of a larger site incorporating the dwellings to the north, as suitable for the provision of a nursing home with capacity for 50 units of accommodation by 2031, subject to, inter alia, the condition that the redevelopment of this site would only be permitted when it could be demonstrated that there were no other sites reasonably available for the provision of a residential care home in Castle Point, and the sequential and exception tests could be met.

Following consideration of the responses to the 2014 Plan, Members resolved to prioritise the protection of the Green Belt over meeting the Borough's objectively assessed needs and deleted all undeveloped Green Belt sites that did not benefit from an extant planning permission or was previously developed land, from further consideration. The application site represented previously developed land and consequently retained its 2014 conditional allocation in the 2016 Plan.

For technical reasons the 2016 Plan was formally withdrawn from further consideration on the 29th March 2017. No weight may therefore be attached to its policy statements or guidance,

although it is considered that the evidence base underpinning the Plan remains capable of being relevant and valid.

### **Relevant Government Guidance and Local Plan Policies**

The site is located for Green Belt purposes on the 1998 Local Plan Proposals Map.  
The following policies are of relevance:

#### National Planning Policy Framework

Paragraphs: 2, 7-10, 11, 12, 15, 38, 47, 48, 49, 91, 92, 124, 127, 130, 133, 134, 145, 150, 155 – 165, 170, 172, 175, 177, 178-179, 180, 181, 182, 183, 189, 190, 192 – 197.

#### Local Plan

EC2:	Design
EC3:	Residential Amenity
EC4:	Pollution
EC13:	Protection of Wildlife and their Habitats
EC19:	Ancient Landscapes
EC38:	Archaeological Sites and Monuments
T2:	Intensification of Access Use
T8:	Car Parking Standards
CF1:	Social and Physical Infrastructure and New Developments
CF14:	Surface Water Disposal.

#### Residential Design Guidance

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

Essex Planning Officers Association Vehicle Parking Standards September 2009 (Adopted June 2010)

Thames Gateway South Essex Strategic Housing Market Assessment (May 2017)

South Essex Surface Water Management Plan (2012)

Castle Point Borough Local Wildlife Sites Review (November 2012)

### **Consultation**



County Highways

Objects to proposal on basis of highway safety: footpaths and sight splays.

Lead Local Flood Authority

No Objection subject to conditions.

Anglian Water

No response

Environment Agency

No objection on flood risk grounds, subject to conditions.

Social Care Direct

No response

ECC Independent Living Programme

No response

Essex County Council Fire and Rescue Service

No response

Essex Policy Contingency Planning

No response

Essex Police

No response

CPBC Environmental Health

No objection subject to conditions

CPBC Legal Services

No response

CPBC Streetscene

Full details of waste storage facilities required. Revised location unacceptable.

Canvey Island Town Council

Objects to proposal on following basis:

- The proposed development is on Green Belt land as defined with in the 1998 Local Plan.
- Insufficient parking for the number of potential visitors to the area.
- It was not clear that a Sequential Test Report was provided.

Natural England

The proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

RSPB

No response

Invertebrate Conservation Trust (Buglife)

No response

Essex Wildlife Trust

No response

National Health Services

No response.

### **Public Consultation**

One local GP, a resident from Leigh on Sea and the Practice Managers of two local Doctor's Surgeries have objected to the proposal on the basis that the current health infrastructure is inadequate to service the proposal and questioning whether the local Clinical Commissioning Group had been consulted.

One letter of support from a chiropodist associated with the applicant's current nursing home, has also been received.

### **Response to Consultation responses**

Comments made by the statutory consultees will be addressed within the evaluation of the proposal.

With regard the queries in respect of the provision of health care resources, the Authority has sought to discuss this matter with the National Health Service providers but has been unable to secure a response.

In the absence of comment it must be presumed that local NHS Service commissioning group has no objection to the proposal.

### **Evaluation of the Proposal**

The proposal seeks outline consent for a 57 bedroomed (60 bed-space) nursing home. Whilst in outline form, the applicant seeks consideration of Access, Appearance, Layout and Scale at this time.

The application site is allocated for Green Belt purposes in the adopted Local Plan.

Consideration must therefore be given to the acceptability of the principle of the proposed development on the site in the first instance.

Consideration will also be given to the issues of prematurity, flood risk, ecology, and impact on the historic environment within the following evaluation.

#### The Principle of Development

Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 2 of the NPPF). The adopted development plan 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.

Where the Development Plan is absent, silent or relevant policies are out of date, the Planning Authority should grant 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 indicate that development should be restricted (paragraph 11 of the NPPF).

Footnote 8 to the NPPF identifies that land allocated for Green Belt purposes is an example where development should be restricted. The footnote does not however state that development in such areas is prohibited.

The Development Plan for Castle Point is the adopted Local Plan (1998). This identifies the site as Green Belt.

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.

Paragraph 136 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.

Paragraph 143 of the NPPF clearly states that inappropriate development in the Green Belt, which includes large scale residential development, is by definition harmful to the Green Belt and should not be approved, except in very special circumstances and paragraph 88 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.

Paragraph 145 states that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. It does however list a number of exceptions to this presumption against development, one of which is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The site currently operates as a Garden Centre and contains a number of buildings and structures covering approximately one third of the developable site.

Whilst it is recognised that the canopies over the display areas have the appearance of more temporary structures, these have been present on the site for a number of years and are considered to be permanent structures, thus their presence can be taken into consideration in the determination of the application.

The site may therefore reasonably be considered to constitute previously developed land, the redevelopment of which need not be contrary to Green Belt Policy, provided such redevelopment

would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Impact on the Openness of the Green Belt

It is the view of the Planning Authority that openness can be measured both in physical and perceptual terms. Put simply, development may physically reduce the amount of open space available within the site and thus physically affect openness by replacing open space with built form, or it may give the impression of reducing openness by providing a bulkier or more visually prominent building on the site.

At the present time the application site hosts a relatively large single storey building, and a bank of display canopies which according to the submitted plans have a gross area of some 1081m<sup>2</sup>, although the applicant identifies the buildings on the site as having an existing gross internal floor space of some 1145m<sup>2</sup>. As such buildings on the site can be concluded to occupy between 27% and 28.6% of the garden centre site.

The proposed building has a gross footprint of some 1242m<sup>2</sup> and thus covers approximately 31% of the site. The proposed building would therefore, in physical terms cover a greater proportion of the site and albeit marginally would reduce the openness of the Green Belt by enclosing more space within a building.

Of greater significance however is the impact of the proposed building on the perceived openness of the Green Belt.

At the present time the site hosts a retail building with a maximum height of some 3.8m and three display canopies with a maximum height of 4.2m. The impact of these buildings on views from the east is limited to a significant extent by the mature hedge provided along the western edge of the Canvey Road carriageway which renders the site largely invisible, unless viewed closer to the junction with Northwick Road where the site forms a more obvious, but nevertheless muted, feature in the street scene.

From the west and north the limited height of the buildings renders them of no significance in long distance views.

The proposed nursing home represents a much more substantial two/three storey building with a maximum height of some 13m. This would be clearly seen above the mature hedge and would appear as a prominent feature even in long distance views.

The height of the building, coupled with its significantly increased mass and proximity to the highway boundary when compared to the current buildings on the site, would result in a much more prominent and dominant feature in the street scene and in longer views, which would adversely impact on the openness of the Green Belt at this location.

In accordance with the provisions of the NPPF, this harm to the Green Belt attracts substantial weight.

Impact of the proposal on the purpose of including land within the Green Belt.

Paragraph 134 of NPPF sets out the five main purposes of Green Belts:

- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Consideration must therefore be given to the comparative impact of the proposed development over that which currently exists on the site, on these purposes.

(a) To check the unrestricted sprawl of large built-up areas;

Paragraph 133 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.

The 2010 Green Belt Functions Assessment, identifies the wider area of land 'trapped' between Canvey Road and Roscommon Way, as successful in preventing the sprawl of the developed area of Canvey Island. As such the area is identified as performing a positive Green Belt function. However, the application site exhibits significant built form and whilst not intensively developed in the same manner as the adjoining residential and commercial areas, it is clear that the site is developed and it is considered debateable as to whether it physically contributes to the function of impeding urban sprawl or whether it forms part of the urban sprawl.

Given the presence of significant development on the site, it is not considered that redevelopment of the site would in principle, significantly alter this situation. This carries some limited weight in favour of the proposal.

(b) To prevent neighbouring towns from merging into one another;

The application site is located on the western edge of the developed area of Canvey Island; however, given the level of isolation achieved between this parcel of Green Belt land and the adjoining towns, it is not considered that the redevelopment of the application site would prejudice the objective of preventing towns merging. This stance is supported by the provisions of the 2010 Green Belt Assessment and carries some limited weight in favour of the proposal.

(c) To assist in safeguarding the countryside from encroachment;

The site represents a previously developed site on the edge of the Green Belt and itself represents an historic encroachment into the Green Belt. The proposed development however results in a significantly greater form of development on the site and encroachment of two/three storey development on areas of the site which are primarily only hardsurfaced at the present time. . It is considered that replacement of the existing development with that proposed would result in a greater physical and visual encroachment into the Green Belt. This carries some weight against the proposal.

(d) To preserve the setting and special character of historic towns;

It is not considered that the application site makes any contribution to the setting or special character of an historic town. Redevelopment of the site would have no impact on the site's function in this respect.

(e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The 2014 and 2016 Draft Local Plans both identified that redevelopment of the site for residential care purposes would only be acceptable, if it could be demonstrated that there were no other sites reasonably available for the provision of a residential care home in Castle Point. Such demonstration has not been made and it is not possible therefore to determine that the refusal of the current scheme might not assist in urban regeneration by encouraging the redevelopment of a site within the urban area for residential care purposes.

This attracts some weight against the proposed development.

However, it must be recognised that the site represents previously developed land in the Green Belt, the appropriate redevelopment of which would be consistent with Government guidance.

The impact of the redevelopment of the site on urban regeneration is therefore considered to be limited.

### Conclusion on Green Belt considerations

The proposal represents the redevelopment of previously developed land within the Green Belt. Such development would be consistent with Government guidance provided it had no greater impact on the openness of the Green Belt and the purposes for including land within that designation.

From the analysis undertaken it is concluded that whilst redevelopment of the site would not in principle have a significant adverse impact on some of the purposes of including land within the Green Belt, it will result in a visual encroachment into the country side and by reason of the significantly increased mass and bulk of the development proposed, would have a substantial adverse impact on the openness of the Green Belt. As such the proposal represents inappropriate development.

Paragraph 143 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

It is also clear that other material considerations may also justify inappropriate development in the Green Belt.

### The existence of Very Special Circumstances

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. The Planning Authority defines a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. This definition has no statutory basis, but has been applied by the Planning Authority for some 35 years and was incorporated into the New Local Plan.

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.

The applicant does not identify any Very Special Circumstances to support the case but has submitted a copy of a Submission Report prepared in respect of the Examination of the Core Strategy which as Members will be aware was withdrawn in 2011.

In this submitted report, which appears to be concerned with the development of the site with an alternative form of development, the applicant identifies that the site is sustainable, deliverable and accessible by public transport. It is considered that these comments could be made of many sites in the Green Belt and as such it is not considered that these, in isolation, represent the very special circumstances required to justify inappropriate development in the Green Belt.

Whilst not specifically related to the current proposal, the applicant has identified in the submitted Submission Report that the proposal would generate a range of employment opportunities.

This comment is noted but adds limited weight to the determination of the application as provision of such a facility on any site within the Borough would be likely to generate the same employment opportunities.

Of greater interest with regard to the current proposal however are the comments made in respect of the need for specialist accommodation for older people.

This aspect of provision was particularly identified by the Planning Authority when it was preparing the 2014 and 2016 Draft Local Plans and identified the application site as a site suitable for the provision of such development. However, both plans were cautious in the identification of the current proposal site, limiting release of the site until a clear absence of alternative sites had been demonstrated. This demonstration has not been provided and neither of these Plans have been progressed. Whilst compliance with an allocation in an emerging Local Plan which was close to adoption may have constituted a Very Special Circumstance, following the withdrawal of both the 2014 and the 2016 Local Plans, no weight may be attached to their provisions.

The Greater Essex Demographic Forecasts show that 35% of the population will be of retirement age or older (65+) by 2031. However, advances in medicine and lifestyle quality mean that most people now do not experience the consequences of older age until much later in their lives.

The document: Housing in later life - planning ahead for specialist housing for older people recommends calculating need for specialist accommodation based on the 75+ age group. When applied to the likely population of Castle Point when delivering growth set out in the 2016 plan it was determined that there was a significant need for specialist accommodation for older people including extra care (750 homes) and enhanced sheltered accommodation (375 homes), accommodation for people with dementia (94 homes) and sheltered housing for the active elderly (1,970 homes).

To a large extent, the nature of existing housing provision in Castle Point (including a large number of bungalows and park homes) addresses the demand from the active elderly within the community; however specialist accommodation that includes the provision of care is currently under provided in Castle Point, with need in the region of some 1,220 homes. However such need alone does not justify inappropriate development in the Green Belt. Policy H17 of the 2014 Draft New Local Plan and H10 of the 2016 Draft New Local Plan, were clear that development of the application site with a nursing home should only be permitted when it could be demonstrated that there were no other sites reasonably available for the provision of a residential care home in Castle Point.

No such demonstration has been provided. In the absence of such demonstration and any other identified very special circumstances development of the site in the manner proposed cannot be justified.

An objection is therefore raised to the proposal on the basis of Green Belt policy.

### **Prematurity**

While emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework and in particular the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:

- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and
- b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made)

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local 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.

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

In July 2017, the Leaders and Chief Executives of the South Essex Authorities (Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Council) initiated an approach of collaboration to develop a long-term place-based growth ambition. A joint strategic approach will enable the South Essex sub-region to collectively support economic growth and respond to external pressures such as the Thames Estuary 2050 Commission and the London Plan.

Part of the South Essex growth ambition will be realised through the preparation and adoption of a Joint Strategic Plan (JSP). The JSP will be a high level planning framework covering the whole South Essex area. It will set out the overarching spatial strategy, housing target and distribution, strategic employment areas, key transport and other infrastructure priorities and strategic development opportunity areas. It is set to deliver a minimum of 90,000 new homes and 52,000 new jobs by 2038. Along with housing and employment the vision aims to deliver large scale infrastructure that will permit long term growth for the region.

The JSP will be part of the development plan in Castle Point, forming a portfolio of documents that will be used to inform local decision making once adopted.

In accordance with NPPF, a statement of common ground will support the preparation of the JSP, to ensure that there is not only a proactive and positive approach to strategic planning matters



across housing market areas, but that there is a clear (and agreed) approach to how these will be delivered in all relevant local plans.

The Council is currently preparing a further Local Plan with consultation on the issues being undertaken in July 2108. This document will seek to implement the overarching strategic JSP at the local level.

The Local Plan, incorporating the provisions of the JSP will determine the location of future development within Castle Point.

The application site represents a small area within a much larger site, the future of which is being considered in the preparation of the New Local Plan. The future use of this site has previously been considered in both the 2014 and 2016 Local Plans and in view of the implications of the development of this site for the wider area east of Roscommon Way and north of Northwick Road it is the view of the Planning Authority, that the future of the site should be determined within the confines of an Examination in Public of the new Local Plan.

It is considered that the current proposal by seeking the redevelopment of the site at this time in the intensive manner proposed, represents an attempt to circumvent the Local Plan process and, if allowed, it is considered that the release of this site for an intensive form of development could prejudice unbiased consideration of the future the area of land bounded by Northwick Road, Canvey Road and Roscommon Way and could thus prejudice the ability of the Council to achieve a high level of sustainability in meeting its needs.

It is considered therefore that the current proposal has the capacity to undermine the Council's New Local Plan for the development of Castle Point and as such it is considered that the future of this land should be determined within the context of the Local Plan, when all relevant factors can be considered, and not in isolation.

As such an objection is raised to the proposal on the basis of prematurity.

### **The Reserved Matters**

Whilst objections have been raised to the proposal on the basis of Green Belt policy and prematurity, it is considered appropriate to respond to the applicant's specific request in terms of consideration of the matters identified as not being reserved for future consideration. In this way it is hoped that any future proposals may fully reflect Council policy and Guidance.

It is also considered appropriate to comment on other matters such as flood risk and ecology in order to inform any future submissions.

None of the comments made hereafter however should be construed as outweighing the principle objection raised above.

### Access

Policy EC2 of the adopted Local Plan requires all modes of transport to be safe and convenient.

At the present time vehicular access to the site is obtained via a dropped kerb crossing provided approximately midway along the Northwick Road frontage. It is proposed to relocate this access to a point adjacent to the western boundary of the site. The Highway Authority has objected to the

formation of an access at this point on the basis that the developer has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency. As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4m x 43m to the west. The Highway Authority considers that this lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety and has raised an objection accordingly.

The Highway Authority has also stated that in any future submission provision should be made for a 2m footway to be provided along the entire frontage of the site.

Government guidance is clear that where an objection to a proposal can be overcome by the imposition of a condition on the grant of any consent this route should be adopted over the refusal of a proposal.

It is the view of the planning authority that the provision of an appropriate sight splay to the west could be achieved on land currently beyond the ownership or control of the applicant through the mechanism of a Grampian style condition.

A Grampian style condition requires work to be undertaken on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body. Such conditions often fail the tests of reasonableness and enforceability, however it is possible to achieve a similar result using a condition worded in a negative form, i.e. prohibiting development authorised by the planning permission until a specified action has been taken, such as the provision of an appropriate sight splay. Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission, however the applicant has advised that in this instance there is high probability that the splay can be achieved and under the circumstances it is considered that a Grampian style condition requiring the provision of an appropriate sight splay and overcoming the objection of the Highway Authority, could be imposed on the grant of any consent.

Similarly, with regard to the footway provision, this would appear capable of being provided on land within the ownership or control of the applicant and thus a condition may reasonably be appended to the grant of any consent.

Subject to such conditions no objection is raised to the proposal on highway safety grounds.

### Appearance and Layout

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.

The NPPF similarly seeks well designed development and it is therefore considered that Policy EC2 is consistent with the NPPF.

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).

Whilst not adopted Policy the Draft New Local Plans also offered advice on the design of any building to be provided on this site. Specifically it stated that in order to ensure that the development was of a high quality and responded to local circumstances the development must adopt a contextual approach to urban design in order to integrate with the existing built form and existing landscape, (in particular the open landscape and historical features), be resilient and resistant to flooding from tidal and surface water sources, make provision for safe, on-site refuge facilities in the event that a flood does occur and have regard to the Council's Residential Design Guidance.

In general terms the proposed development is three storeys in height with a two storey element at the northern end of the 'L' shaped footprint. The roof is a mix of primarily hipped or gabled elements with small dormers provided to the front and side elevations. The westernmost element is essentially a flat roofed section but is designed to give the appearance when viewed from the south, of a pitched roofed element. This disguise is less successful when viewed from other angles.

In terms of materials, the proposed mix comprises:

- \* White wood boarding
- \* Yellow/buff brick.
- \* Grey slate
- \* Grey aluminium doors and windows
- \* Main doors: natural wood.

These materials differ from those used in the buildings immediately adjacent, but given the broad palette available locally, are considered acceptable.

Detail and articulation is provided to the building by exaggerated fascia boards, projecting gables and elemental use of materials. A key feature of the building is a turret provided at the south eastern corner which seeks to 'turn the corner' and provide a focal point of the development.

This variety of material, features and form has resulted in the creation of a mixed visual character. The character of the adjoining residential development differs from that proposed; however this development is an institutional building and it is appropriate that it should demonstrate its purpose in its form. As such, whilst different in scale and form from the adjoining development, in the context of Policy EC2, it is not considered that the proposal would disrupt the built character and appearance of the wider area to such a degree to support a robust reason for refusal.

In terms of the provisions of the adopted Residential Design Guidance, it should be noted that 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.

Residential development in proximity of the site is limited and provides little context for new development. As a consequence it is not considered realistic to expect the existing character of the area to influence the proposed development to a significant degree. The development site is one of the largest plots within the immediate area. No objection is made to the proposal on the basis of plot size.

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, for buildings providing

specialist housing and care homes a space equivalent to 25% of the width of the property should be provided.

The proposed building has a width to Canvey Road of some 52m and a width to Northwick Road of approximately 46.4m. Isolation spaces of 13m and 11.6m respectively are required. The scheme provides some 7m of isolation space to the Canvey Road elevation and some 10.5m to the Northwick Road elevation. The proposal therefore fails to achieve appropriate levels of isolation. Whilst this is less critical to the Northwick elevation, the identified deficiency on the Canvey Road frontage is significant and fails to provide an appropriate setting for the building, providing a cramped and unduly constrained appearance, which is exacerbated by the mass of the building and proximity to the front boundary of the site, in an area which has historically been relatively open in character. The cramped nature of the building represents an objection to the proposal.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces; however it must not repeat poor forms of development. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern. In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

RDG3 also states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused.

Canvey Road at this point has only a weak building line, due to the limited number of dwellings present. The proposed building would sit some 3m – 6m further forward than the adjoining dwellings and would therefore be inconsistent with the setting of the adjoining properties but given the weakness of the building line is not considered to have a significant adverse impact on the building line. However, the prominent siting of the building, coupled with its scale and mass and its relationship with the adjoining development is considered to result in an unduly dominant and prominent feature which would be detrimental to the character and appearance of the area and result in significant overshadowing and dominance of the adjoining property. An objection is therefore raised to the proposal on the basis of its relationship with the adjoining development.

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.

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.

The proposed development provides a focal feature at the junction, whilst contrived and somewhat commonplace in larger schemes, successfully turns the corner. The submitted application form identifies that no significant enclosure will be provided on the eastern or southern boundaries. The proposal therefore satisfies the principles of RDG4 and no objection is raised to the proposal on this basis.

RDG5 states that for all 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.

This requirement is satisfied in respect of windows provided in the main eastern and western elevations, which overlook the highway and amenity and parking area respectively. No objection is raised to these windows.

The secondary western elevation has windows located some 6m from the boundary. However, these windows serve a corridor and would overlook grazing land. Given this context it is not considered that these windows would result in loss of privacy or amenity. No objection is therefore raised to the proposal on this basis.

Windows in the southern elevation are located only 4m – 6m from the boundary of the site, but as these overlook the carriageway of Northwick Road it is not considered that these would result in any loss of privacy or amenity for adjoining users. No objection is therefore raised to the proposal in this respect.

The window in the northern elevation at first floor level is located some 3m from the side boundary but serves a stairwell. It is considered that this window may be obscure glazed and fixed to 1.7m above finished floor levels without adversely affecting living conditions within the building and would protect the amenity of the adjoining residents. This may be secured by a condition attached to the grant of any consent. Subject to such a condition no objection is raised to the proposal under RDG5.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. Specialist accommodation such as that proposed is required to provide 8m<sup>2</sup> of amenity space for each habitable room.

The proposal provides 57 rooms and therefore generates a requirement for 456m<sup>2</sup> of amenity space.

The proposed development provides a useable amenity area to the rear of the site of some 440m<sup>2</sup>. Whilst marginally below the requirement, it is not considered that the level of deficiency is so significant as to justify refusal on this basis. No objection is therefore raised to the proposal under RDG6.

RDG7 is concerned with roof development and particularly seeks to ensure that proposals which incorporate feature such as dormers and rooflights into roof planes do not result in overdominant or disproportionate roof treatments.

The proposed development provides a number of dormers. Where provided these are generally sympathetic to the scale of the roof and align with fenestration in the elevation. No objection is raised the proposal on the basis of RDG7.

RDG8 requires the design of all development to result in well-proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.

The proposed building is considered to be well proportioned and balanced and whilst some minor variance occurs it is not harmful to the character or appearance of the building. Consequently the proposal is considered to meet the expectations of RDG8.

RDG9 is concerned with the achievement of energy and water efficiency and renewable energy. No reference is made to such matters within the submissions; however, the layout of the scheme exhibits some opportunities for solar gain and daylight penetration, with principal elevations predominantly orientated to the south, east and west.

Opportunities also exist for rainwater harvesting and greywater recycling and the applicant is encouraged to investigate the use of these features further. Their absence from the scheme however does not represent a robust objection to the proposal.

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.

The applicant identifies that a 1.8m close boarded fence will be provided to the northern and western boundaries and that the southern and eastern boundaries will not be enclosed. Such treatment is considered acceptable.

No objection is raised to the proposed surface treatments which essentially replace an existing concrete surface.

No objection is therefore raised to the proposal under RDG10.

RDG11 of the Residential Design Guidance is concerned with landscaping. Landscaping is a matter reserved for later consideration and may not be determined at this stage. However the applicant is advised that landscaping schemes are expected to include planting plans, identification of plant species, types, sizes, numbers, densities, planting regime and aftercare.

The applicant is further advised that in order to enhance the ecological value of the site any landscaping scheme should be focused on native species.

RDG13 is concerned with the provision of appropriate refuse and recycling storage facilities.

The applicant identifies that specialist contractors will be used to remove human and medical waste from the site, however, no storage facilities for such waste is identified. This omission represents an objection to the proposal.

Storage facilities are identified for the storage of general refuse and recycling. However, the location is inappropriate as access by refuse operatives would be precluded by vehicles parked within the identified van parking bay. The failure to provide an appropriately located refuse storage area represents an objection to the proposal, however it is considered that an alternative location may be identified on the site and can therefore be achieved within the context of a condition imposed on the grant of any consent.

Car Parking is a key feature in an appropriate layout. 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. Standard C2 is relevant to the proposed development and requires one space to be provided for each full time equivalent member of staff plus one visitor space per three beds.

Policy EC2 of the Adopted Local Plan highlights the need to ensure that all modes of movement are safe and convenient.

The applicant has advised that staff will be provided at a ratio of one full time member of staff for every eight residents with up to six catering staff/ cleaning staff being present during the mornings. On this basis a maximum of 14 staff members will be present during the working period, although the potential for larger numbers to be present during changeovers does exist. During these short periods there is the potential for up to 22 staff members being present on the site. Accommodation of all of this staff would require the provision of 22 car parking spaces.

Sixty bed spaces are provided thus 20 visitor car parking spaces are required.

In total 42 parking spaces are required.

The scheme provides 45 car parking spaces plus 2 van spaces. The car parking is divided between new on site and existing off site provision, with 21 existing spaces located on the eastern side of the Old Canvey Road, provided specifically for and by the Garden Centre and a further 22 new spaces provided to the rear of the building. Two additional staff spaces and the two van spaces are provided at the front of the site.

The provision of this level of parking would be more than adequate to accommodate the parking needs of the site. No objection is therefore raised to the proposal on the basis of car parking provision.

In addition the applicant is required to provide bicycle parking and powered two wheeled vehicle parking facilities on the basis of one bicycle parking space for each five staff members and one space plus one space per twenty car parking spaces for powered two wheeled vehicles. None are identified on the site. This represents an objection to the proposal. However, it is considered that scope exists within the site to remedy this deficiency. This could be achieved through the imposition of a condition on the grant of any consent in the event of permission being granted.

### Scale

The issue of scale in terms of its impact on the openness of the Green Belt has already been discussed and the principles of that discussion will not be repeated here.

In terms of more generalist comments in respect of the scale of the development, it is noted that the development is partly two storey and partly three storey in nature with the height diminishing towards the northern and western boundaries of the site in an apparent, if unarticulated attempt to integrate the development more satisfactorily into the context created by the adjoining development and open land.

In purist terms this works relatively well, with the bulk of development located in the centre of the site and a focal point provided at the junction and the height falling towards less prominent features in the landscape at the extremes of the building. However, the proximity of the building to the front boundary of the site and the relationship of the building to the adjoining dwelling, results

in the creation of an over-dominant and overbearing structure with limited setting and a cramped appearance. To this extent the proposal does not integrate well with the adjoining development, presenting itself as a form of development which is out of scale with its domestic surroundings. The mass of the building and its relationship with the boundaries of the site and adjoining property renders the proposal inappropriate on this site. An objection is raised accordingly.

## **Other Considerations**

### Flood Risk

Canvey Island lies within an area identified as falling within Flood Zone 3. Within such areas there is an identifiable risk of flooding. For Canvey this risk takes the form of both fluvial and pluvial inundation.

Under the provisions of the NPPF, all proposals for new dwellings in areas at risk of flooding are required to be accompanied by a site-specific Flood Risk Assessment (FRA) in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood.

It should be noted that a Care Home provides residential accommodation and is therefore considered to provide dwellings.

A Care Home is classified as a 'more vulnerable' form of development in Table 2: Flood Risk Vulnerability Classification of the NPPG. In order to comply with national policy the proposal must therefore pass the sequential and exception tests as set out in the NPPF and the Planning Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide a care home on Canvey Island. For such development to serve the community of Canvey Island it is considered that it would need to be located within, or immediately adjacent to, that settlement (although as previously indicated, not necessarily on this site).

Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

It should be noted that the lack of alternative sites with a lower flood risk does not equate to the lack of availability of alternative sites in principle.

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraph 159 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment (FRA) where one has been prepared; and a site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.



In a very broad sense, and setting aside the principle fact that the proposal represents inappropriate development in the Green Belt, the continued development of Canvey Island is necessary to sustain the local community and prevent the social and economic blight of the settlement. However, in assessing whether these benefits outweigh flood risk, the flood risks surrounding the development must be considered in more detail.

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall.

The applicant has provided a FRA which demonstrates that the site is currently protected by sea defences and that the proposed development will not be at risk of flooding in a 0.5% (1 in 200) annual probability flood level.

The FRA further demonstrates that the defences will also offer protection over the lifetime of the development, providing the defences are maintained in accordance with the TE2100 Policy, which is dependent on future funding.

In the event of a breach of the sea wall the Environment Agency has identified that in a 0.5% annual probability including climate change breach flood event, the building could experience flood water depths of up to 1m and up to 2m in a 0.1% annual probability including climate change breach flood event. Under such conditions the ground floor of the building will experience inundation, however the upper floors of the building will be above even the 0.1% flood water levels and as such safe refuge can be provided at first floor level in the event of a flood.

The applicants have identified a dry food store and flood risk provisions room at first floor. It is considered that this facility, coupled with the communal facilities available at first floor would provide appropriate refuge for residents in a significant flood event.

In order to ensure the provision and retention of these facilities conditions may be attached to the grant of any consent. Subject to such conditions, no objection is raised to the proposal on the basis of flood risk.

The applicant has not provided a Flood Response Plan and this would need to be provided in order to ensure that appropriate actions were taken to move residents to safety under flood conditions. A condition requiring the submission and approval of such a Plan can be attached to the grant of any consent.

It is further noted that flood resilience and resistance measures have not been identified. As the building could experience water levels of up to 2m within the building under flood conditions, it is considered that the provision of such measures would be prudent. An advisory suggesting the provision of such measures can be attached the grant of any consent.

All proposals for development within the Flood Zone are required to demonstrate that the building proposed would be able to withstand the hydrodynamic and hydrostatic pressures likely to impact on the building under flood conditions. The applicant has provided a series of calculations, verified by a Structural Engineer, which demonstrate that the building will be able to withstand the relevant pressures under flood conditions. Provided the building is therefore constructed in accordance with the structural engineer recommendations, no objection is raised the proposal on the basis of structural instability.

Paragraph 163 of the NPPF states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The site is not identified by the EA as being at high risk from surface water flooding, however development of a site would ordinarily run the risk of the potential for run off onto other sites. As a consequence the LLFA has required the submission of an appropriate surface water drainage strategy to ensure the proposed development does not exacerbate surface water run-off and adequately treats any such run off before it is discharged from the site.

Subject to the submission and implementation of an appropriate surface water drainage strategy, which can be achieved by condition, no objection is raised to the proposal on the basis of surface water flooding.

### Ecology

Policy EC13 states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.

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.

Policy EC14 is considered consistent with the NPPF, particularly in respect of paragraph 174. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 175 of the NPPF.

The site has no ecological designation but is within the zone of influence associated with the Ramsar site (Benfleet and Southend Marshes), is located within 500m of the Canvey Marshes SSSI, within 2.4km of Holehaven Creek SSSI and directly abuts West Canvey Marshes which is a very extensive area of historic grazing-marsh, ditches, scattered scrub and inter-tidal habitats located to the east and north of the site. As a consequence it is considered that the site could have the potential for ecological interest.

The applicants have submitted an ecological assessment. It is noted that the survey was prepared in November 2016 and is therefore now potentially dated. It was also undertaken at a sub optimum time of the year. Its findings must therefore be treated with an element of caution.

Consideration of the development of the site has identified that it would have no direct impact on priority habitat and is not required to be retained in its current state in the interests of maintaining the integrity or facilitating the management of any designated site.

Assessment of the site has confirmed that the site is entirely developed or hard surfaced with no pockets of vegetation or open ground which might provide habitat potential. Under the circumstances it is not considered that the open areas of the site provide any ecological interest.

Assessment of the buildings on the site also failed to identify any opportunity for bat roosts and whilst foraging may occur across the site it is not considered that the proposed development would adversely impact on this.

The existing site may therefore be concluded to have no significant ecological value and no objection is therefore raised to the proposal on the basis of its impact on local ecology.

It is however considered that the redeveloped site could offer the potential for habitat creation and it is therefore considered that any future landscaping scheme should be focused on native wildlife friendly species.

Subject to such an appropriate landscaping scheme being prepared no objection is raised to the proposal on the basis of its impact on ecology.

#### Impact on Historic Assets

Policies EC19 and EC38 of the adopted Local Plan seek to ensure that heritage assets are not adversely affected by proposed development.

The NPPF 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.

The Framework 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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

No assessment of historical assets has been submitted by the applicant; however it should be noted that in the case of the current proposal the heritage assets are represented by the Grade II Listed Building, The Dutch Cottage and the Designated Ancient Landscape to the north and west of the site.

The proposed development is located some 112m to the south of the Dutch Cottage and directly abuts the designated Ancient Landscape which comprises the Canvey Marshes to the west and north of the site.

In terms of impact on the Listed Building, it should be noted that the application site is relatively isolated from the curtilage of the Listed Building and that other dwellings of no historic importance, are located between the Heritage site and the development site. Whilst the new building would be visible in some views of the Listed Building, the impact, due to this isolation and intervening development is not considered so substantial as to represent significant harm to the setting of the Listed Building. No objection is therefore raised the proposal on the basis of its impact on the Listed Building.

Ancient Landscapes have been defined by Essex County Council as areas containing a significant assemblage of visible features, both man-made and semi-natural, of pre- 1600 origin. They are the 'living' elements of the countryside, where the landscape has evolved and adapted over the course of millennia. These areas are consequently of great historic importance and interest in their own right, although frequently they coincide with areas of high nature conservation value and visual amenity as well.

West Canvey Marshes has been identified as being of historical importance as a consequence of its management and use since the Middle Ages and has been identified as an Ancient Landscape in the adopted Local Plan.

In recognition of its historic value and interest Policy EC19 of the adopted Local Plan seeks to protect the area from development that would affect its nature and physical appearance.

The proposed development is not located within the designated area and, subject to appropriate conditions to secure appropriate management of surface water runoff in particular, it is considered unlikely that it would have an adverse impact on its nature.

It is recognised that the new building will have an impact on long views across the Marsh, but it is not considered that this impact would have a significant adverse impact on the physical appearance of the designated landscape due to its peripheral location relative the designated area. No objection is therefore raised to the proposal on this basis.

Given the proximity of the site to identified areas of historic interest however it is considered that the site may offer some archaeological interest.

It is therefore considered that a condition requiring appropriate archaeological investigation of the site prior to commencement of the redevelopment of the site, should be attached to the grant of any consent.

### Sustainability

A local GP and two local practices have raised concerns about the capacity of local GPs to appropriately service the proposed nursing home. Whilst the limited availability of GPs on Canvey Island is noted, no objection has been raised to the proposal by NHS England.

Under the circumstances it is not considered that an objection to the proposal based on the capacity of the local health infrastructure could be sustained on appeal.

### Sustainable Transport

The NPPF seeks to ensure that new development is sustainable. In the case of transport, developments are expected to demonstrate the opportunity for use of sustainable transport modes and limited journeys.

Access to public transport from the site is generally good with easy access to bus and rail facilities. The site would consequently appear to be well placed in terms of the opportunities available to limit use of the private car.

Under the circumstances it is not considered that an objection to the proposal on the basis of undue reliance on private vehicles could be sustained on appeal.

### Noise and Disturbance

Consideration must be given to the potential for residents of the proposed development to experience noise and disturbance from the adjoining employment area, located some 9m to the south of the site.

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Noise can interfere with residential and community amenity and the utility of noise-sensitive land uses. Noise exposure can have effects including sleep disturbance and annoyance. It is also agreed by many experts that environmental noise can lead to chronic health effects. For example, associations have been found between long term exposure to some types of transport noise, particularly from aircraft and road traffic, and an increase in the risk of cardiovascular effects (heart disease and hypertension).

For these reasons, noise is a material consideration in the planning process and a key aspect of sustainable development.

PPG Paragraph 001 (reference ID: 30-001-20140306) states that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. In determining applications opportunities should be taken to consider improvements to the acoustic environment.

PPG Paragraph 003 (reference ID: 30-003-20140306) states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The NPPF states at paragraph 170 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 178 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.

The Noise Statement for England (2010) seeks to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development and through the effective management and control of environmental, neighbour and neighbourhood noise.

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.

It is inevitable that the development of the application site will generate noise and disturbance and potentially pollutants during the constructional phase. However, such noise is transitory and will rarely provide a robust reason for refusal of an application for development of the type proposed.

Of greater concern is the potential for noise generated by uses on the adjoining industrial estate/road to adversely impact on the amenity and health of future residents of the proposed home. However the Council's Environmental Health Officer has expressed no concerns in respect of such considerations and it is considered that any persons seeking to reside at the site would be fully aware of its relationship to the adjoining industrial development and highway network and would be able to determine the suitability of the site for themselves.

Under the circumstances it is not considered that impact of the existing environment on future residents of the site represents a robust or defensible objection to the proposal.

#### Ground Conditions and contamination

The site has been used as a Garden Centre for many years and it is considered that potential exists for the site to have been contaminated by chemical spillages. In order to ensure the safety of construction workers and future users of the building it is considered that a condition requiring an appropriate assessment of the site should be submitted to, and approved by, the Local Planning Authority prior to the commencement of any development on the site.

It is noted that the Ascot Barn present the site has walls and a roof comprised of corrugated asbestos. Removal of this material must be undertaken by a specialist contractor and an informative reminding the applicant of this requirement can be attached to the grant of any consent.

#### **Summary and Conclusion**

Assessment of the proposal under the provisions of the NPPF and adopted Local Plan identifies that the proposal constitutes inappropriate development in the Green Belt, which is, by definition,

harmful to the Green Belt and which could only be justified if Very Special Circumstances could be identified, either individually or cumulatively, which outweighed the harm to the Green Belt.

The Planning Authority defines a 'very special circumstance' as one which is unique to the site or, at the very least, is incapable of frequent repetition. This definition has no statutory basis, but has been applied by the Planning Authority for some 35 years and has been incorporated into the New Local Plan. It is against this definition that Very Special Circumstances are assessed.

The applicant has not specifically identified any Very Special Circumstances although some may be deduced from the submitted 'Submissions Report'. This document sought to support the allocation of the site for Nursing Home purposes in the context of the preparation of the Core Strategy. This resulted in an allocation for such purposes in both the 2014 and 2016 draft New Local Plans.

Whilst consistency with the provisions of the emerging Local Plan might have constituted a Very Special Circumstance, following the withdrawal of the Local Plan no weight may be attached to its provisions.

The need for specialist residential accommodation has been identified as a circumstance to which consideration should be given; however, there has been no demonstration that this need can only be met on the application site. In the absence of a clear demonstration that the identified need could not be met elsewhere it is not considered that this circumstance can be considered special, let alone a very special circumstance, as is required to justify inappropriate development in the Green Belt.

In isolation none of the circumstances identified by the applicants constitute the Very Special Circumstances required to outweigh the harm to the Green Belt that the inappropriate development proposed would cause.

Furthermore, it is not considered that the circumstances, in combination, provide a sufficiently robust set of circumstances which outweigh the harm.

In addition, in the context of Government advice and the continuing work on the preparation of a new Local Plan, the proposal is considered to be premature.

In conclusion therefore, the proposal is considered to be premature and to represent inappropriate development in the Green Belt in respect of which the Planning Authority has failed to identify sufficient Very Special Circumstances, either individually or cumulatively, which might justify a departure from normal Green Belt policy. The proposal is therefore contrary to Government guidance as contained in the NPPF.

In considering the principles embedded within the scheme, whilst the proposed materials and general form of development is considered acceptable in principle, it is considered that the specific scale of development proposed is excessive, resulting in a building of mean and cramped appearance and lacking the ability to satisfy the requirements of the Residential Design Guidance.

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

**My Recommendation is Refusal for the following reasons**

- 1 Within the context of Government guidance it is considered that the current proposal is premature in that it seeks to determine the location of future development outside the confines of the Examination in Public of the New Local Plan. The release of land for intensive development on the basis of individual applications would lead to poorly planned growth and would fail to deliver development in a managed way. To achieve sustainable growth within the borough the decision on which sites to allocate for development should be taken at a strategic level as part of the Local Plan process, which this application seeks to circumvent. The site is allocated as Green Belt where national planning policy as set out in the National Planning Policy Framework states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness of this part of the Green Belt, contrary to national planning policy.
- 2 The proposed development, by reason of its mass, scale, disposition and proximity to the boundaries of the site represents overdevelopment of the site resulting in the creation of a building of mean and cramped appearance, detrimental to the character and appearance of the area and likely to result in undue dominance and overshadowing of the dwelling to the north, contrary to Policy EC2 and H17 RDG2 and 3 of the adopted Local Plan.

#### **Informative**

- 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.