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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 4th December 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 6th November 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.

	Application No	Address	Page No
1.	18/0391/FUL	Admiral Jellicoe, 283 High Street, Canvey Island, Essex, SS8 7RS (Canvey Island East Ward)	1
2.	18/0609/FUL	Equestrian Centre at Braeside Manor Farm, Great Burches Road, Thundersley, Benfleet, Essex (St Peter's Ward)	32

Previously Considered Items

3.	18/0382/OUT	Chase Nurseries, The Chase, Thundersley (Cedar Hall Ward)	83
		Appendix 1	93

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DEVELOPMENT CONTROL COMMITTEE

6th NOVEMBER 2018

PRESENT: Councillors Hart (Chairman), Acott, Anderson, Blackwell, Mrs Blissett*, Cole, Cross, Dick*, Mrs Haunts, Johnson, Ladzrie, Taylor and Mrs Wass.

***Substitute Members Present:** Councillor Mrs Blissett* for Councillor Mumford and Councillor Dick for Councillor Sharp.

Canvey Island Town Council Representative Councillor Greig was in attendance.

Also Present: Councillors Palmer, Riley and Smith.

Apologies for absence were received from Councillors Mumford and Sharp.

16. MEMBERS' INTERESTS

Councillor Acott declared a non-pecuniary interest in Agenda Item 5(3) as he knew the applicant's family however he did not know the applicant.

Councillor Blackwell declared a non-pecuniary interest in Agenda Item 5(3) as he knew the applicant's family.

Councillor Mrs Blissett declared a non-pecuniary interest in Agenda Item 5(3) as she had previously considered the application as a member of the Canvey Island Town Council Planning Committee and she knew the applicant's family.

Councillor Cole declared a non-pecuniary interest in Agenda Item 5(3) as he knew the applicant's family.

Councillor Cross declared a non-pecuniary interest in Agenda Item 5(3) as the applicant was known to him socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Dick declared a non-pecuniary interest in Agenda Item 5(3) as he knew the applicant's family however he did not know the applicant.

Councillor Hart declared a non-pecuniary interest in Agenda Item 5(3) as the applicant was known to him socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Mrs Haunts declared a non-pecuniary interest in Agenda Item 5(3) as the applicant was known to her socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Johnson declared a non-pecuniary interest in Agenda Item 5(3) as the applicant was known to him socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Smith declared a non-pecuniary interest in Agenda Item 5(1) as he knew a member of the applicant's family.

17. MINUTES

The Minutes of the meeting held on 2nd October 2018 were taken as read and signed as correct.

18. DEPOSITED PLANS

- (a) **18/0587/FUL – 189 BENFLEET ROAD, THUNDERSLEY, BENFLEET ESSEX, SS7 1QG (BOYCE WARD) – RETAIN ONE SINGLE STOREY SIDE EXTENSION AND ALTER AND RETAIN ONE SINGLE STOREY SIDE EXTENSION TO FORM DETACHED OUTBUILDING (RETROSPECTIVE APPLICATION) – MR & MRS TOM AND KAREN SANDERS**

The applicant sought planning permission for the retention of a single storey side extension on the eastern side of a dwelling in the Green Belt and for the alteration and retention of a single storey side extension and leisure building to the west to provide a detached outbuilding.

The single storey side extension to the east had been found to be a proportionate extension to the dwelling which would comply with national and local policy but that the outbuilding constituted inappropriate development. However it was considered that there were very special circumstances which outweighed the harm to the Green Belt. The context of the Benfleet Road frontage, the 2013 Green Belt Review and the potential for a future pitched roof improved aesthetics from the current proposal. Furthermore the limited impact of the development over and above that of the fall-back position (alternative development which could be built as permitted development) were all material considerations which in this case were considered to amount to very special circumstances. The application was therefore recommended for approval.

The application was being presented to the Committee at the request of Councillor Smith so that the Committee could assess the effect of the development on the Green Belt.

The Planning Officer explained that if Members were minded to agree the application an amendment should be made to condition 2 as set out in the report, the effect of which was to remove reference to Class E permitted development rights.

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

During discussion Members were generally in support of the proposal and agreed with the Planning Officer's view that whilst the alterations to the dwellinghouse and retention of the outbuilding constituted inappropriate development there were very special circumstances that outweighed the harm to the openness of the Green Belt.

A Member stated that he could not support the proposal because he felt it was contrary to national and local Green Belt policy and if approved would set a precedent.

Following debate it was:

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

(b). 18/0574/FUL – 300 BENFLEET ROAD, BENFLEET, ESSEX SS7 1PW (BOYCE WARD) – REPLACEMENT DWELLING – MR G JUDD

The applicant sought planning permission for a replacement dwelling located within the Green Belt. The application had been submitted to overcome the reasons for refusal associated with planning application, 17/0217/FUL.

The replacement dwelling was materially larger than the building it was replacing in terms of its mass, scale, form and general lines contrary to national and local policy, and constituted inappropriate development.

The fall-back position (alternative development which could be built as permitted development) identified by the applicant was not considered to be a viable and realistic proposition and was therefore unlikely to be implemented in its current form. Even if it were to be constructed the spatial and visual impact of the fall-back position would be less than the proposed dwelling which given its location to the rear of dwellings fronting Benfleet Road was located in an area of the Green Belt generally free from built form and characterised by its openness.

A number of other factors had been identified which the applicant believed justified the proposed development, however, it was not considered that those factors, either in combination or isolation, amounted to the very special circumstances which outweighed the harm to the Green Belt and consequently the proposal was recommended for refusal.

The application was being presented to the Committee at the request of Councillor Smith so that the committee could assess whether the proposal amounted to inappropriate development in the Green Belt.

Mrs Legg, a representative of the applicant, spoke in support of the application.

During discussion Members generally concurred with the Planning Officer's view that the development was inappropriate in the Green Belt however they felt that the fall-back position was not an appropriate solution either and that other options should be considered. It was therefore suggested that the applicant meet with the Planning Officer and Ward Members to find a suitable way forward.

Following discussion it was:-

Resolved – That the application be refused for the following reason:

The proposed development is situated within an area of Green Belt as delineated within the Council's Adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposal, by reason of its scale, mass and form, would result in the creation of a dwelling materially larger than the dwelling it is to replace and constitutes an inappropriate form of development which, if allowed, would be likely to have an adverse impact on the openness, character and appearance of the Green Belt. It is not considered that the permitted development fall-back position is a realistic proposition, or that the applicant has demonstrated any other very special reasons why the proposal might exceptionally be permitted, and in the absence of any very special circumstances approval of the proposal would be contrary to Policy GB4 and Appendix 2 of the Adopted Local Plan and national policy as set out in the National Planning Policy Framework.

(c) 17/1063/OUT – GARDEN WORLD PLANTS LTD, CANVEY ROAD, CANVEY ISLAND, ESSEX, SS8 0QD (CANVEY ISLAND WEST WARD) – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF RESIDENTIAL CARE HOME COMPRISING OF 57 NO. UNITS

The Committee at its meeting on the 4th September had given consideration to an application for outline permission for the development of land at the junction of Northwick Road and Canvey Road, known as 'Garden World' with 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 proposal was recommended for refusal on the basis of Green Belt policy, prematurity, mass, scale, disposition and proximity to the boundaries of the site.

Following consideration of the report, Members were of the view that the proposal was in accordance with the National Planning Policy Framework

(NPPF) as it was on previously developed land and was not premature in the context of the Local Plan as the site had consistently been included in previous draft versions of the Local Plan for development purposes. The development was not considered excessive or over dominant to the surrounding area and Members felt that there was a need for this type of accommodation in the local area. The Committee was therefore minded to grant consent of the development.

However, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the application was identified as one which needed to be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination. The Secretary of State had now advised that he had decided not to call in the application because, having regard to his policy on call in, the application did not involve issues of more than local importance justifying the Secretary of State's intervention and he was therefore content that it should be determined by the Local Planning Authority.

As Members had indicated that they were minded to grant permission for the proposed development recommended conditions were set out in the Planning Officer's report.

Following consideration of the report it was:-

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

- (d) **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 OFF-STREET PARKING AT REAR – DOCNOR DEVELOPMENTS**

The Committee had considered the application at its meeting on the 7th August, 2018. Following the receipt of significant objection from the occupier and patrons of 'Body Care' gymnasium which currently operated from part of the site, Members resolved to defer consideration of the application in order to facilitate discussion between the landowner and the leaseholder in respect of the possible amendment of the application to secure space for the retention of a gymnasium on the site.

The Planning Officer reported that after detailed discussions with the owners, the operators of 'Body Care' had now advised that it was their intention to vacate the premises in May 2019 and that they no longer wished to object to the redevelopment of the site for residential purposes.

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. Redevelopment of land for residential purposes was consistent with the provisions of the NPPF and in principle was considered acceptable on this 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, this deficiency was not considered so significant as to provide a robust reason for refusal.

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

The Planning Officer drew the Committee's attention to conditions 2 and 3 in the report and stated that if Members were minded to approve the application these would need to be amended to reflect that the documentation referred to had now been submitted.

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

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

During debate Members were generally supportive of the proposal as it was felt that there was a significant need for housing in the borough and it was consistent with the national policy of encouraging residential development within town centres. However, some Members raised concern about the economic impact the development would have on Benfleet High Road and whilst it was considered that housing in town centres was appropriate it was felt that it should be in addition to local shops and not in place of them.

Following debate it was:-

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

Chairman

ITEM 1

Application Number:	18/0391/FUL
Address:	Admiral Jellicoe 283 High Street Canvey Island Essex SS8 7RS (Canvey Island East Ward)
Description of Development:	Demolition of existing building, replacement with 40 Unit Residential Flats with parking and associated access & facilities.
Applicant:	Branch Co Ltd
Case Officer	Ms Kim Fisher-Bright
Expiry Date:	07.12.2018

Summary

The proposal seeks consent for the provision of 40 flats arranged in the form of a quadrangle with associated parking, refuse and motor cycle and cycle parking facilities and amenity space, on land to the north of the High Street, some 30m west of Corsel Road, on Canvey Island.

The proposal is considered satisfactory in the context of the revised NPPF, adopted Local Plan and Residential Design Guidance and is therefore recommended for conditional approval.

The application attracts a requirement for the provision affordable housing and due to the scale and configuration of the proposed development, a financial contribution towards the provision of off-site affordable housing is considered acceptable. Such provision will require the applicant to enter into a S106 agreement to this effect.

The proposal also attracts a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). This requirement will form part of the S106 agreement.

Site Visit

It is considered appropriate for Members to visit the site prior to determination of the application.

Introduction

The site is located on the northern side of the High Street, opposite its junction with Seaview Road and some 30m west of the junction with Corsel Road. The site currently hosts a three storey former Public House with associated managers flat, car park, garden and yard.

The northern boundary is defined by pollarded deciduous trees.

A foul drainage pumping station is located on the southeast corner of the site.

The site is regular in shape with a frontage of some 76.5m to High Street, a similar return frontage to Winterswyk Avenue to the north and a depth of some 47m.

Immediately to the west of the site are semi-detached houses fronting both High Street and Winterswyk Avenue, whilst to the east, the site abuts a detached former dwelling at 1 Point Road which is used for mixed residential and commercial purposes, behind which is a detached house used for residential purposes.

Further to the west is a Local Shopping Parade which includes the Canvey-on-Sea Post Office.

To the south east, is the Leigh Beck Infant and Nursery Academy and the Castle Point Transport Museum.

To the south the site faces a mix of single storey and two storey commercial and residential development.

A mini roundabout facilitates traffic flow through the junction of High Street and Seaview Road.

The Proposal

The proposal seeks consent for the demolition of the existing building and the construction of a part three storey 'Quadrangle' style building providing 6 one and 34 two bedroomed flats with 46 associated undercroft and surface car parking spaces and amenity space. The building will be located centrally on the site, to achieve maximum isolation from adjoining development, with parking provided to the east and west.

Part of the site is to be allocated to the Water Authority in order to facilitate operation of the sewage pumping apparatus present on the site.

Two car parks are to be provided. That to the west will provide 27 car parking spaces and be served by a new crossing from the High Street. In its original form the proposal included the provision of a crossing onto Winterswyk Avenue from this car park, to facilitate resident access to the site, however following the receipt of comments from local residents concerned about the potential for increased levels of traffic and rat-running this could generate on Winterswyk Avenue, the applicant has deleted this element of the proposal from the scheme.

A second carpark providing 19 car parking spaces is to be provided on the eastern side of the building. This would be served by a new access from Winterswyk Avenue as arrangements to provide a protected area around the foul water pumping station present on the south eastern part of the site would preclude access to this area from the High Street.

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

- Flood Risk Assessment
- Groundsure Flood Report
- Hydrostatic calculations
- Sequential Test Report
- Statement of Flood Resilient Design and Construction
- Flood Response Plan
- SuDS Checklist
- SuDS Storage report

- Drainage maintenance Plan
- Drainage – Test Pit Information
- Micro-Drainage Reports
- Tidal Breach Modelling Summary Report
- Asbestos Report
- Planting Schedule

All of which are available to view on the Council's website.

Planning History

A request for pre-application advice was considered in January 2018, for a similar proposal.

No other relevant planning history exists.

Local Plan Allocation

The site is allocated for shopping purposes on the adopted Local Plan, but is not within a primary shopping frontage or Local Shopping Parade.

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF 2018)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 10, 11, 12

Decision Making:

Paragraphs 38, 47, 54, 55, 56

Delivering a sufficient supply of new homes:

Paragraph 61, 62,

Promoting sustainable transport:

Paragraphs 105, 106, 108, 109, 110, 111

Making effective use of land:

Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:

Paragraphs 124, 127, 130

Meeting the challenges of climate change, flooding and coastal change:

Paragraphs 150, 153, 155, 158, 159, 160, 161, 163

Ecology:

Paragraphs 170, 175, 177, 178, 180, 181

Castle Point Borough Council Local Plan

EC2	Design
EC3	Residential Amenity
EC4	Pollution
H7	Affordable Housing
H9	New Housing Densities
H13	Location of Development
H17	Housing Development – Design and Layout
T8	Car Parking Standards
CF14	Surface Water Disposal

Residential Design Guidance

RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy.
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage

Additional Guidance/Policy

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Addendum to the 2016 Strategic Housing Market Assessment (2017)

Strategic Housing Land Availability Assessment Update (31st March 2017)

Planning Minister Statement (25th March 2015)

Written Ministerial Statement (WMS), 'Planning for Growth' (March 2011)

Technical Housing Standards - nationally described space standard (March 2015)

DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

Consultation

Environmental Health Officer

No objection. Informatives to be appended to consent.

Street Scene/Recycling Officer

No objection subject to condition

Canvey Island Town Council

Objects to proposal on basis of:

- inadequate parking provision for local shops and the school,
- overdominance of building,
- overdevelopment of the site
- out of character with area
- insufficient infrastructure
- adverse impact on Winterswyk Avenue
- Traffic and Highway concerns
- Drainage and impact on pumping station

Environment Agency

No objection

Anglian Water

AW did originally note that the development site was within 15 metres of a sewage pumping station and considered that dwellings within 15 metres of the pumping station would be at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. It was originally recommended that a 15m cordon sanitaire be provided around the pumping station site.

AW subsequently qualified this statement indicating that whilst it would recommend a distance of 15m from the pumping station, given the historical site layout a lesser cordon could be considered acceptable. The decision on whether a distance of 10m would be acceptable would be at the discretion of the Local Planning Authority and providing access was maintained to the pumping station, AW had no further comment.

Essex County Council – Education

No contribution requested

Essex County Council – Highways

No objection subject to conditions

Essex County Council - Lead Local Flood Authority

No objection subject to condition

Emergency Planning Officer (CPBC)

No objection.

Social Services

No response received

NHS England

No response received

Public Consultation

Letters were sent to local businesses and residents and in addition Site Notices were posted on the site and a Press Notice placed in a Local Newspaper.

Letters of objection have been received from local residents which make the following comments:

- Overdevelopment of the site
- Proposed building too high
- Impact on residential amenity
- Inadequate amenity area
- Roof gardens unacceptable/overlooking
- Inadequate parking
- Exacerbation of existing parking problems
- Adverse impact on shops due to loss of parking
- Inadequate infrastructure
- Inadequate GP facilities.
- Potential for bats to be present on the site.
- Noise
- Loss of view
- Surface water flooding
- No access on to Winterswyk Avenue
- Third access required
- Façade should be preserved.
- Concerns over access of refuse vehicles and potential for congestion
- Main foul drainage inadequate.
- Proposed dwellings too small.
- EIA required

Letters of support have also been received which make the following comments:

- Site is run down.
- Canvey needs housing

Comments on Consultation Responses

- It is not the responsibility of the developer to meet the parking needs of local businesses and the school.
- Loss of view is not a material planning consideration
- Very specific provisions apply to the definition of development requiring assessment under the Environmental Impact Assessment Regulation 2017. The current proposal does not meet the criteria for the preparation of an Environmental Impact Assessment.

All relevant comments will be considered in the evaluation of the proposal.

Evaluation of Proposal

The issues to be considered are the principle of a flatted development on this site, the density and mix of the proposed housing, design and layout, the provision of affordable housing, highways and car parking, drainage and flood risk, and other matters including amenity, ecology and trees and contamination.

The Principle of Development

There are two issues of principle which need to be considered, the first is whether, as a matter principle the redevelopment of the site for residential purposes is appropriate and the second is whether the provision of flats on the site is appropriate.

The site represents previously developed land in an area allocated primarily for shopping purposes in the adopted Local Plan. The development of the site for residential purposes would be contrary to the Local Plan allocation and prima facie therefore it would appear appropriate that redevelopment for residential purposes should attract a recommendation of refusal. However, paragraph 117 of the NPPF states that local planning authorities should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. As much use as possible should be made of previously developed or brownfield sites.

Paragraph 118 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

The Written Ministerial Statement (WMS), 'Planning for Growth', dated 2 March 2011, gives significant weight to the provision of housing in sustainable locations and states:

"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."

The key sustainable development principle of the NPPF is that the planning system should contribute towards meeting the needs of the present without compromising the ability of future generations to meet their needs.

To achieve this the NPPF identifies three objectives for the planning system:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives are to be delivered through the preparation and implementation of plans and the application of the policies in the National Planning Policy Framework; they are not criteria against which every decision can or should be judged. The NPPF confirms that planning policies and

decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, or, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It has been widely recorded that this Authority cannot demonstrate a five year supply of deliverable housing sites and as such a presumption in favour of the development of the site for residential purposes exists, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In principle, the redevelopment of the site for residential purposes would have the beneficial impact of assisting in meeting the local housing need.

Furthermore development of the site with one and two bedroomed properties would seek to meet the housing needs of particular elements of the population, such as first time buyers and small families, for whom access to the housing market can be difficult. This is consistent with the social objective set out in the NPPF and weighs in favour of the proposal.

In addition, whilst the site is allocated for shopping purposes it is not within a primary shopping frontage or a Local Shopping Parade and currently hosts a former Public House which has been closed since January 2017 and previously provided no retail function. At the present time the site is not considered to significantly contribute to the retail activity of the adjoining shopping area and indeed the applicant has confirmed that prior to the submission of the application discussions were held with a number of retail operators however none expressed an interest in taking on the site for retail purposes.

Given the somewhat isolated nature of the site from the Town Centre or any significant shopping area, it is not considered that the site provides a particularly attractive retail site and on balance it is not considered that the redevelopment of this site for residential purposes would have a significant adverse impact on the retail vitality or viability of the adjoining Local Shopping Parade, indeed redevelopment of the site for residential purposes may have a beneficial impact on local shops and services by providing greater opportunity for increased footfall, thus facilitating economic sustainability.

Under the circumstances it is not considered that a sustainable objection that the principle of the provision of residential development on this site can be identified.

In terms of the principle of the provision of flats on the site, Policy H13 of the Adopted Local Plan provides advice on design, scale and siting. This policy is considered generally consistent with the NPPF.

Policy H13 states that the scale, siting and design of proposed development should not have an adverse impact on the character or appearance of the area and specifically states that proposals for flats should be located on main roads.

The reason for this requirement is to avoid any adverse impact on the amenity of adjoining residents or the character of the area.

Impact on the amenity of adjoining residents is a matter of detail and will be considered later in this evaluation. The issue of character is a matter which has been raised by many local residents and the Town Council and it is therefore considered appropriate to consider this aspect of the proposal at the outset.

The proposed development would face the High Street which is the major distributor road. This route experiences relatively high levels of traffic as a consequence and is characterised by mixed development comprising both residential and commercial uses. In the vicinity of the application site, the character of the area is predominantly commercial, with buildings of a larger scale than might be found in other, less commercial areas. In the context of the development on the High Street, given the scale and nature of adjoining commercial development, it is not considered that the provision of flats would appear so incongruous or inconsistent with the character of the area that a reason for refusal on this basis could be sustained.

It is recognised however that the proposed development would have a return frontage to Winterswyk Avenue which is a residential street of a different character to that experienced on the High Street, characterised by two and single storey development.

In this context the provision of flats may appear, *prima facie*, incongruous and overdominant and many local residents have objected to the proposal on that basis.

It should be noted that the development fronting Winterswyk Avenue is two storey in form.

Two storey dwellings adjacent to the site have ridge heights of approximately 6m.

The proposed building would have ridge heights ranging from 8m at the extremities of the development to some 11m at the centre of the site. The proposed building is therefore, somewhat taller than the surrounding development, (primarily in response to the amelioration of flood risk), however, it should be noted that Winterswyk Avenue is characterised by a mix of two storey and single storey dwellings which exhibit significant differences in height and design. The area lacks any strong overriding characteristic which would provide a robust basis for an objection to the height of the development.

Furthermore, it must be recognised that the existing public house, which in itself can hardly be considered as being in character with the adjoining residential development in Winterswyk Avenue, exhibits three storey elements to both frontages and has ridge heights ranging from approximately 7.5m to some 12.8m. In terms of the actual and perceived height of the building, the proposed development is considered to compare favourably with that currently on site.

In addition, it should be noted that the proposed building would be located at least 11m from each of the flank boundaries, thus limiting the impact of the height on adjoining development and creating a more spacious setting than is generally enjoyed by residential development in the area.

In terms of site coverage, the proposed building has a width of approximately 54m and would therefore have a larger footprint than the existing building, which has a width of approximately 36m and the immediately adjoining residential development. However, consideration of other buildings in proximity of the site, identifies commercial units with frontages of between 28m and 30m and to the east of the site is a terrace of two storey dwelling which has a width of some 28m,

In this context whilst the proposed building may be considered to be larger than development in the surrounding area, that in itself does not represent a robust objection to the proposal

In order for the size of the building to be considered unacceptable, some detriment to the character of the area would need to be identified.

Detailed consideration of the proposal identifies a building which incorporates significant articulation and the use of varied materials which serve to break up the mass of the structure and provide a more domestic scale which strongly reflects the character and appearance of adjoining residential development.

Furthermore, the size of the building reflects its 'edge of commercial area' location and the size of the building it seeks to replace. There is no 'special' unifying feature which identifies and distinguishes the specific character of the area and under the circumstances it is difficult to identify any significant harm to the character and appearance of the area arising from such site coverage.

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

It should also be noted that an objection to the proposal on the basis of site coverage is also likely to be difficult to sustain in the light of the Government requirement for all planning authorities to achieve the best use of land.

Under the circumstances, in principle, the site is considered an appropriate location for the provision of two and three storey flats.

Whether the detail of the proposed scheme are similarly considered acceptable will be determined when the proposal is assessed against the Council's Residential Design Guidance (RDG), which will be discussed later in the report.

Density and Mix of Housing

Policy H9 of the current Local Plan requires the optimum density of development to be achieved on any site. The optimum number is generally defined as the quantum of development that can be achieved whilst providing an attractive layout and without causing harm to the surroundings.

Paragraph 118 of the revised NPPF strongly encourages increased density of development on appropriate sites in order to mitigate extant housing need. In particular it encourages the provision of taller buildings where this would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 123 of the NPPF reinforces this stance by stating that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that

planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Local Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, the NPPF requires that authorities take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is a vague policy which is inconsistent with the requirements of paragraph 61 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development consists of one and two bedroomed units, the provision of which will meet an identified need.

Under the circumstances the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan and the provisions of the NPPF.

Design and Layout

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraph 127 and 130 of the NPPF.

EC2 specifically states that the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and should not harm the character of its surroundings; that the appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping and that all modes of movement are to be safe and convenient.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the revised NPPF.

RDG2 requires space around new development to be informed by the prevailing character of space around dwellings. Flatted development should be provided with space equivalent to 25% of the width of the building.

The proposed building has a width of some 58m. Isolation space equivalent to 14.5m is required. The scheme achieves in excess of some 24m of isolation space with some 11.5 m provided to the east and 12.8 m provided to the west. No objection is therefore raised under RDG2.

Guidance at RDG3 requires proposals to respect established building lines.

RDG3 also requires proposals not to cause excessive overshadowing or dominance to adjacent properties.

The building lines to both the High Street and Winterswyk Avenue exhibit a minor stagger, with dwellings moving closer to the highway to the east.

The proposed flats would not extend beyond the front elevations of the adjoining mixed use property at No. 1 Point Road, or the dwelling at No. 44 Winterswyk Avenue. It would however extend some 2.4m in advance of No. 283a High Street and 0.6m in advance of the front elevation of 54 Winterswyk Avenue. As such the proposed development is considered to reflect the existing variance in the building lines and as a consequence of the sympathetic setting of the building and the isolation achieved between the building and the flank elevations of the adjoining development, no undue overshadowing or dominance to front elevations is engendered by the proposal.

The proposed flats are considered too remote from any other residential properties to give rise to a significant adverse impact on residential amenity in this respect.

No objection is therefore raised to the proposal under the provisions of RDG3.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between the first floor opening and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided. It also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve.

Windows in the northern and southern elevations would be located less than the requisite distance from the boundaries of the site. However, as these windows would overlook the highway it is not considered that residents to the north and south of the proposal would experience undue overlooking or loss of privacy, the windows being located in excess of 16m from the opposing boundary to the north (first floor) and 19m from the opposing boundary to the south (second floor).

Windows in the eastern elevation would be set some 12.7m from the boundary at first floor level which exceeds the policy requirement, whilst windows in the western elevation at first floor level are located some 11.3m from the boundary, which again exceeds the requirement for first floor windows.

No objection is therefore raised to the proposal on the basis of possible overlooking and loss of privacy arising from the provision of windows.

Consideration of the proposal identifies that two roof top gardens are to be provided on the northern part of the development. Local residents have raised concerns that the use of these gardens will result in undue overlooking and loss of privacy.

RDG3 requires the achievement of 18m between the edge of any balcony or terrace at second floor level and the opposing boundary. In this instance some 16.5m is achieved, which is less than the requisite distance and prima facie represents an objection to the proposal. However, the roof top garden is set some 2m below the ridge of the roof and will therefore be fully screened to the north, east and west thus precluding any views over adjoining land. As a consequence no overlooking or loss of privacy is considered likely to be experienced by adjoining residents as a consequence of the use of the roof garden.

One resident has objected to the proposal on the basis that the internal windows and the roof top gardens would be located too close to opposing windows within the scheme, to the detriment of the privacy of future residents.

It should be noted that within the scheme opposing windows at first floor level would be some 21m apart. This compares favourably with the 18m that would normally be sought in other forms of housing.

At second floor level opposing windows are some 32m apart which compares favourably with the 30m usually sought.

The proposed roof terraces would be some 21.5m apart which is less than the 30m usually sought between opposing balconies, but persons considering purchasing these properties would be aware of the conditions and could make a choice on whether the situation was acceptable to them. No adjoining residents are harmed by this aspect of the proposal and no objection is raised to the proposal on this basis.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided to ensure the outdoor needs of the occupiers are met. For flats, a minimum of 25m² is required for each unit either privately or communally. Balconies can be included in this requirement if they provide a floor space of at least 5m².

The flats generate a requirement for the provision of an amenity space of some 1000m².

Three communal amenity areas are identified within the site providing a total of some 602m² of useable amenity space. Four private amenity areas totalling some 180m² are provided to the flats overlooking the internal space

It is clear that the proposed development is deficient in the provision of amenity space and prima facie this would appear to represent a significant objection to the proposal. However, Government guidance, as set out in the NPPF is clear that the best use should be made of urban land in areas with restricted housing and availability. This factor, coupled with the relatively easy access available to open land to the south around the seawall and to the north at Smallgains, and the weight that Inspectors have placed on the availability of local open space in the determination of appeals for flatted developments elsewhere in the Borough, indicates that an objection to the proposal on the basis of inadequate communal space is unlikely to be supported.

No objection is therefore raised to the proposal on the basis of RDG6.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area.

The proposed development presents reasonably articulated and balanced elevations to both road frontages. Whilst the side elevations are less balanced, this has no adverse impact on the overall character and appearance of the area or building. The design borrows elements from adjoining buildings presenting both hipped and gabled roofs and the use of brick and render, which are common themes in the adjoining development.

The building is to be finished in a yellow brick with blue banding and cream render. The roof is to be of blue/black Marley Rivendale tiles and the windows and doors are to be white UPVC with all

rain goods in black UPVC. The Juliet balconies and terraces are to be enclosed with stainless steel tubing and clear glass panels.

The overall effect will be of a modern building of light and clean appearance, which would have a positive impact on the character and appearance of the area.

No objection is now raised to the proposal under RDG8.

RDG9 is concerned with energy and water efficiency and renewable energy. No details of any energy and water efficiency measures have been submitted, however the building demonstrates the potential for passive solar gain by virtue of its orientation and setting and details of further measures can be secured by the imposition of conditions on the grant of any consent. No objection is raised to the proposal under RDG9.

RDG10 is concerned with the appropriate treatment of enclosure and boundary treatments.

The eastern and western boundaries are to be defined by 2m high close boarded fences whilst the northern boundary will be defined by a low wall and railing back planted with laurel.

The front boundary will be defined by 0.9m high black powder coated railings also back planted with laurel. These treatments are considered acceptable. No objection is therefore raised under RDG10.

RDG12 is concerned with the provision of appropriate access and parking arrangements.

The proposed development seeks to take access from both the High Street and Winterswyk Avenue.

In its original form it was proposed to serve both the eastern and western car parks from Winterswyk Avenue. The western access was to act as an alternative route to the High Street, in order to avoid potential congestion at the roundabout junction, however, several residents expressed concern that the access would result in greater levels of traffic through Winterswyk Avenue and the applicant has therefore deleted this access.

The access serving the eastern car park is retained however as the retention of land at the front of the site for the purposes of Anglian Water precludes access to the east of the site from the south.

Whilst it is recognised that the retention of the access from Winterswyk Avenue is likely to remain a cause of concern for local residents it should be noted that this car park seeks to provide only 19 car parking spaces.

It should be noted that the Winterswyk frontage could support 9/10 standard family dwellings if an alternative form of development were to be considered on this site. This would generate a need for up to 20 car parking spaces, which is equivalent to the provision associated with the proposed development.

Winterswyk Avenue cannot be protected from additional traffic and to seek to do so would be considered unreasonable and unsustainable.

In light of these considerations it is not considered that an objection to the proposed access could be sustained.

It should be noted that the Highway Authority has raised no objection to the proposal.

In terms of parking, Policy T8 of the adopted Local Plan requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The maximum parking requirement for this development is therefore as follows:

6 x 1 bed apartments	6 spaces
34 x 2 bed apartments	68 spaces
Visitors $0.25 \times 40 =$	<u>10 spaces</u>
Total	84 spaces

The proposal seeks to provide 46 residential parking spaces which equates to one car parking space for each property and 6 visitor parking spaces. In addition parking provision for motor cycles and bicycles is provided.

The proposed development is deficient in parking provision and ordinarily would attract a recommendation of refusal.

However, the Parking Standards Design and Good Practice September 2009 state that a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport. The proposal site is considered to be in a sustainable location in the immediate vicinity of local shops and services and with good access to public transport and other facilities.

This flexibility on the parking policy has been adopted by this Authority, which has consistently sought the provision of parking the basis of one space for each unit in the case of proposals for flats and dispensed with the need for visitor parking.

The current proposal provides one space per unit plus an additional six spaces for visitors. Under the circumstances it is not considered that an objection to the proposal based on inadequate parking could be sustained on appeal, particularly in the light of the lack of objection to such provision by the Highway Authority.

It is noted however that car parking space 15, is located outside the secure car park and by virtue of this relationship with the highway and the barrier preventing unauthorised access the car park, it is considered that the use of this particular parking space may be difficult and potentially likely to lead to vehicles reversing out onto the highway in close proximity to a roundabout. Such manoeuvres are considered undesirable and consequently the presence of this parking space is a concern.

However, if the usual practice of this council is adopted in respect of parking for flats, this space is not essential and may be deleted from the layout. It is considered that any minor harm to the availability of visitor parking would be more than outweighed by the benefits of avoiding potential conflict on the highway and as such it is considered that this space should be deleted from the layout. This can be achieved by condition.

A number of objections have been received on the basis that redevelopment of the site would deprive a number of local businesses and the school of parking facilities. It should be noted that it is not the responsibility of the developer to mitigate the inadequacies of other sites. The inability of others to meet their own needs does not represent an objection to the current proposal.

The currently adopted parking standards require bay sizes of 2.9m by 5.5m. The proposed spaces meet this requirement.

The residential cycle parking requirement is one space per dwelling plus one space per eight dwellings for visitors. 45 residents' cycle spaces are needed. This can be accommodated on the site.

RDG13 is concerned with the provision of appropriate refuse and recycling facilities. The proposal shows the provision of residential bin stores within the envelope of the buildings. The Council's Refuse and Recycling Officer has raised no objection to the proposal, subject to the imposition of conditions to ensure the provision of appropriate access to, and accessibility within, the bin store areas. Such conditions can be attached to the grant of any consent.

It is noted that one local resident has expressed concern that servicing of the refuse area by refuse operatives would lead to congestion at the junction with Seaview Road. The Refuse and Recycling Officer has raised no concerns to the proposal on this basis and it must be remembered that access to the site by refuse operatives will occur once a week and will be of limited duration. It is unlikely therefore that servicing the site will lead to significant levels of congestion and whilst some minor delay may be caused to vehicles at the junction during the period of service, such delay is unlikely to be lengthy or have a significant adverse impact on traffic flows

No objection is therefore raised to the proposal on this basis.

Provision of Affordable Housing

Policy H7 of the Local Plan is concerned with the provision of affordable housing and states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes. This policy is considered consistent with paragraphs 62 - 64 of the NPPF.

The Council's adopted Developer Contributions Supplementary Planning Document (SPD) requires the provision of 35% affordable housing on sites of 15 or more proposed units.

Since the adoption of the Developer Contributions SPD, additional assessments have been undertaken in respect of affordability and the need for affordable housing. The 2016 SHMA shows a need for 236 new affordable homes per annum in order to meet identified need. This figure exceeds the annual build rate adopted by Members and in effect would require that all new dwellings built in the Borough were provided as affordable housing units. This is clearly an

unrealistic proposition as to adopt such a position would potentially render development unviable. A proportion of dwellings provided on appropriate sites is therefore sought.

The Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report (VA) tested the viability of different types of site within Castle Point, and showed that the provision of 15% of units to be provided as affordable units for sites on Canvey Island would be viable.

The NPPF suggests that 10% of dwellings provided on large site should be available for affordable housing purposes.

The current scheme seeks to provide 40 dwellings. This generates a requirement for the provision of between four and fourteen affordable housing units.

No affordable housing provision is made on site and the configuration of the proposed development makes such provision difficult to achieve on site in a form acceptable to a registered provider; however the SPD and the VA does allow for financial contributions to be made for offsite provision where circumstances preclude provision on site. In this case there is no opportunity to provide affordable housing units independently of the market flats and mixed affordable/market housing developments are not generally favoured by social housing providers. In this instance therefore it is considered that the provision of a financial contribution would be acceptable.

Such contribution can be secured within the context of a S106 agreement.

Drainage and Flood Risk

Canvey Island lies within an area identified as falling within Flood Zone 3a. 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.

The proposal is required to 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.

The applicant has submitted a FRA. The Environment Agency (EA) has stated that sequential and exception tests must be considered before any grant of planning permission.

With regard to the sequential test, the proposal seeks to provide dwellings on Canvey Island. For residential 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.

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.

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 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 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 states that should the defences breach during a 1 in 1000 year plus climate change the depth of water on site would be some 0.78m.

The proposed building is raised above ground level to ensure that it remains dry in such an event.

As such it is considered that the proposed development is likely to be reasonably safe under fluvial flooding conditions for its lifetime and unlikely therefore to result in significant risk to life or property.

No objection is therefore raised to the proposal on the basis of residual flood risk

To further safeguard occupiers however a Flood Response Plan has been prepared, the content of which is appropriate in terms of its response to flood events.

In terms of surface water (pluvial) flooding, the Surface Water Management Plan has identified Canvey Island as a critical drainage area in respect of surface water flooding; (although the site is not statutorily defined as being within a critical drainage area by the Environment Agency). The application site is within an area which is identified by the EA as being at low risk of surface water flooding.

Development of the site may however cause greater risk of surface water runoff onto other sites and must therefore be considered.

The applicant has submitted a surface water drainage strategy which facilitates the passage of surface water into the surface water drainage sewer network via controlled flows from underground attenuation tanks. This approach to surface water drainage is fairly commonplace on Canvey Island where ground conditions largely preclude infiltration. The Lead Local Flood Authority has considered this scheme and advised that it is acceptable.

Subject to appropriate conditions to secure the proper maintenance of the system, no objection is raised to the proposal on the basis of the potential risk of surface water flooding.

Amenity for existing residents

The effect of development on residential amenity is an important planning consideration. Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

Local residents have expressed concern in respect of the impact on residential amenity arising from the use of the car parks, roof gardens and flats generally.

With regard to the concerns over the use of the car park, it should be remembered that a Public House has existed on this site since the 1930s and land to the west of the building has been used for parking purposes for most, if not all, of that time. It is not considered that the use of the proposed carpark to the west of the site, by residents occupying the proposed flats would generate significantly greater levels of noise and disturbance than experienced by residents to date and as such it is not considered that an objection on this basis can be raised in respect of the western car park.

With regard to the eastern carpark, this will occupy an area formerly used as a Beer Garden. It is considered that the former use of this area would have been likely to give rise to noise and disturbance potentially until late in the evening. It is not considered that the use of the land as a car park by future residents of the flats will give rise to excessive levels of noise and disturbance and as a consequence it is not considered that an objection to the proposal on this basis could be sustained.

Concern has also been expressed with regard to the use of the proposed roof terraces. These, as previously stated, are heavily screened from adjoining residents by virtue of being set behind the proposed roof. This would have the effect of baffling any noise generated by the use of these areas. It is considered that the normal domestic use of these areas would not give rise to noise levels likely to have a significant adverse impact on the health and well-being of adjoining residents, or indeed future residents of the site, and as such no objection is raised to the proposal on this basis.

Amenity for proposed residents

In addition to any noise that future residents may experience as a consequence of their normal occupation of the site, an issue which may have an impact on amenity is the noise, disturbance and potentially odour arising from the maintenance and management of the foul water pumping station located within the south east corner of the site.

Whilst Anglian Water (AW) have suggested that the proposed development should be isolated from the pumping station by between 10m and 15m, it has confirmed that such provision is at the discretion of the Planning Authority. No objection to the proposed siting has been raised by AW.

It is the view of the Planning Officer that the presence of the pumping station will be apparent to prospective purchasers and that a personal decision may be made on whether the accommodation is acceptable. As such it is not considered that the proximity of the pumping station to the proposed development represents an impediment to the development of the site and no objection is therefore raised to the proposal on this basis.

Ecology and Trees

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

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 NPPF makes it clear that decision makers should minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

The site has no ecological designation but is within the zone of influence associated with the Ramsar site (Benfleet and Southend Marshes. As a consequence it is considered that the site could have the potential for ecological interest.

In September 2011 Natural England advised that 11 districts/boroughs Councils across Greater Essex should jointly prepare an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The strategy would set a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast and propose measures to mitigate impacts. Work amongst the 11 authorities has now progressed to the stage where it has been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point will be likely to generate recreational activity within designated areas and as such every net dwelling provided will be expected to contribute financially to the mitigation of that demand.

The proposal seeks to provide 40 dwellings and as such a contribution towards RAMS is required.

This can be secured through the imposition of a S106 obligation.

Assessment of the site has confirmed that whilst a considerable proportion of the site is covered by buildings or hardsurfaces it also exhibits a large garden which currently offers opportunities for wildlife. Redevelopment of the site, will reduce the area, but will provide some opportunities within the communal amenity areas, where indigenous and wildlife friendly planting can be managed to ecological benefit.

The applicant has submitted a planting scheme for the internal amenity space. This is comprised essentially of small non-native trees and shrubs which would provide a variety of colour and scent and would provide some limited ecological value. Robinia pseudoacacia and Mahonia for example are attractive to bees whilst the Mahonia berries can be attractive to birds. Given the current limited ecological value of the site, it is considered that the proposed planting scheme adequately meets the objective of securing improved biodiversity.

Under the circumstances it is not considered that the development of the site would have a significant adverse impact on wildlife in the vicinity.

One objector to the proposal has commented that the existing building may host bats.

A protected species assessment has been submitted which provides a view on the likelihood of protected species occurring on the site based on the known distribution of species in the local area and the suitability of the habitat.

The assessment encompassed the grounds and the internal and external features of the buildings on the site and concluded that there was no evidence of bats within the buildings and that whilst a small number of potential bat roost features – comprising of slipped roofing tiles, existed on the northern and eastern elevations of the pub, they provided sub optimal roost opportunities. Given the nature of the features and their orientation on the building, combined with the limited foraging habitat surrounding the site, the bat roost potential of the building is considered negligible-low.

Under the circumstances no objection may be raised the proposal on the basis that demolition of the existing building may result in harm to a protected species.

However, bats are legally protected (from killing, injury, roost destruction, roost obstruction and disturbance) and their presence could not be completely scoped out during the preparation of the assessment. Consequently it is considered appropriate, as a precautionary measure, that features identified should be inspected by a bat-licensed ecologist with an endoscope immediately prior to any soft strip. If this is unsafe or impractical, a single emergence survey should be undertaken (between May and August) to provide confidence bats are absent.

Such inspection/survey can be secured by the imposition of a condition on the grant of any consent.

Contamination and Pollution

Policy EC4 of the adopted Local Plan seeks to ensure that development which would have a significant adverse impact on health, the natural environment or general amenity by reason of noise, dust, vibration, light or heat will be refused.

The site has been categorised a low risk in terms of contamination. No objection is therefore raised to the proposal on the basis of potential adverse impact on the health of contractors or future occupants.

There is an asbestos survey submitted with the application, this shows that there is different types of asbestos on site. This should be removed and disposed of in the appropriate manner in accordance with the Hazardous Waste Regulations (2005). An informative reminding the applicant of this requirement may be attached to the grant of any consent.

Impact on Historic Assets

One local resident has commented that in view of the historic importance of the Jellicoe, the façade of the building should be retained.

It should be noted that the Jellicoe Public House is not statutorily listed.

Neither does it appear on the Local List of Buildings of Architectural or Historic Importance.

The building is not therefore recognised as a Heritage Asset and is not therefore protected by any current designations.

The building was constructed in the 1930s and was one of many believed to be named for Admiral John Jellicoe, Commander of the British Fleet at the Battle of Jutland in 1916 and subsequent First Sea Lord, who died in 1935.

No significant historical event have been physically associated with the building, thus it has no historic importance.

The building is of the Arts and Crafts style of which numerous examples exist. It cannot therefore be said to have any architectural importance.

The building was completed circa 1935 and cannot therefore be said to be of any particular age.

Given these conditions it is extremely unlikely that the building would currently achieve statutory or local listing.

Under the circumstances there is no justification for the retention of the façade of the building.

Infrastructure

Foul Drainage

Local objectors have commented that the foul drainage system is inadequate to accommodate the proposed development.

Anglian Water is responsible for the maintenance and operation of the foul drainage system in the area and has raised no objection to the proposal based on capacity.

An objection to the proposal on the basis that inadequate foul drainage capacity is available is unlikely therefore to be supported on appeal.

Doctors Surgeries

A number of local residents have referred to the difficulties encountered in accessing local GP services and have expressed concern that the provision of further development will exacerbate these difficulties. It should be noted that access to GP provision in Castle Point is not affected by the distribution of growth. There is an existing deficit of GP provision across the borough that is a result of the recruitment and retention of GPs as opposed to the amount of facilities available. Growth will exacerbate this deficit. NHS England and the Castle Point and Rochford Clinical Commissioning Group are seeking to address this deficit in two ways. Firstly, they are seeking to recruit more GPs into the local area through the promotion and development of 'Training Practices'. They are also putting together a Primary Care Strategy which will seek special clinics developed for older people with complex care needs. This will relieve pressure on GPs to treat the remainder of the population

Under the circumstances it is not considered that an objection to the proposal on the basis of inadequate GP availability would be sustained on appeal.

The provision of a Third Road

A number of local residents have commented that the proposal should not be approved until a 'third road' is provided. This comment largely reflects the frustration experienced as a result of traffic congestion on the Island and the limited points of access which can be severely prejudiced in the event of an accident or other event.

Whilst the frustration is recognised it is not considered that an objection to this proposal based on the lack of a third access would be supported on appeal. No objection is therefore raised to the proposal on this basis.

Educational provision

Essex County Council has raised no objection to the proposal and has not sought a contribution towards the improvement of local educational facilities.

Other Matters

Size of Dwellings

One local resident has objected to the proposal on the basis of the small size of the units proposed.

Paragraph 127 of the NPPF identifies that planning decisions should seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and that policies may make use of the nationally described space standard, where the need for an internal space standard can be justified.

The adopted Local Plan does not seek to control the size of individual dwellings, however Policy H13 of the 2016 Plan did contain a proposal to adopt the Nationally Described Space Standard (2015), to be applied to all new housing developments.

The 2016 Plan was of course withdrawn and it is not therefore possible place any weight on its provisions, however the National Standard does provide a statement of best practice and it is therefore appropriate to consider the proposal in the context created by that Standard.

The proposal provides six 1 bedroomed, two person flats and thirty four 2 bedroomed, 3 person flats. The National Standard sets out detailed specifications for room sizes and storage areas and specifies that for one and two bedroomed single storey dwellings the following is provided:

No. bedrooms	of	No. bed-spaces (persons)	of	Floor space
1		1		39
		2		50
2		3		61

The proposal indicates that all of the one bedroomed flats have floor areas of some 39m² and the two bedroomed flats, which are all indicated to be three person properties, are a minimum of 58m². Whilst some of the properties are marginally below the Standard, given that the deficit, where it is present, is marginal and the fact that the Standard has not been formally adopted by the Planning Authority, it is not considered that the size of the dwellings represents a robust objection to the proposal.

Conclusion

The site represents a brownfield site in an urban area, the redevelopment of which for residential purposes would be entirely consistent with the provisions of the NPPF.

Whilst several objections have been received in respect of the principle of the development of the site with three storey flats, the site currently hosts a large three storey building and is located within an area of mixed character, lacking any special quality worthy of protection. Given the latest Government guidance as expressed in the NPPF, to secure higher densities of development, particularly in areas of identified housing land restraint on all suitable sites, no objection is raised to the principle of the provision of flats on the site.

Whilst the proposal does exhibit some deficiencies when considered against the provisions of the RDG, these are minor in nature and unlikely to sustain an objection based on overdevelopment of the site, particularly in light of the new guidance on density.

The proposed development recognises the importance of the foul water pumping station located within the site and provision has been made, to the satisfaction of Anglian Water for the operation of the foul water pumping station site.

No objection has been raised the proposal by the Highway Authority or the Local Flood Authority.

The proposal would meet an identified housing need and subject to appropriate conditions and obligations is considered satisfactory.

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** subject to the applicant being willing to enter into a S106 agreement to secure the following:

- An appropriate contribution towards the provision of off-site affordable housing
- An appropriate contribution towards the mitigation of recreational disturbance on the European Designated site.

and 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 development hereby approved shall be constructed in accordance with the submitted Construction Management Plan which shall be adhered to throughout the duration of the redevelopment of the site.

REASON: To ensure that vehicles and materials associated with the construction stage are not stored or parked in the adjoining streets and to ensure that loose materials and spoil are

not brought out onto the highway in the interests of highway safety, in accordance with Policy EC2 of the Adopted Local Plan.

- 3 The submitted Site Waste Management Plan (Document No. 1574.WMP Rev 2), shall be implemented throughout the construction period.

REASON: In order to ensure the appropriate control and minimisation of waste during the construction period.

- 4 Prior to first occupation of the development hereby approved the approved surface water drainage system shall be installed and made fully operational. Thereafter, the system shall be maintained in working order at all times.

REASON: In the interest of sustainable drainage.

- 5 Prior to any soft stripping of the features identified as potentially capable of supporting roosting bats within the submitted Preliminary Roost Assessment and Ecological Appraisal taking place, they shall be inspected by a bat-licensed ecologist with an endoscope, to determine the presence of bats. If this is unsafe or impractical, a single emergence survey should be undertaken (between May and August) to provide confidence bats are absent.

In the event that bats are identified on the site, all works of demolition shall cease until an appropriate Bat Licence has been obtained from Natural England.

REASON: In the interests of ensuring that the proposed demolition of the existing building has no adverse impact on protected species, in accordance with the provisions of the National Planning Policy Framework.

- 6 No works above foundation level shall take place until a Maintenance Plan detailing the maintenance arrangements for the surface water drainage system, including who is responsible for different elements of the system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 7 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS is maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 8 Prior to occupation of the development, all new accesses at their centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions measured from and along the nearside edge of the carriageway. Such vehicular

visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

The existing access to be removed on High Street, shown on the site layout plan (DWG 1574/300Q) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing immediately the proposed new access points are brought into first beneficial use.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and in the interest of highway safety, in accordance with Policy EC2 of the Adopted Local Plan.

- 9 The development shall be constructed in accordance with the design information provided by John Sime and Associates (Job No. 6641 Sheet SDR2), dated January 2018.

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interest of the safety of the future occupiers of the site.

- 10 The proposed development shall be constructed and completed in accordance with the provisions of the submitted flood resilience design and construction schedule dated May 2018 (Job Reference: BDA-1574).

REASON: To minimise damage to the building caused by floodwater and to enable faster recovery following a flood.

- 11 The development hereby approved shall be constructed wholly in accordance with the level details identified on Drawing No. 1574/311/K dated April 2018.

REASON: In order to ensure a satisfactory relationship of the proposal to the existing site and its surroundings and to minimise the impact of flooding on future occupiers of the site.

- 12 Prior to the commencement of works above foundation level, details of all energy and water efficiency measures and renewable energy mechanisms to be installed on and within the building shall be submitted to and approved by the Local Planning Authority.

REASON: In accordance with the provisions of the National Planning Policy Framework.

- 13 Prior to the first occupation of the development hereby approved, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the proposed vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 14 Any gates / barriers provided at the car park vehicular access shall be inward / vertically opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

NOTE: Due to the infrequency of use the gates on the Water Authority facility these shall be positioned at the back edge of footway and only open inwards.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with Policy EC2 of the Adopted Local Plan

- 15 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy T8 of the Adopted Local Plan

- 16 Proposed car parking space CP15, as shown on drawing No. 1574/300/M shall be specifically deleted from the layout and this area shall be landscaped, consistent with the landscaping proposed to the front of the building as shown on Drawing No. 1574/300/M.

REASON: In order to avoid potential conflict with vehicles on the highway as a consequence of users attempting to manoeuvre into this space, in accordance with the provisions of Policy EC2 of the adopted Local Plan.

- 17 The powered two wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate powered two wheeler and bicycle parking is provided In accordance with Policy T8 of the Adopted Local Plan.

- 18 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with the provisions of the National Planning Policy Framework.

- 19 Prior to first occupation of any apartment, details of the facilities to provide secure and covered storage for no fewer than 45 cycles shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that an adequate level of cycle storage is provided , commensurate with the needs of the site and to encourage cycling as an attractive mode of transport for occupiers of and visitors to the development, in the interest of sustainable travel.

- 20 Prior to first occupation of any apartment the approved cycle storage facility shall be provided and made available for use. Thereafter, it shall be kept available for the purpose of cycle storage and not used for any other purpose.

REASON: To ensure that an adequate level of cycle storage is provided , commensurate with the needs of the site and to encourage cycling as an attractive mode of transport for occupiers of and visitors to the development, in the interest of sustainable travel.

- 21 The submitted schedule of materials is considered acceptable. The development hereby approved shall be built wholly in accordance with the approved materials, from which there shall be no departure without the formal consent of the Local Planning Authority.

REASON: In the interests of securing an appropriate form of development on the site, sympathetic to the character and appearance of the surrounding development.

- 22 The approved waste storage facilities shall be provided prior to occupation of any flat. Thereafter such facilities shall be kept available for use by occupiers of the building for the storage of domestic waste prior to collection and not used for any other purpose.

Each waste storage area shall provide:

- Refuse - 3x 1100 litre bins
- Pink sack recycling - 3x 1100 litre bins
- Food waste recycling - 2x 240 litre bins
- Glass recycling - 2x 240 litre bins

Each bin shall be capable of being removed individually without the need to remove other bins.

REASON: In order to ensure the provision of adequate on-site waste storage facilities, the interest of the visual and residential amenity of the area.

- 23 Prior to the end of the first planting season after first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme shown on Drawing no: 1574-300Q dated April 2018 and received by the Planning Authority on the 1st November 2018.and the submitted planting schedule.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 24 Any tree or shrub contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be replaced by a tree of a similar size and species by the applicant or the applicants successor in title, as formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 25 The proposed boundary treatments shall be installed in accordance with the details provided on drawing No. 1774-300Q dated April 2018, and thereafter permanently retained as such.

REASON: To ensure an appropriate form of development, sympathetic to the character and appearance of the surrounding area.

- 26 Prior to first occupation of the development approved, details of the proposed external lighting of the scheme shall be submitted to and approved by the Local Planning Authority.

REASON: To ensure the safety of proposed residents and amenity of existing and future residents, in accordance with the provisions of Policies EC2 and EC5 of the Adopted Local Plan.

- 27 Any approved lighting scheme shall thereafter be installed in its entirety and thereafter permanently maintained as such.

REASON: To ensure the safety of proposed residents and amenity of existing and future residents, in accordance with the provisions of Policies EC2 and EC5 of the Adopted Local Plan.

- 28 Upon first occupation of the dwellings, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of occupiers of the building in the event of a flood.

- 29 Prior to first occupation of the development hereby approved, the proposed amenity areas shall be provided and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents and in accordance with Policy H17 RDG6 of the adopted Local Plan.

- 30 There shall be no discharge of surface water from the development onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy EC2 of the Adopted Local Plan.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy EC2 of the Adopted Local Plan

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning

permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- 3 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 4 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of and at no cost to the Highway Authority. Application for the necessary works should be made to Essex Highways, Unit 36, Childerditch Industrial Estate, Childerditch Hall Drive, Brentwood, CM13 3HD e-mail: development.management@essexhighways.org

The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

- 5 There is an asbestos survey submitted with the application, this shows that there is different types of asbestos on site. This should be removed and disposed of in the appropriate manner in accordance with the Hazardous Waste Regulations (2005)
- 6 There is a potential to cause a noise and dust nuisance during construction of these dwellings as this is in an existing residential area.

All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction and demolition phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

Please be aware that the accepted Borough construction timings are:

Mon-Fri: 8am-6pm

Sat: 8am-1pm

Sun and bank holidays: - No works which are audible beyond the site boundary

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

- 7 Should the works unearth any noxious wastes, such as what would be considered in an Environmental Investigation (Contamination) or asbestos containing materials careful consideration must be given to its handling and correct disposal. Waste transfer receipts must be obtained and kept.

ITEM 2

Application Number:	18/0609/FUL
Address:	Equestrian Centre At Braeside Manor Farm Great Burches Road Thundersley Benfleet Essex (St Peter's Ward)
Description of Development:	Demolition of the existing equestrian centre buildings and accompanying development for the redevelopment of the site for 44 residential dwellings, provision of areas of public open space and landscaping enhancements
Applicant:	Braeside Manor Farm Developments
Case Officer:	Ms Kim Fisher-Bright
Expiry Date:	23.11.2018

Summary

The site lies on the eastern side of Great Burches road, extends to some 8.6ha of rising land and is currently in use as a liveried equestrian centre.

It is proposed or redevelop the site for residential; purposes, providing 44 dwellings and associated infrastructure. Two existing buildings are to be retained as a management suite for the retained open space.

The proposed development represent inappropriate development in the Green Belt in respect of which no very special circumstances have been identified which either individually or cumulatively outweigh the harm to the Green Belt.

The proposal is considered premature in the context of the publication of the new Local Plan and Joint Strategic Plan.

The proposal is considered to represent overdevelopment of the site, inconsistent with the character of the surrounding area and detrimental to the amenity of adjoining residents.

Furthermore the proposal is considered to represent a socially and environmentally unsustainable development, likely to result in significant traffic movements along Great Burches Road, to the detriment of the safety of pedestrians and other road users.

My recommendation is therefore: **REFUSAL**

However, should Members determine to approve the application, contrary to the recommendation, the matter would need to be referred to the Secretary of State for his consideration under the provisions of the Town and Country Planning (Consultations) (England) Direction 2009.

Should the Secretary of State determine not to intervene in this matter, the application will be reported back to Members with a further report on conditions and obligations.

Reason for presentation of application to the Committee

This application has been called in by Councillor Dick on the basis that the proposal is not conducive to Green Belt policy.

Site Visit

It is considered appropriate for Members to visit the site prior to consideration of the application.

Introduction

The Site lies on the eastern side of Great Burches Road, some 412m south east of the junction with Coniston Road. The site extends to approximately 8.6 hectares in area and is in use as a liveried equestrian centre, hosting a number of buildings in mixed commercial, equestrian and residential use with associated infrastructure, parking and access. The development is primarily located in the south-western part of the site.

Geographically, the site is comprised of a valley with the land sloping steeply achieving a rise to the east of some 17m across the eastern half of the site. The western part of the site exhibits falls by some 14m to the north.

The difference in topography is clearly associated with the presence of a stream which runs in a north-south direction across the site at the base of the valley.

There are currently 18 individual buildings on the site, comprising four dwellings, seven stable blocks, a hay barn, two tack rooms, general storage buildings, an office with staff rest room and machinery stores. The buildings are between 3m and 5m in height, with the exception of the replacement chalet bungalow, which is one and a half storeys with a maximum height of 5.9m.

The surrounding area is characterised by scattered properties set within areas of landscaping and vegetation. Immediately to the west is a detached house known as 'Hollywood' and to the north is Acres Way Kennels. To the south is a detached house 'Hillside' and the recently developed former Brick field site, now known as The Brackens.

To the east lies Slatfords Nursery and the A127.

Great Burches Road at this point is a private surfaced road, although further to the west the road becomes unclassified and unsurfaced and serves a network of unmade tracks associated with 'plotland' style development.

No footpaths are provided to the highway and none are proposed as part of the development scheme.

The Proposal

The current proposal seeks consent for the demolition of existing equestrian centre buildings and accompanying development and the redevelopment of site with 44 residential dwellings, in an estate type layout, together with the provision of areas of open space and landscaping enhancements.

In detail the dwellings comprise:

30 x 3 /4 bedroom chalets,
7 x 4/5 bedroom houses and
7 x 3 bed bungalows.

No affordable housing provision is offered on- site it having been previously agreed by Members that the site was unsuitable for such provision and that a financial contribution should be provided instead.

The proposed layout seeks to provide the dwellings on the less topographically challenging area, on the western side of the site.

On the southern part of the site it is proposed to set the dwellings into the slope to limit their perceived height and retain long distance views across the western parcel of land.

The steeply rising land to the east is to be retained for open space purposes and is intended to be managed for landscape and ecological diversity and recreation.

The layout arranges the dwellings with chalets set into the slope on the southern part of the site and on the western side, houses on the eastern side and bungalows in the centre of the site.

The applicant advises that extensive landscaping will be undertaken and a Green Infrastructure Corridor created along the existing stream to provide opportunities for informal recreation with links to the open space at the east of the site. Furthermore, a formal footpath / equestrian trail around the perimeter of the eastern parcel of land will enable recreational use. Proposed additional footpath links throughout the site are stated to be intended to link residents and the general public to the open space to the east and allow for connectivity to the surrounding area.

Two of the former Livery Yard buildings are to be retained to provide site management facilities.

It is proposed that the scheme include the restoration of the green frontage of the site entrance in order to improve its appearance and the enhancement of the existing planting along the track which leads towards the kennels at Acres Way in order to improve the visual screening of the site.

The existing Oak Trees, which are not preserved and which line the stream, are proposed to be retained and enhanced with new planting in order to enhance ecological habitats and provide a soft edge to the proposed development.

Access to the site will be from Great Burches Road.

Supplementary Documentation

The following documentation has been submitted in support of the application:

- Accommodation Schedule
- Design and Access Statement
- Ecological Assessment
- Geotechnical Testing Report
- Landscape & Green Belt Statement

- Planning Statement
- Transport Statement

All of which may be viewed on the Council's website.

Relevant Planning History

Planning permission CPT/198/12/FUL granted approval in 2012 for the change of use of this site from a former boarding kennel and cattery establishment to stables and provided for 11 buildings on the site. Seven were for use as stables, one as a tack store, one as a hay store, one as an office/mess facility and one as a machinery store.

In the execution of the development however, the applicant erected more buildings than were authorised by the permission. In total some 17 buildings were constructed on the site and a horse exerciser installed.

Seven of the buildings were retained as stables, however the number of buildings used for storage and other functions was increased. Furthermore, the building that was approved as an office/mess room was constructed and used as a dwelling.

In July 2012 permission was granted to replace the bungalow on the site with a detached chalet (CPT/302/12/FUL). A revised application was subsequently approved in August 2015 (15/0323/FUL).

In 2014, it is worth noting that three applications were refused:

CPT/511/13/FUL – change of use from mess hall to worker's dwelling (referred to above).

CPT/518/13/FUL – office building, equestrian tack storage building and hay barn.

CPT/519/13/FUL – equestrian cleansing building and classroom building.

These were refused as constituting inappropriate development in the Green Belt. Despite the determination of this Authority however, the office building, equestrian tack storage building and hay barn were constructed.

A request for pre application advice in respect of the development of the site to facilitate its use as an equestrian centre was received in March 2015 but was later withdrawn.

Subsequently an application (reference 16/0333/FUL) was submitted which sought to regularise the unauthorised development. This was approved in October 2016.

In February 2017 an application for pre-application advice in respect of the redevelopment of part of the site with 30 dwellings and open space was received. (17/0134/PREAPP). A meeting was held with the applicants, with Members present, to discuss the proposal. In the subsequent advice the applicants were informed that whilst it was acknowledged that the site represented, in part, previously developed land, any future application for the redevelopment of this land would be required to demonstrate that the scale of development proposed would not have an adverse impact on the openness of the Green Belt.

If this could not be demonstrated, the applicants would need to identify the very special circumstances required to justify a departure from the Development Plan.

The applicant was also advised that the site had significant potential ecological value and that the surrounding area was considered to be highly sensitive to noise and disturbance associated with traffic movements.

The applicants considered this advice and submitted a further pre application enquiry in November 2017, seeking advice on three specific options:

- A luxury development of 14 single storey dwellings orientated around a lake
- A development of an undisclosed number of units arranged round a courtyard, and attempting to mimic a rural farmstead, and
- A flatted scheme of one and two bedroomed properties for the over 55s, boasting concierge and other on-site facilities. The accommodation was in two, two storey blocks arranged around a lake.

A further meeting was held, attended by Members.

In response, the Authority advised that all of the options submitted represented a significant increase in the mass of the development present on the site and a likely consequent adverse impact on the openness of the Green Belt.

In order to demonstrate that the proposed development was appropriate development within the context created by the provisions of the NPPF, the applicants were advised that they would need to clearly demonstrate that the development did not have a greater impact on the openness of the Green Belt, or that Very Special Circumstances existed which would justify a departure from Green Belt Policy.

The applicant then requested that consideration be given to the most appropriate option of those submitted for discussion and was advised that the answer to this question would be dependent on the extent to which the applicant was able to demonstrate impact on the openness of the Green Belt. In simplistic terms any scheme that could be demonstrated to have no greater impact on the openness of the Green Belt should, in principle, be acceptable.

In response to a direct question on the form of development likely to be considered most appropriate, it was suggested that a scheme which was single storey in form, reflecting the current scale of development on the site may be more appropriate.

During the discussion, the applicant placed some emphasis on the potential for the redevelopment of part of the site to release land for public access purposes. In principle the applicant suggested that approximately 60% of the site could be used as open space. This area would be managed to secure new bridleways and picnic areas, footpaths and a dog walking trail, a dog exercise area (off-lead), a trim trail and outdoor gym and a BBQ area. The intention was stated to be the encouragement of the public to engage with the development and make use of the facilities.

The applicants were advised that consideration had to be given to the need for, and potential use of, such a facility, as without need and purpose the weight that could be attached to the provision of open space was limited.

It was the view of the Officer at the meeting that any under provision of open space in immediate proximity of the site was adequately mitigated by the existence of significant areas of open space at Little and Great Commons, both of which offered opportunities for riding, dog walking and informal exercise and recreation within relatively close proximity.

These activities were also possible on the network of unmade roads which characterise this part of the Borough. It was not considered that provision on this site therefore satisfied such a demand for the offered facilities as to outweigh the harm that would be caused to the openness of the Green Belt by the proposed development.

The applicant was also advised that any such provision must be accompanied by robust management plans as the Authority would be unable to accept responsibility for future management or maintenance of the land.

It should be noted that during the discussion Members were not persuaded that the proposed recreational facility would serve a real need and as such placed limited weight on its provision.

Members also considered that given the isolation of the site it might not represent an appropriate site for the provision of affordable housing and that in the event of planning permission being granted a financial contribution towards the provision of off-site affordable housing was likely to be required in its stead.

Relevant Policies and Government Guidance

National Policy Planning Framework

Introduction and achieving sustainable development

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

Decision making

Paragraphs 47, 49, 50, 54,

Delivering a sufficient supply of homes

Paragraphs 61,

Promoting healthy and safe communities

Paragraphs 91, 92, 96, 98,

Promoting sustainable transport

Paragraphs 105, 106,

Making effective use of land

Paragraphs 117, 118, 123,

Achieving well designed places

Paragraphs 124, 127,

Protecting Green Belt land

Paragraphs 133, 143, 145,

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 150, 158-160, 163,

Conserving and enhancing the natural environment

Paragraphs 170, 175, 178, 180, 182.

Castle Point Borough Council Adopted Local Plan 1998

This allocates the site for Green Belt purposes and falls within the Great Burches Landscape Improvement Area.

Relevant Policies include:

EC2	Design
EC3	Residential Amenity
EC13	Protection of wildlife and their habitats
EC14	Creation of new wildlife habitats.
EC22	Retention of trees, woodlands and hedgerows
H7	Affordable Housing
H9	New housing densities
H10	Mix of development
H17	Housing development – design and layout
T7	Unmade Roads
T8	Car parking
CF1	Social and physical infrastructure and new developments
CF14	Surface water disposal

Residential Design Guidance:

RDG1	Plot sizes
RDG2	Space around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy & Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Details
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure & Boundary Treatment
RDG11	Landscaping
RDG12	Parking & Access
RDG13	Refuse & Recycling Storage
RDG16	Liveable Homes

Other Relevant Documents

Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)

Developer Contributions Guidance SPD – Adopted 1st October 2008

Thames Gateway South Essex Strategic Housing Market Assessment 2016

Castle Point Green Belt Landscape Assessment September 2010

Castle Point Green Belt Function Assessment September 2010

Castle Point Green Belt Sustainability Assessment 2011

Castle Point Open Space Appraisal Update 2012

Safer Places; The Planning System and Crime Prevention 2004

Consultation

CPBC Environmental Health

Concerned about proximity of proposed dwellings to adjoining kennels.
Construction Management and Waste Management Plans required.
Informative required in respect of potential contamination

CPBC Street Scene

All roads must accommodate the weight and movements of a 32 tonne refuse vehicle.

CPBC Emergency Planning Officer

No response received

ECC Lead Local Flood Authority

No objection, subject to conditions.

ECC Highway Authority

No objection subject to conditions.

ECC Social Services Department

No response received

ECC Infrastructure Management

Early Years and Childcare

The proposed development is located within the St Peter's Ward. According to Essex County Council's childcare sufficiency data, published in the summer 2017, term, there is currently capacity to accommodate children generated by this development.

Primary Education

This development sits within the priority admissions area of Thundersley Primary School, which can accommodate up to 420 pupils. The School is full and, due to rising demand in the area, will be offering additional places during 2018/19 utilising a temporary class base. According to Essex

County Council's document 'Commissioning School Places in Essex', the Thundersley area (Castle Point Planning Group 2) will require 29 additional permanent places by 2021/22. A number of viability studies have been commissioned to identify suitable school expansion options. This development would add to local need and, thereby, the scope of projects to provide additional school places is directly related to the proposal.

An additional 13.2 places would be provided at an estimated total cost of £201,709 at April 2018 prices. This equates to £15,281 per place and so, based on demand generated by this proposal set out above, a developer contribution of £201,709 index linked to April 2018, is sought to mitigate its impact on local primary school provision. Five obligations naming primary school expansion projects in Thundersley have not been entered into at this time and any section 106 agreement in favour of education is, therefore, also regulation 123 compliant.

Secondary Education

It is anticipated that there will be sufficient secondary school places to accommodate a development of the size proposed at the Deanes. A developer contribution towards school places for this age group is not, thereby, sought on this occasion.

Having reviewed the proximity of the site to the nearest primary and secondary schools, it would appear there isn't a safe walking route to either schools along Burches Rd. therefore ECC will be seeking a school transport contribution, for both.

The primary transport cost based on 13.2 primary pupils would be £166,782 index linked to April 2018 ($13.2 \times £9.50$ (cost per primary place) $\times 190$ (academic year) $\times 7$ (years primary contribution is requested for)) The secondary cost based on 8.8 pupils would be £30,514, index linked to April 2018 ($13.2 \times £3.65$ (cost per primary place) $\times 190$ (academic year) $\times 5$ (years primary contribution is requested for)) In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary education, primary & secondary transport.

Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development and, thereby, Community Infrastructure Levy regulation 122 compliant.

If your council were minded to turn down the application, the lack of surplus primary provision, primary & secondary transport in the area to accommodate the proposed new homes can be noted as an additional reason for refusal.

NHS England

No response received

Anglian Water

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Rayleigh-East Water Recycling Centre that will have available capacity for these flows. However, it is not clear from the submitted documents what the foul discharge strategy is for this site. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. A condition

requiring the drainage strategy covering the issue(s) to be agreed should be attached to the grant of any consent.

Essex Police

Would like to see this developer seek to achieve a Secured by Design award in respect of this development.

Public Consultation

Objection

Letters of objection have been received from the following addresses:

Allandale	3, 8, 9
Arterial Road	'Slatfords Nursery', 'Summerhill'
Badgers Way	38
Benfleet Park Road	19
Birchwood	8
Brackens, The	'Mulberry 2', 'Barberry House'
Borrowdale Close	59
Bowers Road	105
Bracken Way	23
Burches Mead	7
Catherine Road	'Tudor House'
Cedar Park Close	4
Church Road, Basildon	65
Clifton Avenue	156
Common Approach	3, 4, 8, 14, 15, 28
Coniston Road	Coniston Farm
Downer Road North	71, 93
Finches, The	32
Grandview Road	'Whiteacres', 43
Goldfinch Lane	'Uplands'
Grange Road	'The Grange'
Great Burches Road	'Argyle', 'Rocamar', 'The Willows', 'Dungiven', 'Acres Way', 'Caramia', 'Woodside', 'Briarley', 'Highview', 'Plum Cottage', 'The Hythe', 'Five Acres', 'Oruba', 'Fernside', 'The Jays', 'Spring Cottage'
Greenleas	17
Hart Road	42, 156
Homestead Gardens	42
Kenneth Road	110
Kiln Road	173
Kimberley Road	212
Laburnum Grove, Hockley	8
Langford Crescent	2a
Nicholson Road	26
Rundels, The	60, 115
Sandbanks	3

Sandown Road	58
Seamore Avenue	149
Seymour Road	46
Stansfield Road	105
Thundersley Park Road	273
Westbourne Close	8
Woodcroft Close	15

Which raise the following issues:

- Green Belt
- Adverse impact on landscape and character of the area
- Adverse impact on residential amenity
- Adverse impact on highways
- Roads are too narrow/poor condition to accommodate traffic
- Potential for increased accidents due to lack of footpaths and location on blind bend
- Proposal not sustainable
- Inadequate infrastructure, (roads, schools, doctors)
- Would adversely impact on use of area by horse riders and dog walkers.
- Adverse impact on wildlife
- Potential for increased crime
- Out of character with area
- Noise, pollution and disruption
- Houses will not be affordable
- Gt Burches Road has no pavements
- Road unsuitable for construction traffic
- Further loss of stabling
- Houses not needed
- Proposal will have negative impact on property value
- Will create a precedent for further development
- Should be retained as an equestrian centre
- Lack of parking
- Transport statement misleading
- Concern about security impact of open space on adjoining land
- Potential for more accidents on A127
- Significant engineering works have already taken place to level site.

Letter of Support

Letters in support of the proposal have been received from the following addresses:

Great Burches Road	'Bracken Cottage', 'Spring Cottage'
Raymonds Drive	2
Armstrong Road	23
Anonymous	

which raise the following points:

- Redevelopment would be good for the community.

- The reduction in hard standing combined with new proposed open space facilities is much needed.
- New bridle ways will help keep the horses off the road in a safe and controlled environment.
- Maximises the use of a brownfield site
- Provides a nice area of public space for dog walking.
- Do not consider there would be an intensification in traffic associated with redevelopment.
- Supports additional housing in Benfleet

Comments on Consultation Responses

Impact on property values is not a material planning consideration.

All other relevant matters will be considered in the evaluation of the proposal.

Evaluation of Proposal

The issues to be considered are:

1. the principle of development, incorporating consideration of very special circumstances and the balancing exercise
2. Prematurity
3. Design and layout,
4. Density and mix of housing,
5. Highways and car parking
6. Crime prevention,
7. Ecology,
8. Trees
9. Landscaping
10. Infrastructure
11. Amenity
12. Flood risk and drainage
13. Contamination.

1. The Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 2 of the NPPF). The 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 6 to the NPPF identifies that land allocated for Green Belt purposes is an example of 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). The Proposals Map associated with this identifies the site as Green Belt.

The site is also located within the Great Burches Landscape Improvement Area.

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.

The first matter to determine in the consideration of this proposal is whether the proposed development represents inappropriate development.

Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate within the Green Belt unless they qualify for consideration under one of the stated exceptions. The final exception identified within the paragraph identifies 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: or not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and would contribute towards meeting an identified affordable housing need within the area of the Local Authority.

The site currently hosts a detached chalet together with three other dwellings, seven stable blocks, a hay barn, two tack rooms, general storage buildings, an office with staff rest room and machinery stores. These buildings are scattered across the site and retain significant areas of open land between and around them.

It is intended to replace these buildings with a development comprising 37 two storey dwellings and 7 single storey dwellings with associated garages and parking provision, access and landscaping, arranged in an urban style layout.

Given the presence of development on the site it is considered that, in part at least, the site represents previously developed land, the redevelopment of which would be appropriate in the Green Belt provided the development proposed had no greater impact on the openness of the Green Belt and the purpose of including land within it, than that which it sought to replace.

The applicant suggests that as a consequence of the presence of buildings and hardsurfaced areas currently present on the site, and more significantly, the screening provided by local topography and proposed improved planting, primarily on the boundary of the site, the redevelopment of the site with 44 dwellings would have no impact on the openness of the Green Belt and the submitted scheme may therefore be approved.

It is the view of the Planning Authority that openness can be defined in both perceptual and physical terms. It has a spatial and a visual aspect (J. Turner v. Secretary of State Communities and Local Government and East Dorset Council, 2016). Both need to be considered in the determination of the proposal.

In terms of the spatial impact of the proposal, it should be noted that at the present time the site hosts a number of buildings and hard surfaced areas.

The applicant identifies these buildings as having a gross floor area of some 1,411.72m². This represents an increase in the floorspace originally identified by the applicant in the first pre application submission which suggested that some 1,339m² was available (although this was not demonstrated at the time) and the secondary pre application submission which suggested that 1,225.35m² was available.

From the planning history for the site it should be noted that in 2016 an application for the regularisation and retention of 36 stables and a total of 15 new buildings was received, covering a calculated total footprint of some 946m².

This application did not include the original dwellinghouse which had a further footprint of some 99m². Thus it could be argued that the floorspace available equates to some 1045m². However, the current scheme seeks to retain two of the existing buildings which have a floor space of some 114m² which should be deducted from the coverage, thus some 915m² of authorised floorspace is available. This is significantly less than claimed by the applicant.

At the second pre application meeting the applicants identified that an annexe which apparently provided two additional dwellings had not been included within the Planning Officer's calculation which could account for the difference in calculation. No consent for this additional floorspace can be identified and no plans are available, however these buildings would appear to have a footprint of some 200m². Thus up to 1,115 m² of floorspace could be available.

The applicant has also identified that a proportion of the site is covered by access tracks, paths, car parking areas and other hardsurfaced areas and takes the view that these also have an impact on the openness of the Green Belt which should be considered in the determination of any application. A plan and schedule indicating the extent of the areas identified by the applicant as previously developed has been provided.

The applicant identifies the following hard surfaced areas:

	Area (m2)
Roads / block paving area	4,689
Shingle equine and landscape area	953
Parking and road chippings area	4,458.31
Concrete equine yard area	686.6
Patio Area	524.5
Menage 1 and 2	1,628
Horse Walker	87
TOTAL	13,026.41

The applicant identifies that the footprint of the proposed development totals some 12,531m² including roads and paved areas, dwelling parking and footpaths and proposed buildings including garages.

As such, the applicants opine that the proposed development would result in a significant net reduction in the amount of the Green Belt developed. The submitted Landscape and Green Belt Statement notes that the proposed development would result in an overall reduction in built footprint of some 2,352m².

It is interesting to note however that a significant area of land identified by the applicant to be developed appears to be a grassed paddock and gardens in recent aerial photographs.

The Planning Authority considers that whilst of some interest, the calculation of footprint and site coverage is an overly simplistic and imprecise assessment of impact which fails to consider the physical, spatial and visual impact of development on the Green Belt and is consequently a flawed approach to adopt.

It should be noted that the applicant also considers that such an assessment is inappropriate and that consideration of impact on the openness of the Green Belt is more than simply a mathematical exercise, stating that 'Impact is more than simply a function of the total footprint of development' and that it 'cannot be fully assessed by simply considering area or volume of development'. The planning authority would concur with this viewpoint.

A more holistic and realistic approach is required.

In spatial terms, it is the view of the Planning Authority that at the present time the development site is characterised by a scattering of small buildings set within an open landscape. Whilst tracks and hardsurfaced areas do exist, the one dimensional nature of these features means that whilst they do impact on the appearance of the site, they do not enclose or restrict the flow of space across the site and therefore do not impact on the openness of the site.

Detailed consideration of the layout of the site identifies a cluster of buildings used primarily for residential purposes in the extreme south-west corner of the site, a pair of buildings located midway along the southern boundary of the site which are to be retained as site management offices and a cluster of stables and associated buildings and structures in the approximate centre of the site. Whilst hardsurfaced areas are associated with each of these groups and link them, they are, with the exception of the residential enclave, surrounded by relatively wide areas of undeveloped, green, open land. As a consequence the site appears as a low key, low impact, appropriate form of primarily outdoor recreational development in a Green Belt location.

The proposed development seeks to provide dwellings across the entire area currently occupied by equine and associated uses.

The entrance to the site is to be maintained in approximately the same location as currently exists, but is then intended to provide a spine road extending to the north, in approximately the same location as the existing access road to the stable cluster, on the western side of which would be sited one detached and 10 linked-detached two storey chalets, in an area which is currently characterised by an open car park, several large paddocks and a single stable building having a height of some 3.5m.

The proposed dwellings would face east and back onto the access track serving the adjoining kennels. These dwellings would be some 7.4m high and would be located between 4m and 9m from the western boundary of the site, with each pair being set approximately 1m from the side boundary, in a typical urban arrangement.

Three eastern branch roads are to be formed off the spine road, the southernmost road would host 8 linked-detached chalets on its southern side, each 7.4m high and 6 detached bungalows on the northern side, each 6.4m high.

It is indicated that the chalets will be set into the ground.

The middle branch road would host a bungalow and 2 houses, each 9.4m high on its southern side and 4 linked-detached chalet and two detached houses on its northern side.

The northern branch road would host three chalets and two houses on the southern side and three chalets and one house on its northern side.

In each road the dwellings would be set in a typical urban layout with garages, where present, abutting the boundary and the flank elevations of dwellings primarily, but not entirely, set 1m from the boundary.

The submitted Landscape Strategy and Green Belt statements both suggest that the dwellings will be presented in clusters of varying density and character, reflecting the pattern of existing built form and providing space between the buildings to retain the openness of the site. Unfortunately, this aspiration is not reflected in the submitted proposal which illustrates that the proposed development would replace open land and small scale, low rise buildings with a much more intensive urban form of development, rising up to 9.4m in height, with limited open space retained within the scheme, except where necessary to provide a buffer between the proposed development and the stream which bisects the development site in a north-south direction.

The increased coverage of the site, the increased mass and scale of the proposed buildings when compared with that which presently exists on the site and the consequent urbanisation of its appearance, coupled with the encroachment on previously undeveloped land, represents inappropriate development which has a significant adverse impact on the spatial perception of the openness of the Green Belt.

It should be noted that the Glossary of the NPPF makes it clear that even in proposals for the redevelopment of previously developed land it should not be assumed that the whole of the curtilage should be developed. It is noted that the applicant has chosen to retain areas of undeveloped land to the north and east of the proposed development and thus it may no doubt be argued that the proposal does not seek to develop the whole of the curtilage, however, it is clear that the proposed development extends significantly beyond the area of physically developed land and encroaches into undeveloped areas, to the detriment of the open character of the Green Belt in this area.

As such the proposal is considered to result in significant harm to the Green Belt to which substantial weight is given in the determination of the application, in accordance with the provisions of paragraph 144 of the NPPF.

In terms of the visual aspect, the applicant has gone to considerable lengths to identify that the topography of the site and the opportunity to provide significant planting to the southern and western boundaries effectively screens the proposed development from view and that as a consequence the proposal can have no adverse impact on the visual openness of the Green Belt.

It is the view of the Planning Authority that whilst the falls across the site may be of some benefit in screening views of the site from some public vantage points, they would not result in a situation where the development was not visible in all views. The site would be clearly visible from the higher land to the east and from the west. Local topography would not therefore overcome the impact of the development on the openness of the Green Belt.

Furthermore, whilst the applicant refers to the potential for planting along the western boundary of the site. The layout clearly indicates, as a consequence of the proximity of the proposed dwellings to this boundary that substantial planting would not be possible and the development would therefore be highly visible from the west, particularly in near views, thus detracting substantially from the visual perception of the openness of the Green Belt.

On the basis of the analysis set out above, it is considered that by reason of the adverse impact of the proposal on the spatial and visual aspects of the Green Belt, the proposed development represents inappropriate development.

Paragraph 143 of the NPPF clearly states that inappropriate development in the Green Belt is by definition harmful to the Green Belt and paragraph 145 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.

Prima facie, given the identified harm to the Green Belt, to which substantial weight is attributed, in accordance with Government guidance, the proposal should attract a recommendation of refusal; however, the Local Planning Authority is required to consider whether there are any very special circumstances, either in isolation or combination, which would outweigh that harm and justify a departure from the policy requirements.

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

Whether such very special circumstances and material considerations exist and the weight that may be attributed to them, will be examined in the following sections of this evaluation.

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. However in order to be 'very special,' the circumstance identified is unlikely to be widely replicated.

The Planning Authority has previously defined a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. This definition was not supported at the appeal in respect of development at Jotmans Lane and has no statutory or judicial basis, but has been applied by the Planning Authority for some 38 years and is considered

to represent a sensible starting point for the consideration of what constitutes a very special circumstance.

It is the view of the Planning Authority that circumstances which occur frequently can be considered commonplace and as such, in isolation are unlikely to be special, let alone very special. It must be conceded however that a combination of commonplace features may be capable of creating special circumstances. Whether these circumstances then provide very special circumstances is a matter of planning judgement and the conclusion of that judgement will be highly dependent on the case under consideration.

The applicant considers the proposal to represent appropriate development in the Green Belt and has not therefore specifically identified any Very Special Circumstances which would justify inappropriate development in the Green Belt.

The applicant has however identified a number of factors which are considered by the applicant to support redevelopment of the site in the manner proposed.

These comprise:

- (i) The assertion that the site does not contribute to the wider purposes of the Green Belt
- (ii) The assertion that the proposed site and development are sustainable
- (iii) The assertion that the proposed development would make a contribution towards market and affordable housing provision
- (iv) The assertion that the proposal can make a contribution towards meeting the need for outdoor recreational space.

Each statement will be considered in turn.

(i) The site does not contribute to the wider purposes of the Green Belt

The applicant asserts that the application site does not perform a Green Belt function and thus the site may be released without harm.

Paragraph 134 of the 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.

As part of its Local Plan preparation work the Council undertook a Green Belt Functions Assessment in 2010 to ensure that land designated as Green Belt continued to fulfil the purposes of the Green Belt. This analysis identified the application site as part of 'Parcel 1' which was concluded to have the functions of checking the unrestricted sprawl of Thundersley and New Thundersley, ensuring that the settlements of Thundersley and New Thundersley did not merge with each other, restricting urban encroachment into the countryside and facilitating regeneration. It also performed the strategic function of linking with Green Belt areas outside the borough. This reinforced the need to maintain the site free from inappropriate development.

The Castle Point Green Belt Boundary Review (November 2013) identified the site as part of a strategic central corridor. The application was not identified as a site suitable for intensive redevelopment.

The applicant asserts that the site does not make full contribution towards checking unrestricted sprawl because it contains buildings and hardsurfaces.

Whilst the partially developed nature of the site is recognised, the purpose of that development must be considered. The primary use of the buildings on the site at the present time is for the facilitation of outdoor recreational activity. As such the buildings represent appropriate development in the Green Belt. Such development is acceptable in the context of the NPPF. The development is low key and scattered across the site thus retaining the flow of space across the site and the perception of openness, a key characteristic of the Green Belt. It is not considered that the current state of the site fails to facilitate the restriction of urban sprawl. The site is not urban in character, it is rural in character and that character would be fundamentally and irreversibly harmed by the intensive urban development now sought.

The Planning Authority is of the view that the application site, both in isolation and as part of the wider parcel of land of which it forms part, does contribute fully to the restriction of urban sprawl and the applicants assertion to the contrary is rejected.

The second strategic function is that the Green Belt should prevent neighbouring towns merging. The applicant suggests that the topography of the site prevents merging, but this fails to fully consider the question of character. The settlements of Thundersley, New Thundersley and Rayleigh are densely developed. They are separated by sparsely developed rural areas which maintain the isolation of the settlements, both physically and psychologically. The area within which the application site is located is generally viewed as 'countryside' containing a scattering of dwellings and rural type activities such as stables and those less well accommodated within the urban area such as kennels.

The provision of an intensively developed housing estate at the heart of this area of countryside undermines its integrity creating a stepping stone bridging the gap and extending the urban area outwards, thus facilitating the merging of settlements.

It is considered that the rural character of the site ensures that it continues to meet the objectives of preventing sprawl of the urban area. The applicant's assertion that the site makes no such contribution to this function of the Green Belt is rejected.

Finally the Planning Authority considers that the site meets the objective of safeguarding the country side from encroachment.

The applicant takes the view that the site is developed and therefore makes only a limited contribution to this objective.

This assertion is rejected. Consideration of the character of the uses on the site, the character of the buildings and space present on the site and the nature of the surrounding area, clearly identify this site as part of the surrounding working countryside. Appropriate application of the Green Belt policy will ensure that this situation is maintained, consistent with the provisions of the NPPF.

The applicant carries the discussion of the ability of the site to perform a Green Belt function further by considering the strength and permanence of the Green Belt boundary.

At the present time the Green Belt boundary is broadly consistent with the extent of the urban area. This is a strong and defensible boundary which has withstood challenge on many occasions.

The applicant suggests that following the development of the site, the Green Belt boundaries would be moderately defensible. It is opined that the existing development to the south, east and west would restrict further encroachment into the wider landscape.

This assertion, at first blush, appears somewhat disingenuous.

The application site shares many of the rural characteristics of its neighbours and like them represents partially developed land in the Green Belt. To assume that the intensive redevelopment of this site would not result in pressure to develop adjoining land is not reasonable. No reliance may be placed on the adjoining sites to protect the interests of the application site.

It is further considered that the applicant's assessment of the site fails to acknowledge the fact that the Green Belt is a strategic allocation, the boundaries of which are intended to limit development outside the defined urban areas. It is not the case that strategic boundaries may be identified around individual sites within the Green Belt, to suit the needs of developers. Such an approach is considered likely to result in 'pepper-potting' of the Green Belt with intensive development, to the significant detriment of its strategic objectives.

The assertion that a 'moderately robust' Green Belt boundary may be created around the proposed development is rejected.

The applicant has attempted to identify that the circumstances around the application site are such that it makes negligible contribution to the objectives of the Green Belt and may be released for development without adverse impact.

This assertion is rejected. None of the arguments raised by the applicant in respect of the contribution of this site to the Green Belt are considered sufficiently robust to justify the intensive redevelopment of the site.

The Planning Authority acknowledges the previously developed nature of the site and its topography, but does not accept that these features are of such significance to justify the inappropriate development proposed.

(ii) That the proposed site and development are sustainable

The applicant asserts that the proposal represents a sustainable development.

The NPPF defines sustainable development at length. It states:

'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised

*as meeting the needs of the present without compromising the ability of future generations to meet their own needs*⁴.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

*So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).*

*For **decision-taking** this means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*

In terms of the sustainability of the site, the Castle Point Sustainability Assessment of Sites in the Green Belt (2011) identified that for the wider site (Parcel 1), the nearest local shopping area on Hart Road was over 800m away, as were the nearest primary school and employment opportunities (at Manor Trading Estate and Rayleigh Weir). The nearest secondary school is

some 1.5km from the site although it is noted that the nearest GP services, are within 800m of the site.

Access to bus routes is limited with the site being more than 400m from the nearest bus route and the site is over 3km from a railway station. Occupants of the site are therefore likely to remain reliant on private vehicles for transportation which is incompatible with the Government objective to reduce private car use.

It should be noted that within the SUDS statement the applicant identifies that the proposal will result in some 264 daily traffic movements. It is considered that demonstrates in part the lack of sustainability of the site.

The lack of sustainability associated with the site is well-expressed in the comments received from the County Infrastructure Officer, which are reproduced verbatim in the consultation section of this report. In her response the Officer identifies that there is no safe walking route to schools likely to serve the development and as a consequence a contribution of some £197,296 is requested for the provision and operation of appropriate school transport.

The lack of safe walking routes and the need to rely on school transport speaks to the lack of sustainability of the site, environmentally and economically.

The lack of safe walking routes to local services, employment opportunities and even bus routes further speaks to the lack of sustainability of the site socially.

The proposal represents an isolated enclave, the use of which will rely extensively on the use of private and specialist public transport provision, to the detriment of the environment, would have limited positive economic impact and would, as a consequence of the poor transport linkages, result in a socially isolated population.

On balance, it is not considered that the application site represents a particularly sustainable site, the value of which, in isolation, outweighs the harm to the Green Belt.

In terms of design and construction, the applicant seeks to demonstrate that construction methods utilised and the materials chosen will result in a highly sustainable development in terms of water and energy conservation, and the achievement of a low carbon footprint. Materials are to be locally sourced and significant elements of the construction process will be undertaken off site, (the proposed dwellings being of timber framed construction), to reduce waste and the energy required site.

The applicants further identify that the opportunity to use offices within the dwellings for 'home-working' purposes provide an opportunity for the reduction of commuting.

It is the view of the Planning Officer that the 'sustainability credentials' of this scheme are no different than might be expected of any development anywhere in the borough and in fact the scheme only seeks to provide that which the market now demands. There are no innovative or significant measures to further sustainability incorporated into the scheme and it is the view of the Officer that the minor sustainability advantages cited are far outweighed by the overall lack of social, environmental and economic sustainability identified above.

It is not therefore considered that the alleged sustainability of the site represents a very special circumstance which would attract any weight in the consideration of the amelioration of the identified harm to the Green Belt.

(iii) That the site will make a contribution towards the provision of market and affordable housing

The applicant opines that development of the site will make a useful contribution to the satisfaction of local housing needs.

The Planning Authority has long recognised that housing land availability within the Borough is limited and that this impacts on its satisfaction of its housing needs.

In order to ensure a five year housing land supply, the Council undertook work in 2012 to identify additional housing sites to meet the requirements of paragraph 60 of the NPPF. It was clear from a review of the Strategic Housing Land Availability Assessment (SHLAA) that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the provision of housing in December 2012, of which 4 were within the Green Belt. None included the site of the current application.

In November 2018, following further work on the preparation of a New Local Plan, the Council identified a number of Green Belt sites which it considered could be released from the Green Belt without detriment of the strategic purposes and character of the Green Belt, to satisfy housing need. The application site was not identified within this Schedule.

The application site is allocated for Green Belt purposes in the adopted 1998 Local Plan, which currently remains the Development Plan for the Borough.

From the preceding statement it is clear that it is the intention of the Council that the application site should remain allocated for Green Belt purposes for the foreseeable future.

Whilst it is undoubtedly the case that development of this site with 44 dwellings would make a contribution towards meeting housing needs, the residential development of any site in the Green Belt is likely to make a contribution towards housing provision. As such the contribution offered is not considered to represent a very special circumstance which would justify inappropriate development.

It should be noted that paragraph 34:3-034-20141006 of the NPPG states that 'Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt' (2014).

Government policy as set out in a letter dated 31st August 2015 and followed up in a Written Ministerial Statement on 17th December 2015 and the 7th June 2016 have also made clear that the single issue of unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

It is a point stated yet again in *Hunston v Secretary of State for Communities and Local Government* (2016), where the Court ruled that very special circumstances are not automatically demonstrated simply because there is less than a 5 year housing land supply, and since repeated in the recently issued Government White Paper 'Fixing our broken Housing Market' (March 2017).

In terms of the satisfaction of specific housing need the most up to date local evidence of need is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identifies that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development provides 3, 4 and 5 bedroomed units only, the provision of which will meet an identified need. This however is of insufficient weight to outweigh the identified harm to the Green Belt.

Policy H7 of the Local Plan is concerned with the provision of affordable housing and states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes.

It should be noted however the Policy H7 was drafted some twenty years ago and that changes in the housing market have continually informed the Council's view on what constitutes appropriate affordable housing provision. For individual dwellings the Council now seeks on-site provision of affordable rent properties with nomination rights to the Council. Where this cannot, for good reason, be achieved, consideration will be given to an appropriate capital receipt.

The Council's Developer Contributions Supplementary Planning Document provides the current guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 16 affordable housing units on this site.

The viability report prepared to support the now withdrawn New Local Plan, suggested however that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate. This would equate to the provision of 11 affordable housing units on this site.

More recently however the NPPF has identified that where major development involving the provision of housing is proposed, planning authorities should expect at least 10% of the homes to be available for affordable home ownership. This would equate to the provision of five dwellings on site.

During pre-application discussions Members strongly expressed the view that the isolated nature of the site made it unsuitable for the provision of affordable housing and advised that a financial contribution towards offsite provision would be sought in the event of an application being progressed.

The applicants have confirmed that a financial contribution will be made although the size of the contribution has not been identified.

The applicant is advised that in the event of planning permission being granted the applicant will be expected to enter into a S106 agreement to secure an appropriate contribution towards the provision of off-site affordable housing.

Any contribution will be calculated in accordance with the provisions of the adopted Developer Contributions SPD and will be secured under a S106 Agreement.

(iv)_ Provision of open land and impact on Landscape

The applicants have identified that the eastern area of the site will be developed as semi-natural open space comprising open areas of species rich meadow/heath and scrub to provide ecological benefits. The area will be opened to provide public access including the provision of areas for informal recreation and a circular segregated footpath/equestrian trail which will incorporate a viewing point for the public to experience panoramic views from the ridge.

Paragraph 141 of the NPPF states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

The provision of open space for recreational purposes would be consistent with the provisions of the Framework. Nothing in the NPPF suggests that such provision necessitates the provision of inappropriate development. It may however provide a very special circumstance which could justify inappropriate development, where the benefit of such provision outweighed the harm to the Green Belt.

The proposal offers the provision of a semi-natural and natural open space.

Natural and semi natural open space includes woodlands, urban forestry, scrub, grasslands, (downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land. These areas provide opportunity for biodiversity and habitat conservation as well as education and environmental awareness.

The Castle Point Open Space Appraisal 2012, identified that 11.73% of the total area of the borough was comprised of natural and semi-natural open space. This equated to some 528.91ha of land of which some 408.43ha were accessible to the public. This equates to 5.969ha per 1000 people. Two sites (Creekside and Canvey Wick) were not publically accessible at that time and in the 2012 Appraisal these are excluded from the calculation, reducing the figure to 4.609 hectares per 1000 people.

Canvey Wick is now accessible to the public, providing a further 92.3ha of publically accessible natural and semi-natural open land.

In addition open space is available at the Olympic Legacy Project at Hadleigh Castle Country Park.

Natural England recommends that provision should be made of at least 2ha of 'Accessible Natural Greenspace' (the Accessible Natural Greenspace Standard or ANGSt) per 1000 people.

Following consideration of the natural and semi-natural greenspace available within the borough however, the Council determined that a higher standard of 2.77ha per 1000 population was available and that this should be adopted as the local standard in order to ensure that conflict between recreational users and biodiversity was avoided by reducing the density of users.

On this basis, in the context provided by the ANGSt, borough wide there is no deficiency in the provision of natural and semi-natural open space in Castle Point.

However consideration of individual settlements within the borough does identify areas of deficiency. Thundersley is an area generally identified as having less than the identified standard of Natural and Semi-Natural Areas per 1000 population. In response the Appraisal identified that the deficiency could be offset by the presence of Thundersley Glen, on the Southern boundary of the area (13.489 ha) and Woodside Park, which whilst primarily an amenity green space included semi-natural areas that contributed towards conservation objectives.

Additionally, the Appraisal identified that there were large areas of Green Belt within Thundersley which could be potentially made available to the public and cultivated as accessible natural areas, consistent with the requirements of the NPPF.

It is this comment within the document which the applicant seems to place reliance on to support the development of the site.

It is acknowledged that the provision of an area of open space would assist in ameliorating the identified broad deficiency in access to open space, however, it is considered that consideration of this aspect of the proposal should again be more than simply a mathematical assessment and that the strategic value of the offer should be considered.

In terms of location it should be noted that the area in the vicinity of the application site is well served by large natural and semi-natural spaces at Thundersley Great and Little Commons. The need for access to natural and semi-natural open space is therefore considered less critical in this area than other areas of the borough. The weight that can be ascribed to the provision of open space is therefore more limited in the context of the surrounding area.

A key strategic consideration is access to such space. The Castle Point 2012 Open Space Appraisal identified through a public consultation exercise, that participants prefer to walk to a natural or semi-natural area and are willing to spend up to 15 minutes doing so.

As a result of this finding it was determined that the appropriate standard for accessibility to Natural and Semi-Natural Areas was 720m straight line distance or a 15 minute walk.

Further, the initial audits of the natural and semi-natural areas in the borough identified that there were issues with public transport and car parking facilities at some of the spaces. As a result, it was difficult in many cases to drive or take other modes of transport to spaces outside of an immediate walking distance. This encouraged residents to visit spaces nearer to where they lived.

Residents in close proximity to the application site generally enjoy larger areas of private open space and ready access to a network of rural lanes and footpaths which facilitate a perception of

'being in the countryside' and being able to enjoy the mental and physical benefits of natural space.

Residents in the urban area of Thundersley, to the south east of the site, live in a much more densely developed area, with less evident private open space and are therefore considered more likely to actively seek areas of publically accessible open space for recreational purposes and enjoyment.

The proposed open space is located some 800m from the nearest concentration of residential development, at Allendale to the south east of the site and is already beyond the identified 720m/15 minute walk time accessibility standard. The wider area of Thundersley would be significantly beyond the identified accessibility standard. The value of the site to those individuals is considered diminished by this distance.

In addition the site is served by a road which is not provided with pedestrian footways, which makes access hazardous, particularly for persons with prams or young children. No parking is provided on site to serve the needs of persons who might potentially drive to the site and this again limits the attractiveness of the provision.

It must also be noted that in order to access the site, potential users will walk through/pass two significant areas of open space at Thundersley Great Common and Little Common. The 2012 Appraisal clearly identified that users of semi natural and natural open space will tend to visit spaces nearer to where they live. This again is considered to diminish the value of the offered site.

The applicants have advised that it is proposed to provide a footpath around the open land and thus create connectivity to the wider area.

The NPPF states at paragraph 98 that planning decisions should protect and enhance public rights of way and take opportunities to provide better facilities by adding links to existing rights of way networks.

The current proposal seeks to provide an isolated and self-contained circular route. It does not protect or enhance an existing public footpath or bridleway. Nor does it link to an existing network. Its provision does nothing to enhance connectivity and its provision does not outweigh the identified harm created by the enabling development, to the Green Belt.

In terms of the landscape, the applicant considers that the proposal would have a beneficial impact on the landscape by consolidating the current sprawl of development across the site.

The Planning Officer takes the view that the proposal achieves only a minimal reduction in the extent of the site covered by structures and compensates for this minimal reduction by significantly intensifying development within the development envelope, an envelope which itself is considered to exaggerate the developed extent of the site.

The proposed development would replace an attractive rural landscape with one which was heavily urbanised. It is not considered that the impact of this change is beneficial.

The applicant further suggests that as a consequence of the topography of the site, the proposal would be largely hidden from view. Whilst it is acknowledged that the development may be

screened from views to the north and south, it would be clearly visible from the east and west, to the detriment of the rural landscape which currently exists.

Allied to the consideration of the impact of the proposal on the landscape is consideration of the implications of the proposal within the context of Policy EC20 of the adopted Local Plan. This policy identifies the site as lying within the Great Burches Landscape Improvement Area, an area identified for evidence of landscape deterioration, as a consequence of historic use and management.

In order to improve the landscape the policy gives encouragement to the rerouting of cables and powerlines underground and the restoration of unattractive and spoiled sites.

Since its adoption the Council has achieved an element of success in removing unattractive sites and uses from the area. The development of land to the east of the site at The Brackens, on the site of the former brick field is one example of this, as indeed is the current application site which prior to its redevelopment for equestrian purposes represented an unattractive and deteriorating kennels site. In the context of EC20, the current proposal would appear to have something to offer.

However, the current site is not considered to be either spoiled or unattractive in its current form.

Furthermore, the proposed development, by virtue of its high density and limited space within the built enclave, lacks the opportunity of substantial planting. Whilst planting on the frontage may be proposed, to remove the unattractive treatment installed by the current occupier of the site, the price demanded for such a minor cosmetic change is considered unreasonable and inappropriate.

In the context of the current proposal it is not considered that the objectives of EC20 would be particularly advanced by the proposed development.

No weight is therefore attributed to this policy in the determination of the application.

Conclusion on the existence and weight to be attached to identified 'Very Special Circumstances' – The Balancing Exercise

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

Residential development of this site represents inappropriate development in the Green Belt. It would permanently reduce openness and conflict with the purposes of designation, namely the prevention of sprawl and encroachment and the protection of the countryside. These harmful impacts on the Green Belt attract substantial weight and suggest prima facie that planning permission should be refused.

Government guidance, ministerial statements, recent appeal decisions and a recent judicial judgement however make it clear that circumstances and material considerations may, either in isolation or combination, provide an argument of sufficient weight, the 'very special circumstances', to set aside the harmful impacts on the Green Belt and allow the release of land for development purposes.

There can be no denial of the fact that within the context of the Strategic Housing Land Availability Assessment Castle Point is unable to identify a five year housing supply and that the development of this site could make a contribution to the satisfaction of housing need. This consideration would therefore appear to carry some weight in favour of the proposal.

It is clear however that the weight that may be attached to unmet housing need, either market or affordable, is unlikely, in isolation, to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances.

It is not considered that the site represents a particularly sustainable site, the value of which, in isolation outweighs the harm to the Green Belt.

On the basis of the significant increase in the spread and mass of development across the site and encroachment onto undeveloped land, the applicant's argument that development of the site would have no impact on the openness of the Green Belt or would improve the character and appearance of the landscape is considered to carry no weight.

In terms of the provision of affordable housing, this requirement would be attached to any major development. A contribution towards off site provision does not therefore represent a very special circumstance.

With regard to the provision of open space, it is not considered that the space offered represents an appropriate, necessary or strategically valuable addition to open space provision in the borough.

The likely benefits of such provision are not considered to outweigh the harm to the Green Belt.

In isolation none of the identified circumstances are considered to carry sufficient weight to outweigh the harm to the Green Belt.

Looking at the circumstances identified in combination it is considered that insufficient weight is attracted by the combined circumstances to outweigh the harm to the Green Belt.

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

2. 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.

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.

The Council is currently preparing a further Local Plan and has recently identified its strategic housing sites. This Local Plan overlaps with a South Essex overarching Joint Strategic Plan (JSP) to be published for consultation in Spring, 2019 under Regulation 19 of the Town and Country Planning Act 1990. The JSP will describe how South Essex will meet its housing and employment needs at a strategic scale to 2037.

Both this Local Plan and the JSP, will determine the location of future housing growth within Castle Point.

Whilst these plans have not yet been published for consultation purposes, both are nevertheless at a critical stage, which could be disrupted/prejudiced by proposals seeking to undermine established Green Belt.

The new Local Plan will be published in November 2018 for consultation in Spring 2019, under Regulation 19, and will identify areas to be released from the Green Belt to meet the development needs of the Borough.

The current proposal seeks to provide housing in an area which is not identified as available for housing in the 2018 Consultation Plan.

It is considered that the current proposal by seeking the redevelopment of the site at this time, prior to consideration of the 2018 Local Plan, represents an attempt to circumvent the Local Plan process and, if allowed, it is considered that the 'piecemeal' release of this site for residential development, before consideration of the wider strategic issues or consideration of a more comprehensive approach, would establish a precedent which would prejudice the ability of the Council to achieve a high level of sustainability and effectiveness in meeting its housing 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.

3. Design and Layout

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidelines (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

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. For new large scale developments a different character, with varying plot sizes, can be created, however this must be accompanied by a robust design rationale.

RDG1 clearly states that it is applicable within the built up area. It may therefore be argued that this guidance is not relevant to the current proposal which is not located within the built up area, but in a far less densely developed area of Green Belt.

However, the purpose of RGD1 is to ensure that new development reflects the character of the area into which it is to be introduced, and this principle is considered equally applicable in areas beyond those more usually defined as 'built up'.

The area surrounding the application site is primarily characterised by dwellings on spacious plots dominated by vegetation. The area may be described as 'rural' in character.

The proposed development achieves a fairly regular development rhythm, with dwellings being consistently placed according to their type. Dwellings are sited on, or close to, their flank boundaries and plots are of limited width and depth in the context of the surrounding development. Furthermore, several of the dwellings are located in close proximity to the access roads.

The combination of these features has resulted in the creation of a very urban character with dwellings dominating the width of their individual plots and limited opportunity for the softening of the impact of these dwellings with substantial planting within the site. The proposed development is considered to be entirely inconsistent with the character of the area into which it is sought to introduce it and this is considered to represent a significant objection the proposal.

RDG2 states that the space around all new development should be informed by the prevailing character of space around the dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern.

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 dwelling. It should seek to provide at least 1m between properties and the boundary.

For new large scale developments a different character, with varying degrees of space around the dwellings, can be created, however this is expected to be accompanied by a robust design rationale.

The character of the surrounding area is essentially of dwellings within large plots and good levels of isolation between the flank elevations and the boundaries. The only area where a departure from this spacious setting may be detected is within the former Brickfields development to the south of the site but even here isolation of at least 4m is achieved between dwellings.

In the submitted scheme, all of the linked detached chalets abut the party boundary. The dwellings on Plots 2 – 11, 13, 18, 19, 22- 24 and 36-44 are located 1m from their side boundaries.

The proposed dwellings on Plots 12, 20 and 21 appear to be located on the side boundaries adjacent to the highway whilst the proposed bungalows on plots 33 and 32, and 30 and 31 appear to have just 1m between them, rather than the 2m that would normally be expected in this situation.

The overall impression gained is one of a tightly developed urban infill, of mean and cramped appearance, entirely dissimilar to the character of the surrounding development and space retained between dwellings and their boundaries.

By virtue of the proposed layout and the inability of the proposed development to provide an adequate setting for the proposed dwellings, the proposal is considered to represent overdevelopment of the site, contrary to Policy EC2 and RDG2. An objection is raised accordingly.

Whilst it is acknowledged that paragraph 117 of the NPPF states that as much use as possible should be made of brownfield or previously developed land, it caveats this by requiring Planning Authorities to simultaneously safeguard the environment. The proposed development does not do this.

Furthermore, whilst paragraph 118 states that substantial weight should be given to the value of using suitable brownfield sites, this is restricted to sites within settlements.

It is not considered that the application site is within the settlement of Thundersley. It is beyond the settlement edge, within the ruralised area surrounding Thundersley. As such it is considered that no weight may be attributed to this element of the NPPF.

Finally whilst paragraph 122 seeks to secure the efficient use of land, the desirability of maintaining the area's character and setting is a material consideration.

The intensive redevelopment of the site, as currently proposed does not achieve this objective.

Under the circumstances, development of the site in the manner proposed is not considered to be consistent with the provisions of the NPPF.

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.

For new large scale developments a different character, with varying building lines can be created, however, this must be accompanied by robust design rationale.

In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

The proposed development would have no relationship with the loose building line created by buildings on Great Burches Road and no objection is therefore raised to the proposal on this basis. Strong building lines are created within the site however and this further emphasises the alien character of the proposal, the layout of which appears to have little regard to its surroundings or the features present on the site.

Paragraph 5.5.2 of the preamble to RDG3 states that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms, and accommodating the storage and service requirements of the properties.

Paragraph 5.5.3 of the preamble states that such spaces can provide a buffer from the activities of the neighbouring public areas, such as the street or parking or servicing areas, as well as from neighbouring developments.

Within the scheme a number of dwellings are placed in very close proximity to the carriageway. Examples portraying this can be found on plots 12, 20 and 21. The dwellings in these instances are considered to be too close to the highway, providing poor defensible space and poor setting to the dwellings.

It is considered that the proposal results in an alien and congested form of development, detrimental to the character and appearance of the area and detrimental to the amenity of future occupiers of the development. An objection is therefore raised under RDG3 to the proposed development.

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

Given the nature of the proposed development and its isolation from adjoining dwellings it is not considered that the proposal would result in overshadowing or dominance of adjoining properties.

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 frontages to all elevations that face the public realm.

All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.

Corner plots should also be designed to limit the length of high level garden screening, particularly along return frontages. The guidance states that in new large scale development, in all appropriate cases opportunities should be taken to create feature dwellings on corner locations, which enhance legibility.

The dwellings on plots 12, 20, 21, 35, 34 and to a lesser extent 36, are considered to be corner plots.

None of the corner plot dwellings have been designed to take advantage of their specific locations and provide bland or blank flank elevations to the return frontages. It is not considered that the proposed development has evolved applying a townscape strategy which would identify key vistas, gateways, landmarks or corners and this represents a significant deficiency in the application which is apparent at several locations.

Dwellings on corner plots fail to provide adequate interest and articulation in all the elevations facing the public realm. It is not considered that any opportunities have been taken to create feature dwellings on corner plots to enhance legibility. It is accepted that the proposed

development uses a varied palette of materials; however, these have not been used effectively to reflect a townscape strategy.

Furthermore, the proposal seeks to provide high boundary treatment comprising of either close boarded fence or brick boundary wall along the return frontages of the corner plots, resulting in long and unattractive boundary treatments. For example a 20m boundary treatment is proposed on the back edge of the footpath on the western boundaries of Plots 20 and 21 and a 16m boundary treatment is proposed on the western edge of Plots 34 and 35. The impression gained by such treatment would be a highly urbanised environment with dwellings hemmed in by walls and fences and little opportunity provided for substantial landscaping which might soften the character and appearance of the site, reliance instead being placed on householders to maintain planting within their own restricted front gardens.

It is considered that the proposed boundary treatments fail to provide a good enclosure to the street in this location and fail to appropriately integrate the development into its Green Belt setting. As a consequence it is considered that the proposal presents a poor layout, lacking distinguishing and distinctive townscape features. An objection is therefore raised to the proposal on this basis, under RDG4.

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.

The dwelling on Plot 1 achieves between 5m and 7.5m between the first floor dormer windows and the boundary they face.

The dwelling on plot 3 achieves approximately 8.5m.

Whilst it is acknowledged that these windows will only overlook an access serving the adjoining property and thus would not result in any loss of residential amenity at the present time, this situation cannot be guaranteed in perpetuity and it is inappropriate for this development to seek to prejudice the potential development of an adjoining site.

Furthermore it is considered that the inability of the layout to achieve an appropriate degree of isolation between the proposed dwellings and the boundary demonstrates the intensive form of development and poor layout proposed and represents overdevelopment of the site.

The proposal attracts an objection accordingly under RDG5.

All other dwellings achieve rear amenity area depths of between 9m and 13m

Whilst compliant with normal residential standards typically found in the urban areas, such amenity space provision is inconsistent with the character of the surrounding area.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room.

The following table identifies the requisite and provided amenity space for each dwelling:

Plot No.	No. or Rooms	Amenity Area required	Amenity Area provided
1	6	90	232
2	6	90	87.5
3	6	90	87.5
4	6	90	106.5
5	6	90	106.5
6	6	90	106.5
7	6	90	106.5
8	6	90	106.5
9	6	90	106.5
10	6	90	106.5
11	6	90	106.5
12	6	90	125
13	6	90	131.25
14	6	90	131.25
15	8	120	Not defined
16	8	120	169
17	7	105	189
18	6	90	125
19	6	90	125
20	6	90	125
21	6	90	125
22	6	90	125
23	6	90	125
24	6	90	110
25	7	105	189
26	8	120	189
27	8	120	227
28	7	105	247
29	4	60	90
30	4	60	94.5
31	4	60	94.5
32	4	60	94.5
33	4	60	90
34	4	60	100
35	4	60	300
36	6	90	106.5
37	6	90	106.5
38	6	90	106.5
39	6	90	106.5

Plot No.	No. or Rooms	Amenity Area required	Amenity Area provided
40	6	90	106.5
41	6	90	106.5
42	6	90	106.5
43	6	90	106.5
44	6	90	106.5

As can be seen, all but two of the plots achieve amenity areas which are policy compliant. Plots 2 and 3 are slightly below the policy requirement, however the degree of divergence is minor and unlikely to sustain a reason for refusal.

Plot 15 has no defined amenity space, however the siting of this dwelling is such that it is considered that an adequate amenity space can be provided.

Whilst some plots, such as plots 1, 27, 28 and 35 benefit from spacious gardens, most have amenity areas which are quite urban in scale and inconsistent with the character of amenity areas associated with dwellings in the immediate area. This limited provision emphasises the tight urban grain of the development and its inconsistency with the character of the surrounding area. Whilst it is acknowledged that the proposal satisfies the requirements of the residential design guidance, the NPPF is clear that in the pursuit of the efficient use of land, such as is exhibited within the submitted scheme, proposals must also safeguard and improve the environment. It is not considered that development of the site in the manner proposed safeguards or improves the environment and as a consequence it is considered that the density of development adopted is inappropriate. An objection is therefore raised to the proposal on this basis.

RDG 7 is concerned with 'roof development' and states that the roof design of any development should be compatible primarily with the dwelling and informed by the prevailing character of the area and surrounding forms of roof development. For new large scale developments a different character can be created, however this must be accompanied by a robust design rationale.

The roof of a dwelling should be proportionate to the remainder of the dwelling. It must not be too heavy, or appear prominent or dominant. Dormers should be an ancillary feature on the roofscape and must not dominate the roofscape. They must be provided with substantial roof verges above, below and to the sides. Dormers projecting above the ridge line or beyond a roofline, e.g. hip, will be refused.

Front and side dormers, and rear dormers which are visible in the streetscene, should have pitched roofs, unless the original design feature of the dwelling indicates otherwise, or it would rectify an unbalanced or asymmetrical pair or group of dwellings.

Fenestration should be aligned both vertically and horizontally, in roof planes and dwelling elevations, particularly when integrating new development with existing dwellings. Consideration should also be given to ensuring that fenestration is balanced and proportionate on sloping sites.

The materials used for all roof development should integrate with, or complement, primarily the dwelling, but also those present in the surrounding streetscene.

Despite the multiplicity of plans there is in fact only one house type which seeks to provide rooms in the roof and therefore falls to be considered under this provision. The proposed chalet provided

on plots 1 – 14, 18 – 24 and 30 – 44, are characterised by the provision of a single dormer in the front roof plane and two dormers in the rear roof plane.

That provided in the front elevation is of pitched roofed design and proportionate in scale, and whilst it is not consistently aligned with the window at ground floor level, the deviance is minor and unlikely to present an unduly jarring element in the street scene.

The dormers to the rear are similarly proportionate and pitched roofed in form. These again present a slight misalignment with fenestration at ground floor level, but this is unlikely to be evident in views of the properties from any public vantage point.

No objection is therefore raised to the proposal under RDG7.

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

With the exception of the slight misalignment identified under RDG7 most of the fenestration provided throughout the scheme is appropriately aligned and presents an acceptable facade for the development. Detailing is primarily achieved through the manipulation of materials across consistent elements such as open canopies, projecting gables and beaming and presents a visually acceptable presence. No objection is raised under RDG8.

RDG 9 is concerned with energy, water efficiency and renewable energy.

The applicants have indicated within the submitted Design and Access Statement, the use of locally sourced (where possible) labour and energy efficient materials. The proposed dwellings are to be of timber framed construction and manufactured off-site to minimise energy expenditure on site. In addition, the dwellings have been designed to include high levels of glazing to facilitate daylight penetration and natural ventilation, roof mounted photo-voltaic panels and low energy lightbulbs and boilers. These measures are considered appropriate to secure energy efficiency.

In terms of water efficiency the applicants propose the use of restrictors on taps, dual flush toilets and water saving showerheads. Rainwater harvesting will be used for gardening purposes.

It is considered that these measures are adequate to satisfy the requirements of RDG9. No objection is raised to the proposal on this basis.

RDG10 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. Details of the proposed boundary treatment is somewhat limited. The Design and Access Statement identifies the use of a mix of brick walls, fencing and hedging. In principle such treatment is considered acceptable to secure the privacy and amenity of residents, however specific details of these treatments is required in order to ensure an acceptable impact on the landscape. Such details can be secured through the imposition of a condition on the grant of any consent.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers. All communal waste points and waste storage facilities should be provided with suitable landscaping and screening.

Residents should not have to transport refuse and recycling unreasonable distances from their dwellings to any communal waste collection points or storage facilities. Such areas should be accessible for waste collectors from the point at which refuse vehicles can receive waste.

The Refuse and Recycling Officer has advised that in order to ensure that all dwellings are appropriately served, all roads serving the proposed development should be constructed to accommodate the weight and turning movements of a 32 tonne vehicle.

A condition securing this can be attached to the grant of any consent.

RDG16 is concerned with the provision of liveable homes and states that all new dwellings should provide appropriate internal and circulation space, which reflects the character of the surrounding area and current best practice.

All new dwellings should meet the existing and future needs of occupiers over their lifetime, without the need for extensive alteration or adaption.

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

The most recent best practice is that provided by the Technical Housing Standards –nationally prescribed space standards (DCLG 2015).

The applicant has advised that all of the proposed dwellings have been designed to comply with the national space standards as well as Part M of the Building Regulations (which is concerned with wheelchair housing) and as such it is considered to meet the provisions for liveable homes.

The two storey dwellings also offer the opportunity for the provision of ground floor bedrooms, thus offering the potential for adaptive living.

The proposal is considered to meet the requirements of RDG16.

4. Density and Mix of Housing

Government guidance makes clear that density is a relevant consideration in the determination of applications. Policy H9 of the Adopted Local Plan is concerned with housing densities. It states that the optimum density for any site will be the number of dwellings capable of being accommodated whilst ensuring that the development will not be harmful to the character of the site and its surroundings including any natural features and attributes, and that the layout is both functional and attractive with adequate building lines, landscaping, setting for the building, and space around the building.

The application site is some 8.6ha in area and inclusive of the retained open space areas achieves a density of some 5.1 dwellings per hectare. Excluding the areas of retained open space the proposal would achieve a density of some 25.5 dwellings per hectare.

Whilst it is acknowledged that the overall development density is low, in the context of the site and the surrounding area it has resulted in a form of development that appears inappropriate and cramped. As has been demonstrated above, it is considered that the proposal fails to provide adequate setting for the dwellings and space around the dwellings. An objection is therefore raised to the proposal on the basis of density of development.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements.

The proposed development comprises of a mix of three, four and five bedroomed dwellings. Whilst this mix fails to meet the needs of smaller households (which may be met through the provision of an off-site affordable housing contribution), it does provide housing for which a need has been identified. No objection is raised to the proposal on this basis.

5. Highways and car parking

Many local residents have expressed concern over traffic implications arising from the proposed development.

The Highway Authority however has raised no objection to scheme subject to a number of conditions which relate primarily to the construction, layout of the highways and contributions which may be accommodated within conditions attached to any consent for the site.

Under the circumstances it is not considered that an objection to the proposal on the basis of impact on the highway could be supported on appeal.

The Highway Authority notes that the developer has indicated the option within the Public Highway to provide a section of footway from the site entrance in a southerly direction for 110m along Great Burches Road towards the Common. The footway would vary in width from 2m -1.2m. It is the view of the Highway Authority that the provision of this footpath and would provide improved connectivity with pedestrian movements in the vicinity of the site.

It should be noted that the provision of the footway does not form part of the planning application.

It is the view of the Planning Officer that the length of footpath proposed would not link to any existing footpaths and would appear as a random and isolated footway which would do little to improve connectivity as a consequence of it not being connected to another footway.

Furthermore it is considered that the provision of a footway would serve to dramatically alter the rural character of this area, by introducing a very urban feature into a rural scene.

It is not considered that the option to provide a section of footway outweighs the harm of the proposed development.

In terms of parking Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the current car parking standards. These are set

out in the Essex Planning Officers Vehicle Parking Standards 2009. Standard C3 is relevant to residential development.

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

Where the provision of in-curtilage parking for individual dwellings is contained within the dwelling in the form of garages (semi-integral or integral), carports and recesses, they should be an integral part of the dwelling and must be consistent with the overall architectural approach of the dwelling.

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

In terms of the quantity of parking provision on the site, the standards require the provision of 2-on site spaces for dwellings with 2 or more bedrooms. Each dwelling within the proposed scheme should therefore be provided with at least 2 car parking spaces.

Parking spaces may be in the form of garages, carports or forecourt parking. Where parking is provided within garages, these must have a minimum width of 3m and a minimum depth of 7m.

The submitted plans identify that all single garages are 3m x 7m and all double garages are 6m x 7m and therefore compliant with the policy requirement. Garages are generally set a minimum of 6.5m from the highway boundary, with the exception of that provided to Plot 1 which due to the angle of the carriageway has a minimum forecourt depth of 5.5m. This deficiency could however be remedied by the relocation of the garage. A condition to this effect could be attached to the grant of any consent.

In many instances the proposal seeks to provide 2 or more car parking spaces to the front of the properties. Such provision would provide adequate parking facilities but would have the adverse consequence of producing a scheme which is visually dominated by car parking provision. Consideration of the layout shows that in-curtilage parking would dominate those plots occupied by bungalows on plots 29 -33 and would significantly limit opportunities for the landscaping of this part of the site. This results in an unattractive form of development which fails to meet the high quality of development being sought both at local and national level. Such provision does represent an objection to the proposal.

The Essex Parking standards require the provision of 0.25 visitor parking spaces per dwelling. The proposed development provides two visitor car parking spaces to serve 44 dwellings, representing a deficiency in unallocated visitor parking of 9 spaces. However, all of the two storey dwellings are provided with in excess of two parking spaces and can therefore accommodate visitors. This is not available to occupiers of the smaller dwellings and as a consequence visitors to these properties are likely to park on the highway to the inconvenience of adjoining residents.

Whilst this deficiency could be remedied to serve the existing number of dwellings, this could only be achieved at the cost of further development on the site which is undesirable. A reduction in the number of dwellings on the site could however facilitate a solution.

The proposal seeks the provision of community open space with a variety of recreational facilities provided within it. Such facilities are considered likely to attract members of public from the surrounding area, many of whom may travel to the site by car. It is considered that the lack of visitor parking spaces or pedestrian links within the development is likely to either frustrate the use of the open space or result in on-street parking by users to the detriment of the amenity and convenience of the future occupiers of the site.

In conclusion on parking provision, it is considered that whilst the general quantum of allocated parking is adequate, in several instances the relationship between the parking provision and the dwellings and adjoining highway is unsatisfactory, resulting in a car dominated environment. An objection is raised accordingly.

In respect of the unallocated visitor parking provision, this is inadequate and would be likely to result in vehicles being left on the highway to the danger and inconvenience of other road users. Remedy of this situation for the proposed number of dwellings is only likely to be achieved at the cost of the open space and the further urbanisation of the site which would be unacceptable.

Remedy could be achieved however through a reduction in the number of dwellings provided. The scheme is therefore considered to represent overdevelopment of the site.

An objection is therefore raised to the proposal under Policies T8 and EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

6. Crime Prevention

Policy EC5 of the Adopted Local Plan relates to crime prevention. It states that the Council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

The 'Safer Places - The Planning System and Crime Prevention' guidance document recommends that seven attributes of sustainable communities are particularly relevant to 'crime prevention'. These include:

- Access and Movement
- Structure
- Surveillance
- Ownership
- Physical Protection
- Activity
- Management and Maintenance

The submitted documentation identifies that:

- All spaces are well defined as either private or public which is secure (in terms of the public space by virtue of the provision of an Estate Management presence).
- All areas of development are overlooked by dwellings, thus providing natural surveillance.
- Footpaths and accesses are well located, although secondary escape routes are facilitated by the Green Corridor,
- Areas of open spaces are generally overlooked.
- Parking is predominantly on plot where there is good surveillance.

- Various pedestrian routes have been created and maintained within the proposal to give permeability to the site layout, which will encourage pedestrian movement around the site and natural community surveillance.

The proposed layout is considered capable of meeting the seven attributes. No objection is therefore raised to the proposal on this basis.

7. Ecology

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

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 EC21 of the Adopted Local Plan is concerned with woodland management and Tree Preservation Orders and states that the Council will encourage the maintenance of existing woodlands through appropriate management.

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

Paragraph 170 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

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f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 states:

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

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),

b) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

c) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other

developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- d) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*
- e) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged*

Whilst the site itself is not identified as an important wildlife habitat it contains significant areas of open space and stands of trees (none of which is the subject of a Tree Preservation Order) and therefore has the potential to provide valuable wildlife habitat. It is therefore incumbent upon the Planning Authority to consider the implications of the proposed development for local wildlife.

The applicants have submitted a Phase 1 ecological survey of the site the findings of which reveal that the site itself comprises buildings and hardstanding, semi-improved grassland, scattered broadleaved trees, mature trees, scrub, tall ruderal vegetation, short perennial vegetation, bare earth and both standing and running water.

The majority of the site is grazed and of low botanical/ecological value.

The ecologists identify that the proposed development will necessitate the redirection of the running water but retain boundary features and mature trees within the Green Corridor. The majority of habitat the western part of the site will be lost to development, although a replacement pond will be provided on the northern portion of the site.

The habitats identified have been categorised as being of moderate local ecological value supporting a modest faunal interest. Bat species were identified as foraging and commuting within the site but no evidence of larger mammals, reptiles or significant populations of invertebrates were identified, primarily as a consequence of past management of the site.

The ecological measures recommended to facilitate enhanced biodiversity on the site include the creation and management of species rich grassland on the eastern part of the site, the retention of the central natural corridor as a dark corridor, enhanced for the use of bats, the provision of bird and bat boxes, native planting to encourage birds and the use of sustainable drainage systems to create areas of water, would all serve to enhance the biodiversity of the site and are considered acceptable in the context of the application site.

No objection is therefore raised to the impact of the proposal on the ecology of the site, subject to the implementation of the appointed ecologist's recommendations.

Wider ecological considerations

In terms of wider ecological considerations, it should be noted that the site lies within the Zone of Influence associated with the Southend and Benfleet Marshes. As a consequence consideration

of the application is subject to the requirements and obligations of the Conservation of Habitats and Species Regulations 2010.

In determining the planning application this Authority must determine whether this development could cause 'likely Significant Effects' in the context of the Habitats Regulations (regulation 61 – a Habitats Regulation Assessment or HRA).

Ordinarily the Planning Authority would consult Natural England to assist in determining the impact of proposed development on sensitive sites, however, Natural England has advised that for nationally designated sites it only requires consultation when dealing with proposals for residential development providing 50 or more units. The proposal seeks to provide 44 residential units and as a consequence advice on the current proposal has not been sought. Natural England however has advised that for all new residential development within the Zone of Influence, consideration is also required in terms of the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Members may wish to note that in September 2011 Natural England advised that 11 districts/boroughs Councils across Greater Essex should jointly prepare an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The strategy would set a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast and propose measures to mitigate impacts. Work amongst the 11 authorities has now progressed to the stage where it has been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point will be likely to generate recreational activity within designated areas and as such every net dwelling provided will be expected to contribute financially to the mitigation of that demand.

Such contribution would be achieved through a S106 agreement.

Impact on Nationally Designated Sites

The application site lies within 550m of the Great Common Site of Special Scientific Interest (SSSI) a designated site comprising mainly acid grassland with some ephemeral pools and an area of dry dwarf shrub heath in the northwest.

It is considered that this site would experience significant adverse impacts as a consequence of the proposed development, however, the provision of open space within the scheme to meet the needs of its residents is considered capable of mitigating this impact.

Impact on Local Designated Sites

The site lies some 35m from the boundary of Local Wildlife Site CPT40, Thundersley Brickfields and approximately 1.1km from CPT21 Thundersley Great Common Wood.

The former represents a structurally diverse grassland and the latter a mixed deciduous woodland which is vulnerable to disturbance, however the provision of open space within the scheme to meet the needs of its residents is also considered capable of mitigating this impact.

No objection is therefore raised the proposal on the basis of adverse impact on ecology.

8. Trees

The application site hosts a number of mature Oak and Ash trees, of varying condition, primarily through the central natural corridor and on the boundaries of the site. None of these trees are the subject of a Tree Preservation Order.

No arboricultural report has been submitted, however, it is noted that it is intended to retain many of the Oaks around the redirected stream, enhancing the area with further planting to enhance biodiversity and limit intervisibility.

The retention of trees would be consistent with adopted planning policy and whilst it is acknowledged that some trees would be lost to facilitate the development of the site, it is not considered that such loss represents a robust objection to the proposal.

9. Landscaping

RDG11 is concerned with landscaping and states that the public realm within large scale residential development should be set out in a landscaping scheme which should include planting plans, identifying plant species, type, sizes, numbers, densities, planting regime and aftercare. Landscaping schemes are expected to include native species suitable to the location and climatic conditions, of promoting biodiversity, and appropriate in respect of growth habits and should seek to incorporate SuDS in appropriate circumstances.

The maintenance and management of landscaping areas should be set out in a landscaping scheme and will be secured through the use of appropriate planning conditions or planning obligations.

The submitted Design and Access Statement acknowledges the importance of landscaping and the Landscape and Green Belt Statement goes to great lengths in the analysis of the general landscape of the site and the surrounding area, however, little detail is provided in respect of the detailed landscape treatment of the new development.

At the macro level, the submitted Landscape Strategy identifies, inter alia, the following key principles:

- Establishing a green corridor along the existing stream course (north-south) and creating a central area of communal open space in order to connect the site to the wider countryside and ensure permeability for people and wildlife. The existing oak trees which line the stream course will be retained and enhanced with new planting.
- Restoring the green frontage to the site in order to integrate the development into the wider landscape and create an attractive entrance when viewed from Great Burches Road. Long distance views to the wider landscape will be retained and opened up wherever possible.
- Reinforcing the planting to the western and eastern boundaries of the developed area will increase vegetation cover and integrate the built form where required.
- Enhancing the eastern parcel of land as semi-natural open space comprising open areas of species rich meadow / heath and scrub to provide ecological benefits. The area

will be opened to provide public access including the provision areas for informal recreation and circular segregated footpath / equestrian trail. The trail will incorporate a viewing point for the public to experience the existing panoramic views from the ridge.

- Retention of areas of open space within the scheme, to link through to the area of adjoining retained open space. The applicants opine that such space will assist in the retention of the openness of the Green Belt, as it currently does.

Within the context a development site, the principles identified are considered appropriate, although execution, as identified in the Master Plan is somewhat disappointing. The site benefits from a natural stream and mature trees, however, unlike earlier schemes considered at the pre application stage, little is made of their presence, the stream being almost relegated to a feature grudgingly accommodated within the urban style layout. It is considered that this represents a lost opportunity to create something very attractive on the site, were permission to be granted.

Much is also made of the capacity of the proposed development to provide a 'green entrance' to the site. As members will be aware from the site visit, the entrance to the site is currently defined by stark brick walls and areas of shingle which do little to enhance the appearance of the site. Whilst redevelopment of the site will no doubt provide an incentive for the improvement of the entrance to the site, such development is not considered necessary for the simple cosmetic improvement offered.

Far from allowing the landscape and existing built form to dictate the form of development as suggested by the Landscape Strategy, it would appear that the desire to maximise the number of dwellings that can be achieved on the site has created the framework for the landscaping within the developed area.

As a consequence of the quantum of development proposed, the strategy fails to retain the openness of the Green Belt on this site and an objection is raised to the proposal on this basis.

In the event that permission is granted for the proposed development, conditions requiring a detailed landscaping scheme can be attached to the consent.

Appropriate measures for the long term maintenance of the landscaped areas will also be required. This is likely to necessitate a S106 agreement.

10. Infrastructure

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

Essex County Council acting as the Highway Authority and Education Authority has requested contributions in relation to the proposed development. Such contributions can be secured through a Section 106 Legal Agreement attached to any consent granted.

Policy RE4 of the Adopted Local Plan is concerned with the provision of children's playspace and parks. It states that the Council will seek to provide and facilitate the provision of additional

children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.

Table G.13 of the Adopted Developers Contributions SPD details information with regard to the provision of space for young people and children. The document further states that there is poor provision for this group and recommends that the Council seek new provision where possible and appropriate. Where new development increases local need developers will be required to contribute towards the long term costs of maintaining such facilities.

The proposal seeks to provide a significant area of open space. It is considered that this can adequately mitigate impact on children's play space generated by the proposed development. No objection is therefore raised to the proposal on this basis.

11. Amenity

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

The applicant has identified that the proposed development will generate some 264 daily traffic movements along Great Burches Road. This level of traffic is considered likely to have an adverse impact on the amenity value of the area and the amenity of local residents. Whilst it is recognised that the operation the site as a livery stable would have generated traffic, the nature of residential traffic with more predictable peaks and troughs of flow is considered likely to have a much more significant impact. An objection is raised accordingly.

Concern is also raised in respect of the proximity of the proposed development to potentially noisy activities, for example, the kennels located the north of the site.

Paragraph 170 of the NPPF requires authorities to ensure that new development is not put at risk of being adversely affected by unacceptable levels of noise pollution, whilst paragraph 180 states that authorities should ensure that new development is appropriate in its location.

The proposal is located in close proximity to the existing kennels, which can give rise to significant levels of noise due to the nature the occupiers of the kennels.

The Council' Environmental Health Officer has expressed concern in respect of potential noise impacts and has requested that a noise assessment be undertaken to determine the appropriate level of mitigation required.

A condition requiring the submission of such an assessment can be appended to the grant of any consent.

12. Flood Risk and Drainage

The application site is located in Flood Zone 1 and is not therefore liable to tidal inundation. However, the site is bisected by a main river which gives rise to a risk of pluvial and potentially surface water flooding.

In order to combat this risk, the applicants intend to set finished floor levels within the buildings a minimum of 300mm above existing ground levels to provide a freeboard tolerance for extreme events (It is not entirely clear however, how this objective will accommodate the intention to sink dwellings into the ground on the southern part of the site to mitigate impact on views) and to divert the existing watercourse in order to limit the opportunity for inundation. Appropriate execution of these measures are considered likely to adequately mitigate the impact of flooding on the site.

Anglian Water is responsible for the foul sewerage system in the area and has stated that there are no assets owned by the Anglian Water or those subject to an adoption agreement within the site boundary.

The foul drainage from this development is in the catchment of the Rayleigh East – Water recycling Centre, which has available capacity for the proposed flows.

Anglian Water has commented however, that the foul drainage strategy has not been adequately articulated within the submissions and has requested greater clarity on this aspect of the proposal. A condition to this effect can be attached the grant of any consent.

Anglian Water has also commented that the preferred method of surface water drainage would be to a sustainable drainage system with connection to the surface water system seen as a last resort.

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires all areas of hardstanding to be designed in a manner to limit surface water runoff.

The proposal seeks to provide shared surfaces and other hardsurfaced areas within the development. The impact of these in respect of surface water run-off therefore needs to be considered.

At the present time the site incorporates significant areas of hardsurfacing which drain to the existing surface water drainage system, which directs water towards the stream in the middle of the site.

Following development, reliance will be placed on an improved sustainable drainage system incorporating the retention of surface water with permeable paving and a detention basin, with flows therefrom attenuated to the watercourse. The Lead Local Flood Authority has considered the scheme and found it to be satisfactory. Subject to conditions securing the installation and management of such a scheme, no objection is raised the proposal on the basis of flood risk or drainage.

13. Contamination

Paragraph 170 of the NPPF states that new development should not put at unacceptable risk from, or be adversely affected by soil, air, water, noise pollution or land instability.

The applicants have submitted a Geo Technical Testing Report with the planning application. This demonstrates the geology and weight bearing capacity of the site but does not consider the potential for contamination and pollution. It is however considered that a condition can be

attached to any consent granted requiring a submission of such further investigation and appropriate mitigation.

The Environmental Health Officer has not objected to the proposal on the basis of air quality or noise impact.

No objection is therefore raised to the proposal on this basis.

Conclusion

It is proposed to redevelop the site for residential; purposes, providing 44 dwellings and associated infrastructure. Two existing buildings are to be retained as a management suite for the retained open space.

The proposed development represent inappropriate development in the Green Belt in respect of which no very special circumstances have been identified which either individually or cumulatively outweigh the harm to the Green Belt.

The proposal is considered premature in the context of the publication of the new Local Plan and Joint Strategic Plan and to represent socially, economically and environmentally unsustainable development which would be inconsistent with the character of the surrounding area and detrimental to the amenity of adjoining residents and safety of users of Great Burches Road.

Whilst the applicant offers the provision of a significant area of open space to mitigate the impact of the proposed development and provide an asset for the local area and the future option of providing improved pedestrian links, it is not considered that the value of these offers is sufficient to outweigh the harm of the enabling development.

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 development on the basis of individual applications would lead to poorly planned growth and would fail to deliver development in an effective and 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 intensive urban form, provides a cramped setting for the proposed dwellings and represents overdevelopment of the site, out of character with, and detrimental to, the character and appearance of the surrounding area, contrary to

Policies EC2 and H17 of the adopted Local Plan, RDG2, 3, 4, 5 and 6 of the adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.

- 3 The proposed development, by reason of the relationships created between the dwellings on Plots 29 - 34, would result in an intense urban environment, dominated by parked vehicles, to the detriment of the character and appearance of the proposed development and the amenity of future residents, contrary to Policies EC2, H17 and T8 of the adopted Local Plan, RDG12 of the adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
- 4 The proposed development, by reason of its intensive urban form, fails to give satisfactory consideration to the natural features present on the site, to the detriment of the character and appearance of the proposed development, contrary to Policy EC2 of the adopted Local Plan, and Government guidance as set out in the National Planning Policy Framework
- 5 The proposed development, by reason of its isolation from local and community facilities, fails to achieve a sustainable form of development, contrary to Government guidance as set out in the National Planning Policy Framework.
- 6 The proposed development, by reason of its isolated location and limited access to public transport routes is considered likely to be heavily reliant on the use of private transport and will consequently result in significant vehicle movements along Great Burches Road, which is a private road lacking public footways, to the detriment of the amenity of local residents and the safety of pedestrians and other road users, contrary to Policy EC2 of the adopted Local Plan, and Government guidance as set out in the National Planning Policy Framework.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

ITEM 3

Previously Considered

Application No:	18/0382/OUT
Address:	Chase Nurseries. The Chase, Thundersley (Cedar Hall Ward)
Description of Development:	Outline - Demolition of existing buildings and erection of eleven houses with determination of access, scale and layout
Case Officer:	K. Fisher-Bright
Expiry Date	07.12.2018

Introduction

Members will recall that at the meeting of the 2nd October, 2018, consideration was given to an application for outline permission for the development of land at the site of the former Chase Nurseries with eleven detached dwellings, an access Road and associated infrastructure.

The proposal was recommended for refusal on the basis of Green Belt policy and prematurity. Concerns were also raised in respect of the low density of the proposed development and the piecemeal nature of the proposed release of the site in advance of comprehensive consideration of all potential strategic sites which was considered likely to prejudice the achievement of a more comprehensive and efficient form of development.

Following consideration of the report, (reproduced at Appendix 1 to this report). Members were of the view that the proposal was in accordance with the NPPF as it was on previously developed land and was not premature in the context of the Local Plan as the site had consistently been included in previous draft versions of the Local Plan for development purposes. The development was not considered to be of unduly low density and Members felt that there was a need for this type of accommodation in the local area. Members were therefore minded to grant consent of the development.

However, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the application was identified as one which needed to be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination.

The Secretary of State has now advised that he has decided not to call in this application and is content that it should be determined by the local planning authority. The reason for this decision is that, having regard to his policy on call-ins, the application does not involve issues of more than local importance justifying the Secretary of State's intervention.

Accordingly the matter is referred to Members for final determination.

Matters Arising

Since this application was originally considered work has progressed on the Recreational Avoidance and Mitigation Strategy. Members will be aware that that 11 districts/borough Councils

across Greater Essex, including Castle Point, have jointly prepared an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The strategy sets a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast and proposes measures to mitigate impacts. Work amongst the 11 authorities has now progressed to the stage where it has been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point will be likely to generate recreational activity within designated areas and as such every net dwelling provided will be expected to contribute financially to the mitigation of that demand.

Such contribution can be secured through the provisions of a S106 Agreement.

Recommended Obligations and conditions

Notwithstanding the provisions of the report presented to the Development Control Committee on the 2nd October, 2018, a full copy of which is contained at Appendix 1 to this item, should Members remain minded to grant permission for the proposed development, it is considered that any such grant of consent should be subject to a S106 agreement to secure:

- the appropriate provision and management of the proposed public open space,
- the appropriate provision and maintenance of bird and bat boxes,
- the appropriate upkeep of the requisite upgraded highway and
- the provision of a contribution towards the mitigation of recreational disturbance on the European Designated site (Southend and Benfleet Marshes Site of Special Scientific Interest, Special Protection Area and Ramsar site)

and the following conditions:

1. The development hereby permitted may only be carried out in accordance with details of the appearance and landscaping of the site (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.

Application for the approval of these reserved matters shall be made to the local planning authority within three years beginning with the date of this outline permission.

The development hereby permitted shall be begun on or before whichever is the latter of the following dates - (a) the expiration of three years beginning with the date of the outline permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: The particulars submitted are insufficient for consideration of the details mentioned, and also pursuant to Section 92 of the Town and Country Planning Act 1990.

NOTE:

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.

2. The proposed landscaping scheme shall be biased towards the provision and retention of native species and shall include details of the trees to be retained within and on the boundaries of the site and clear details of any works to be undertaken to the trees to facilitate the development and the health of the trees.

REASON: In order to ensure that biodiversity on the site is appropriately maintained in accordance with the provisions of The National Planning Policy Framework.

NOTE

Whilst it is noted that a Tree Report has been provided this simply identifies areas of work that could be undertaken and does not confirm that works identified will be undertaken. The submitted report therefore fails to provide adequate clarity in this respect.

3. The proposed landscaping scheme shall include details of the provision of appropriate bird and bat boxes, including their size, number, and location. Any boxes approved shall thereafter be installed in the first appropriate season following commencement of development, and thereafter shall be permanently maintained as such.

REASON: In order to secure the ecological enhancement of the site, consistent with the provisions of the National Planning Policy Framework.

4. Prior to the commencement of the development (including any site clearance works) all retained trees and shrubs (including hedges) as identified on drawing number OS1513-17.1.1, shall be protected by fencing in accordance with the provisions of BS5837:2012. No materials are to be stored or temporary buildings erected inside this fence. No changes in ground levels may be made within the crown spread of any tree or within 1m of any identified hedge or shrub. Such protection measures shall be retained for the duration of the construction of the development.

REASON: In the interest of the future health and amenity value of the trees/shrubs/hedges.

5. The reserved matters application shall include a detailed surface water drainage scheme for the site based on the principles of sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

The scheme should include but not be limited to:

Limitation of peak runoff discharge rates from the proposed development to a minimum of 50% betterment of the existing site; it is advisory that the HydroBrake design is further refined to meet this requirement from that submitted at Outline design.

Provision of sufficient surface water storage so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that, unless designated to flood, that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.

Provision of allowance for high water levels in the receiving watercourse to ensure that enough attenuation volume is provided when or if water levels restrict emptying and to prevent attenuation storage being filled from the watercourse.

Provision of sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, finished floor level and ground levels, and location and sizing of any drainage features.

A written report summarising the final detailed strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment

Notes to condition 5

Failure to provide the above required information before commencement of works above foundation level may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

As an advisory note, the Environment Agency recommends that the applicant reconsider the formation of an attenuation basin to replace the proposed attenuation crates as, contrary to the reasons stated by the applicant for ruling out a basin, the surface water flood risk as identified by Environment Agency maps for the northern area of the site is sufficiently low to allow a basin option to be developed.

6. The reserved matters application shall include for the approval of the Planning Authority, an updated SuDS Maintenance and Management Plan with details of long term funding arrangements, including accounting for any amendments to the drainage strategy at detail design stage.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

7. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

8. The reserved matters application shall include a Construction Management Plan identifying areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

9. The approved Construction Management Plan shall be implemented throughout the construction period.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

10. The reserved matters application shall include details of the measures to be implemented to ensure that all construction vehicles, including private vehicles used by contractors, approach and leave the site via The Chase to the east and do not use Wensley Road for any purpose. (Construction Vehicle Routing Plan)

REASON: In order to limit the impact of development on users of the highway network and in the interests of the protection of the amenity of existing residents.

11. The approved Construction Routing Plan shall be implemented throughout the construction period.

REASON: In order to limit the impact of development on users of the highway network and in the interests of the protection of the amenity of existing residents.

12. The reserved matters application shall include details of a Site Waste Management Plan shall be submitted to and approved by the Local Planning Authority.

REASON: In order to ensure the appropriate minimisation and management of waste arising from the development of the site.

13. The approved Site Waste Management Plan shall be implemented throughout the construction period.

REASON: In order to ensure the appropriate minimisation and management of waste arising from the development of the site.

14. The reserved matters application shall include, for approval by the Planning Authority:

- a) A site investigation, based on the submitted preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- c) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in (b). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components will require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

REASON: In order to protect construction operatives and the environment from potential contact with contaminants.

15. The reserved matters application shall include details of all energy and water efficiency and renewable energy measures to be incorporated into the construction of the building.

REASON: In the interests of water and energy efficiency, in accordance with the provisions of Policy H17, RDG9 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

16. Such measures as are identified and installed pursuant to condition 15 shall thereafter be permanently retained unless alternative measures are approved by the Planning Authority.

REASON: In the interests of water and energy efficiency, in accordance with the provisions of Policy H17, RDG9 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

17. The reserved matters application shall include full details of all boundary treatments to be utilised on the site.

REASON: In order to ensure an appropriate form of development, consistent with the provisions of Policy EC2 of the adopted Local Plan and RDG10, of the adopted Residential Design Guidance.

18. Prior to the first occupation of the proposed development, the highway between the surfaced highway of The Chase and the western boundary of the site frontage shall be appropriately surfaced and drained and provided with separate segregated pedestrian access, details of

which shall be submitted to and approved by the Local Planning Authority prior to the commencement of works above foundation level.

REASON: To ensure an appropriate means of access to the site, in the interests of the amenity of future occupiers, local residents and highway safety.

NOTE:

Any upgrade to the highway or any access road provided within the site, must be sufficient to accommodate the movements and weight of a 32 tonne refuse vehicle.

19. The upgraded highway shall be installed prior to the first occupation of the proposed development and thereafter permanently maintained as such.

REASON: To ensure an appropriate means of access to the site, in the interests of the amenity of future occupiers, local residents and highway safety.

20. Prior to the first occupation of the proposed development, the shared vehicular access as shown on planning drawing 873-PL-03 C shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be at least 5.5 metres and shall be provided with an appropriate vehicular crossing of the carriageway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

21. Prior to the first occupation of the proposed development, each dwelling shall be provided with two on-site vehicular parking spaces. Each parking space shall be 2.9m x 5.5m in accordance with current parking standards.

Such parking provision shall thereafter be permanently retained as such.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policies EC2 and T8 of the adopted Local Plan.

22. Prior to the first occupation of the proposed dwellings the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Government guidance as set out in the National Planning Policy Framework.

23. Prior to the vehicular accesses serving the proposed dwellings being brought into use, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

24. No dwelling shall be occupied until such time as that dwelling is served by an appropriate drained and surfaced vehicular access.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate access and parking is provided in accordance with Policy T8 of the Adopted Local Plan.

25. The turning area provided within the site shall be provided prior to the occupation of any dwelling and thereafter permanently maintained as such.

REASON: In order to ensure the provision of appropriate access to the site for residents, visitors and service operatives

26. Details of any external lighting of the proposed development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. Such approved lighting Strategy shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site and the ecological sensitivity of the landscaped areas and adjoining land, in accordance with Policies EC2 and 5 of the adopted Local Plan and the provisions of the National Planning Policy Framework.

27. All single garages shall have a minimum internal measurement of 7m x 3m. All double garages shall have a minimum internal measurement of 7m x 6m.

REASON: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policies EC2 and T8 of the adopted Local Plan.

28. With the exception of bathroom and ensuite windows, all windows at first floor level shall be located in excess of 9m from any side or rear boundary. Any second floor window shall be located in excess of 15m from any side or rear boundary.

Bathroom windows located at less than these distances from side and rear boundaries shall be obscure glazed and fixed to 1.7m above the finished floor level of the rooms they serve, and permanently retained as such.

REASON: In order to protect the privacy and amenity of future and adjoining residents.

29. The internal layout of the proposed dwellings shall demonstrate the potential for the accommodation of persons with disabilities.

REASON: In order to ensure that consideration is given to all sectors of the community, in accordance with the provisions of RDG16 of the adopted Residential Design Guidance and Government guidance as contained in the National Planning Policy Framework.

30. Within the site layout provision shall be made for three visitor car parking spaces, provided in accordance with the spatial provisions of the adopted car parking standards.

REASON: In order to facilitate the use of the proposed open space and limit the necessity for visitors to the site to park on street, to the danger and inconvenience of local residents and other users.

31. Any gates erected at the entrance of the site shall be set a minimum of 6m from the carriageway edge and shall open into the site.

REASON: To avoid the need for vehicles to wait on the highway whilst the gates are opened, in the interests of highway safety and traffic flow.

32. A wooden ramp sufficient to enable the escape of any badger which may inadvertently enter the construction site, shall be placed in any trench left open overnight during the construction period.

REASON: In order to provide an appropriate means of escape for any foraging badgers that might enter the construction site.

33. Where car parking spaces and garages are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

34. Any approved lighting scheme shall be installed in its entirety prior to occupation and thereafter permanently maintained as such.

REASON: To ensure the safety of proposed residents and amenity of existing and future residents, in accordance with the provisions of Policies EC2 and EC5 of the Adopted Local Plan.

35. There shall be no discharge of surface water from the development onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy EC2 of the Adopted Local Plan.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy EC2 of the Adopted Local Plan.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and clearly setting these out in the proposed reasons for refusal.

Members of the Development Control Committee considered however that the benefits of the development outweighed the identified harm and took the decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

2. All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.
3. The applicant is advised that all housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
4. All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the development must be taken. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

Please be aware that the accepted times in the Borough for noisy works in terms of construction are:

Monday - Friday: 8am - 6pm

Saturday: 8am - 1pm

Sundays and bank holidays: no works

The site may be in operation outside of these hours. The above times relate to noisy works which will cause a disturbance to residents and businesses in the surrounding area.

The granting of planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

APPENDIX 1

Application No:	18/0382/OUT
Address:	Chase Nurseries. The Chase, Thundersley (Cedar Hall)
Description of Development:	Outline - Demolition of existing buildings and erection of eleven houses with determination of access, scale and layout
Case Officer:	K. Fisher-Bright
Expiry Date	07.12.2018

Summary

The application site is located on the northern side of The Chase, opposite the junction with Wensley Road. It is allocated for Green Belt purposes in the adopted Local Plan.

Within the context provided by the NPPF residential development of the site has been identified as inappropriate development, which by definition is harmful to the Green Belt and should therefore attract a recommendation of refusal.

Inappropriate development in the Green Belt can however, be exceptionally justified by the existence of very special circumstances.

A number of factors have been identified which the applicant believes justifies the proposed development, however, it is the view of the Planning Authority that the identified features either in combination or isolation, do not create the very special circumstances required to justify inappropriate development in the Green Belt.

The proposal therefore attracts an objection in principle.

Were Members nevertheless minded to approve the proposed development, the low density achieved the site is considered to result in a form of development which fails to achieve the effective use of the land, contrary to Government guidance as set out in the NPPF, which represents a further objection to the proposal.

Consideration of the proposal is considered premature in the light of work currently being undertaken in respect of the preparation of the new Draft Local Plan which will consider the future pattern of development, including, if necessary, release of Green Belt within the Borough. Consideration of the release of this site in advance of comprehensive consideration of all strategic sites is considered likely to prejudice the potential achievement of a comprehensive and efficient form of development, should this site be released from the Green Belt as part of the emerging Local Plan.

In terms of the reserved matters, whilst some minor deficiencies have been identified, it is considered that sufficient scope exists within the site to satisfy all spatial requirements.

Notwithstanding this statement however, the proposed development remains contrary to Green Belt policy and my recommendation is therefore **REFUSAL**

This application is presented to the Development Control Committee at the request of Councillor Dick, in accordance with the adopted Call-in protocol.

Introduction

The application site is a former Nursery, irregular in shape and located on the northern side of the Chase, immediately opposite the junction with Wensley Road.

The site has a maximum width of some 52m and a depth of approximately 174m. The site has a stated area of 0.943ha and exhibits a fall of some 3.7m from south to north.

The site is currently occupied by a detached bungalow with associated outbuildings.

To the west is the curtilage of a detached house whilst to the north are the playing fields associated with the Cedar Hall School. To the north-west is the Kingsley Park Homes site.

Immediately to the south is residential development on the Chase and within the Long term Housing Area located to the south of the Chase and east of Wensley Road, whilst to the east is open land.

The site boundaries are heavily treed with a low brick wall with railings and tall leylandii conifers across the front boundary. Trees on the western, northern and on part of the eastern boundary are the subject of a Tree Preservation Order (TPO 8/92) comprising a group of trees mainly Oak and Hornbeam.

A main river defines the northern boundary of the site and flows east wards.

The Proposal

This is an application for outline consent for 11 detached dwellings.

Whilst appearance is a reserved matter, the indicative drawings suggest a traditional design providing 2 and 3 storey properties with detached, attached and integral garages.

The scheme also seeks to provide an area of some 1600m² of Public Open space located at the northern end of the site.

The application seeks approval of the principle of development and access, scale and layout only.

Site Visit

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

Submitted Documentation

The application is accompanied by the following documentation, copies of which are available to view on the Council's website.

- Planning Statement

- Design and Access Statement
- Conceptual SuDS Design Statement and associated data.
- Phase 1 Desk Study
- Preliminary Ecological Appraisal incorporating a Bat Inspection
- Hydro-Brake® Flow Control Maintenance And Safety Data Sheet and Technical Specification
- Landscape & Visual Appraisal & Landscape Strategy
- Borehole Data
- Transport Statement
- Tree Report

Relevant Planning History

In 1972 and 1973 planning permission for the residential development of land on the northern and southern sides of the Chase, including the application site were refused on the basis of the allocation of the land for Green Belt purposes.

No other applications have been received in respect of the redevelopment of the site for residential purposes.

The site does however have history in the context of the Local Plan, which it is considered appropriate to recount.

The Draft 2014 Local Plan identified land to the west of Rayleigh Road and north of the Chase for residential purposes, but made specific provision for some 8ha of land, including the land the subject of the current application, to be held for long term housing needs, post 2031. The policy made clear that land within this area would not be made available for development unless a review of the Local Plan indicated that it was necessary to release further land for housing and it could be demonstrated that proposals for the land would not result in a net loss in biodiversity.

Until such time as a review of the Local Plan indicated that the area of safeguarded land should be made available for development, any proposals for development in this area would be treated in accordance with the Green Belt policies

However, 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 housing needs and deleted all undeveloped Green Belt sites that did not benefit from an extant planning permission from further consideration. The wider site, including the application site, was therefore deleted from the list of sites proposed for housing.

A revised New Local Plan was subsequently prepared and agreed by the Council for consultation and submission purposes on the 23rd March 2016. This Plan identified the retention of the application site within the Green Belt however, for technical reasons this 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.

In June 2018 the Planning Authority launched a public consultation exercise in respect of the preparation of a further Local Plan. Associated with the launch was the publication of a Map identifying previously considered housing sites in

Benfleet and Thundersley which were potentially still available. The site the subject of the current application is identified within site 12.

The New Draft Plan will be published in November 2018 and will identify all sites considered suitable for release for development purposes.

Relevant Government Guidance and Local Plan Policies

National Policy Planning Framework

Paragraphs: 2, 7-10, 11, 12, 14, 47, 49, 50, 54, 61, 105, 106, 117, 118, 123, 124, 127, 133, 143, 145, 150, 158-160, 163, 170, 175, 178, 180, 182.

Castle Point Borough Council Adopted Local Plan 1998

This identifies the site as being allocated for Green Belt purposes.

Relevant Policies include:

EC2	Design
EC3	Residential Amenity
EC13	Protection of wildlife and their habitats
EC14	Creation of new wildlife habitats.
EC22	Retention of trees, woodlands and hedgerows
H9	New housing densities
H10	Mix of development
H12	Comprehensive development
H13	Location of Development
H17	Housing development – design and layout
T7	Unmade Roads
T8	Car parking
CF1	Social and physical infrastructure and new developments
CF14	Surface water disposal

Policy H7 will also be referred to within the evaluation of the proposal.

Residential Design Guidance

The proposal is for outline consent with appearance and landscaping reserved for later consideration. Under such circumstances it is considered that a detailed assessment of the proposed development against the Council's adopted Residential Design Guidance can be achieved. Where possible advice based on the provisions of the RDG is offered within this report.

Guidance of relevance is:

RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy & Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure & Boundary Treatment
RDG12	Parking & Access

RDG13 Refuse & Recycling Storage

Other Relevant Documents

Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)

Developer Contributions Guidance SPD – Adopted 1st October 2008

Thames Gateway South Essex Strategic Housing Market Assessment 2016

Castle Point Green Belt Landscape Assessment September 2010

Castle Point Green Belt Function Assessment September 2010

Castle Point Green Belt Sustainability Assessment 2011

Castle Point Open Space Appraisal Update 2012

Safer Places: The Planning System and Crime Prevention 2004

Consultation

Highway Authority

No objection, subject to conditions.

Essex County Council: Infrastructure

No response received

Anglian Water

No objection. Request informative be added to decision.

Lead Local Flood Authority

No objection, subject to conditions.

Environment Agency

Returned with no comment

NHS England

No response

Natural England

No comment.

CPBC Environmental Health

Potential for contamination. No objection subject to conditions.

CPBC Street Scene

No objection

Public Consultation

Five consultation responses have been received from the following addresses:

Hart Road: Cedar Hall School

The Chase: 293,299

Wensley Road: 1

which make the following objections and comments:

Objections:

- Loss of Trees on northern boundary
- Inadequate access

Comments:

- No objection subject to the removal of leylandii at the front of the site, and the making up of the unadopted section of the Chase to an adoptable standard.
- No construction traffic to be permitted to use Wensley Road.

Comments on Consultation Responses

All relevant comments will be addressed in the evaluation of the proposal.

Evaluation of Proposal

The application seeks outline consent with only appearance and landscaping reserved for later consideration.

The primary issues to be considered are therefore (i) the principle of development.

In view of the strategic aspects of the proposal consideration will also be given to (ii) the issue of prematurity when considering the principle of development.

Consideration will then be given to the reserved matters of access, layout and scale (iii).

In addition, consideration will also be given, inter alia, to:

- (iv) The Mix of Housing
- (v) Car and Cycle parking
- (vi) Ecology,
- (vii) Trees,
- (viii) Landscaping
- (ix) Flood Risk
- (x) Infrastructure
- (xi) Provision of Children's Playspace and
- (xii) Construction Noise and Traffic.

(i) The Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 11 of the NPPF). The 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 14 of the NPPF).

Footnote 6 to the NPPF identifies that land allocated for Green Belt purposes is an example of 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). The Proposals Map associated with 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.

The first matter to determine in the consideration of this proposal is whether the proposed development represents inappropriate development.

Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate within the Green Belt unless they qualify for consideration under one of the stated exceptions. The final exception identified within the paragraph identifies 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: or not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and would contribute towards meeting an identified affordable housing need within the area of the Local Authority.

The site currently hosts a large, detached, four bedroomed bungalow, stable block and outbuilding. These buildings have a combined footprint of some 800m² and a maximum height of some 4.2m. All of the buildings are located within the southern half of the site, the northern part being currently free from development.

It is intended to replace the single storey structures present on the site with 11 two and three storey, detached, four and five bedroomed dwellings with associated garaging and parking.

Given the presence of development on the site it is considered that, in part at least, the site represents previously developed land, the redevelopment of which would be appropriate in the

Green Belt provided the development proposed had no greater impact on the openness of the Green Belt and the purpose of including land within it, than that which it sought to replace.

The applicant suggests that as a consequence of the presence of buildings on the site, and more significantly, the screening provided by trees primarily on the boundary of the site, the application site does not contribute towards the openness of the Green Belt and the redevelopment of the site in the manner proposed, as a consequence of being 'hidden' by the trees, can have no impact on the openness of the Green Belt.

It is the view of the Planning Authority that openness can be defined in both perceptual and physical terms. It has a spatial and a visual aspect (J. Turner v. Secretary of State Communities and Local Government and East Dorset Council, 2016). Both need to be considered in the determination of the proposal.

In terms of the spatial impact of the proposal, it should be noted that at the present time the buildings on the site are contained within the first 100m depth of the site and cover approximately 800m² (footprint of buildings). Whilst it is acknowledged that the site also hosts areas of hardstanding and a swimming pool, these features, whilst affecting the appearance of the Green Belt, do not detract from its openness, being essentially surface treatments, although they do add to the urbanisation of the site.

At the present time the built form on the site extends across approximately 52% of the depth of the site, with an area some 75m deep retained at the northern end of the site, free from development.

The proposed development seeks to provide dwellings across approximately 86% of the depth of the site, retaining only some 30m of open land at the northern end and covering approximately 1546m² of the site with built development (footprint).

The increased coverage of the site and consequent urbanisation of its appearance, coupled with the encroachment on previously undeveloped land, represents inappropriate development which has a significant adverse impact on the openness of the Green Belt.

An objection is raised to the proposal accordingly.

It should be noted that the Glossary of the NPPF makes it clear that even in proposals for the redevelopment of previously developed land it should not be assumed that the whole of the curtilage should be developed. It is noted that the applicant has chosen to retain an area of undeveloped land at the northern end of the site and thus it may no doubt be argued that the proposal does not seek to develop the whole of the curtilage, however, it is clear that the proposed development extends significantly beyond the area of developed land and encroaches into undeveloped areas, to the detriment of the open character of the Green Belt in this area.

As such the proposal is considered to result in significant harm to the Green Belt to which substantial weight is given in the determination of the application, in accordance with the provisions of paragraph 144 of the NPPF.

In terms of the visual aspect, it would appear to be the applicant's position that as the site is shrouded by trees, the proposal can have no adverse impact on the openness of the Green Belt.

It is the view of the Planning Authority that hiding a development from view and suggesting that as a consequence the proposal has no impact on openness, fails to consider the spatial aspect of the Green Belt and its functions of preventing urban sprawl by keeping land permanently open, checking the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment. Such objectives strongly suggest that land allocated for Green Belt purposes, should as far as possible be retained free from development.

In this particular case, whilst it is acknowledged that the development may be hidden in longer views as a consequence of the preservation of trees on the site, it would be highly visible in local views, where the alteration of the character of the site from a low-key impact occasioned by a single bungalow and associated outbuildings, to a much higher impact development of a housing estate comprised of large two and three storey dwellings, located much closer to the public highway and public vantage points would be significant and would result in a loss of openness.

Furthermore, it is considered likely, as a consequence of the orientation of the site and the relationship indicated between the proposed dwellings and the Leylandii provided on the southern boundary, pressure is likely to be brought to bear to secure the removal of these trees, thus 'opening up' the site still further to views and thus exhibiting the loss of openness and exacerbating the impact on this area of Green Belt.

Whilst it is noted that the Landscape Strategy does recommend the reduction in height of the Leylandii to some 8m in order to improve daylighting to the southern boundaries, it is not considered that such action would be sufficient to remedy the extent of overshadowing or reduce the likelihood of the removal of these trees.

Given these considerations, it is the view of the Local Planning Authority that the proposed development will have a greater impact on the perceived openness of the Green Belt in this location and on this basis the proposal is considered to represent inappropriate development.

On the basis of the analysis set out above, it is considered that by reason of the adverse impact of the proposal on the spatial and visual aspects of the Green Belt, the proposed development represents inappropriate development.

Paragraph 143 of the NPPF clearly states that inappropriate development in the Green Belt is by definition harmful to the Green Belt and paragraph 145 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.

Prima facie, given the identified harm to the Green Belt, the proposal should attract a recommendation of refusal; however, the Local Planning Authority is required to consider whether there are any very special circumstances, either in isolation or combination, which would justify a departure from the policy requirements.

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

Whether such very special circumstances and material considerations exist will be examined in the following sections of this evaluation.

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. However in order to be 'very special,' the circumstance identified is unlikely to be widely replicated.

The Planning Authority has previously defined a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. This definition was not supported at a recent appeal on land off Jotmans Lane and has no statutory or judicial basis, but has been applied by the Planning Authority for some 35 years and is considered to represent a sensible starting point for the consideration of what constitutes a very special circumstance.

It is the view of the Planning Authority that circumstances which occur frequently can be considered commonplace and as such, in isolation are unlikely to be special, let alone very special. It must be conceded however that a combination of commonplace features may be capable of creating special circumstances. Whether these circumstances then provide very special circumstances is a matter of planning judgement and the conclusion of that judgement will be highly dependent on the case under consideration.

The applicant has identified the following factors as justification for the redevelopment of the site:

- (i) The site comprises previously developed land and has previously been identified as suitable for release
- (ii) The site does not contribute to wider views and has no impact on the openness of the green belt
- (iii) The wider Green Belt areas of which the site forms part does not perform one of the wider green belt functions
- (iv) The proposed development is sustainably located and
- (v) The proposed development would make a meaningful contribution towards housing provision.

Each statement will be considered in turn.

(i) Site previously identified for release

Whilst it is acknowledged that the release of the site was considered in the draft 2014 Local Plan, this allocation was not pursued in the 2016 draft Local Plan following reprioritisation of the need to protect the Green Belt.

This change in circumstances was not restricted to the application site, in fact many other sites located within the Green Belt were similarly deleted from further consideration in the redrafting of the emerging Local Plan. Whilst interesting therefore, it is not considered that a deleted policy provision within an unadopted Plan represents the very special circumstances necessary to justify inappropriate development in the Green Belt.

(ii) Impact on wider views and openness

The applicant suggests that the proposed development would not be visible in wider views and would have no greater impact on the openness of the Green Belt.

As stated above, it is the view of the Planning Authority that development of the site will result in a diminution of the openness of the Green Belt at this location. Whilst it is acknowledged that the site is somewhat hidden and its openness is not perhaps widely appreciated in visual terms as a consequence of its location, there is no requirement with the NPPF that Green Belt must be seen in order to contribute to openness.

The applicant's assertion that development of the site would not have an adverse impact on openness is rejected as simply wrong. Development of the site would replace the existing development with a greater quantum of development and would encroach on previously undeveloped parts of the site, which would reduce the openness of the site and would thus have an adverse impact on its openness contrary to the provisions of the NPPF.

(iii) Wider Green Belt does not perform a Green Belt function

The applicant asserts that the application site, as part of the wider parcel of land to the north of the Chase, does not perform a Green Belt function and thus the site may be released without harm.

Paragraph 134 of the 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.

As part of its Local Plan preparation work the Council undertook a Green Belt Functions Assessment in 2010 to ensure that land designated as Green Belt continued to fulfil the purposes of the Green Belt. This analysis identified the application site as part of 'Parcel 6' which was concluded to have the functions of checking unrestricted sprawl, ensuring that the settlements of Hadleigh and Thundersley did not merge with each other and restricting urban encroachment into the countryside.

The assessment also identified that the parcel of land formed a link between two areas of Green Belt, the fragility of which made the area particularly sensitive to encroachment, reinforcing the need to maintain the site free from development.

The Castle Point Green Belt Boundary Review (November 2013) however considered that the removal of Parcel 6 from the Green Belt, would have no impact on the ability of the Green Belt in Castle Point to fulfil its strategic function. It was suggested that in the light of the need for housing, the boundaries of the Green Belt could be adjusted at this location without impairing the strategic function of the wider Green Belt and the site was subsequently identified as a potential housing site in the 2014 Draft Local Plan as a long term housing site, post 2031.

However, following consideration of the responses to that Plan, on the 23rd March 2016, as previously stated, Members resolved to prioritise protection of the Green Belt over meeting objectively assessed housing needs and the allocation was not carried forward in the 2016 Draft Local Plan.

The position of the Council is that the site still performs at least three Green Belt functions, and that whilst it acknowledges that the release of this site would not harm the wider strategic function of the Green Belt in this broad area, such release would conflict with the Green Belt functions of preventing sprawl, protecting the countryside from encroachment and maintaining the openness of the Green Belt. Development of the site in isolation would contribute to urban sprawl, encroach on the countryside and diminish the openness of the Green Belt and would consequently have an adverse impact on the openness and character of the Green Belt. As such the proposal constitutes harm which in accordance with paragraph 144 of the NPPF is given substantial weight.

(iv) Sustainability

The applicant suggests that the site is sustainable and therefore suitable for development.

The Castle Point Sustainability Assessment of Sites in the Green Belt (2011) identified that for the wider site (Parcel 6), the nearest local shopping areas were very small and the town centre was over 800m away, as were GP services, primary schools, and large employment sites. The nearest secondary school is some 650m from the application site as the crow flies and 1.2km by road.

Access to bus routes is limited and the site is over 3km from a railway station. Occupants of the site are therefore likely to remain reliant on private vehicles for transportation.

On balance, it is not considered that the application site represents a particularly sustainable site, the value of which, in isolation, outweighs the harm to the Green Belt.

No information has been provided in respect of sustainability of construction. The applicant is advised that should an application for reserved matters come forward such submission should include consideration of the incorporation of energy and water efficiency measures.

Materials can have a significant impact on environmental performance, both in construction, but also in ongoing use. Where materials are sourced, the means of extraction and manufacture, how far they travel and so forth; all have varying effects on the environment. Should an application for reserved matters come forward such submission should include consideration of these matters.

Consideration should also be given to the submission of a Construction Method Statement and Site Waste Management Plan.

(i) Contribution towards housing provision

The applicant opines that development of the site will make a useful contribution to the satisfaction of local housing needs.

The Planning Authority has long recognised that housing land availability within the Borough is limited and that this impacts on its satisfaction of its housing needs.

In order to ensure a five year housing land supply, the Council undertook work in 2012 to identify additional housing sites to meet the requirements of paragraph 47 of the NPPF. It was clear from a review of the Strategic Housing Land Availability Assessment (SHLAA) that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing and as a consequence it was necessary to consider the

appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the provision of housing in December 2012, of which 4 were within the Green Belt.

The capacity of the identified sites, when combined with capacity within the existing urban area, could accommodate in excess of 1,200 homes.

As a consequence the 2014 Draft Local Plan identified the application site as being suitable for release for housing post 2031 however, this provision was deleted following a reprioritisation of objectives by the Council in March 2016 which identified that the Council would seek to protect the Green Belt over meeting objectively assessed housing needs, following consideration of responses to the 2014 Draft New Local Plan.

The application site is allocated for Green Belt purposes in the adopted 1998 Local Plan, which remains the Development Plan for the Borough.

Whilst it is undoubtedly the case that development of this site with 11 dwellings would make a contribution towards meeting housing needs, the level of provision is inconsequential and does not make a significant contribution towards meeting identified needs. Furthermore, the residential development of any site in the Green Belt is likely to make a contribution towards housing provision. As such the contribution offered is not considered to represent a very special circumstance which would justify inappropriate development.

It should be noted that paragraph 34:3-034-20141006 of the NPPG states that 'Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt' (2014).

Government policy as set out in a letter dated 31st August 2015 and followed up in a Written Ministerial Statement on 17th December 2015 and the 7th June 2016 have also made clear that the single issue of unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

It is a point stated yet again in *Hunston v Secretary of State for Communities and Local Government* (2016), where the Court ruled that very special circumstances are not automatically demonstrated simply because there is less than a 5 year land supply, and since repeated in the recently issued Government White Paper 'Fixing our broken Housing Market' (March 2017).

In terms of the satisfaction of specific housing need the most up to date local evidence of need is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identifies that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development provides 4 and 5 bedroomed units only, the provision of which will meet an identified need.

Such provision will not however assist in the satisfaction of the need for smaller dwellings, and in particular for affordable units. The applicant has however indicated that they are willing to enter

into negotiations with the Council to agree an appropriate level of contribution towards off-site affordable housing provision.

Policy H7 of the adopted Local Plan advises that where appropriate, the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership or outright sale, where appropriate to the scale of development schemes. The number of affordable dwellings to be provided will be dependent on the size of the site, its location, and any substantial costs associated with the provision of other necessary infrastructure and will be determined by the Council, following negotiation with the applicant.

The Developer Contributions Supplementary Planning Document makes it clear that a contribution towards affordable housing will only be sought in schemes of 15 or more units.

The current scheme seeks to provide 11 units and would not therefore attract a requirement for the provision of affordable housing under Policy H7.

It is noted however that paragraph 145(g) of the NPPF identifies that development which contributes towards the provision of affordable housing may be considered appropriate in the Green Belt, provided it did not cause substantial harm to the Green Belt.

The statement appears to apply a less rigorous test to the provision of development in the Green Belt, where the provision of affordable housing is concerned, reducing the consideration from 'no greater impact' to 'no substantial harm', the implication being that the impact on openness may be greater than that engendered by the existing development, but provided there was no substantial harm to the openness of the Green Belt such development would not be inappropriate.

Members should also be aware that the NPPF states at paragraph 64 that 'where major developments involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable ownership'.

The proposal represents a major application and if the provisions of paragraph 64 were to be applied to this case one of the proposed dwellings would need to be made available for affordable home ownership.

The applicant has offered to provide a contribution towards the provision of off-site affordable housing.

Such a contribution is not considered appropriate in the context of Policy H7 of the adopted Local Plan, and the provision of a contribution towards off site provision would be inconsistent with the provisions of the NPPF which clearly identifies that dwellings within the scheme should be made available for home ownership.

Furthermore, it must be recalled that an obligation may only be imposed on an applicant where it is necessary to make the proposed development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. (Paragraph 54 of the revised NPPF)

It is not considered that the imposition of a requirement for a contribution towards the provision of on or off-site affordable housing would make the proposal acceptable in planning terms, as the development would remain detrimental to both the spatial and visual attributes of the openness of

the Green Belt and given the current adopted policy position in respect of the thresholds for contributions, nor is it considered that a contribution would be fairly and reasonably related in scale and kind to the development.

Under the circumstances it is not therefore considered that a contribution towards affordable housing represents a material consideration in the determination of this application and no weight is ascribed to its offer.

Conclusion on the existence and weight to be attached to identified 'Very Special Circumstances' – The Balancing Exercise

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

Residential development of this site represents inappropriate development in the Green Belt. It would permanently reduce openness and conflict with the purposes of designation, namely the prevention of sprawl and encroachment and the protection of the countryside. These harmful impacts on the Green Belt attract substantial weight and suggest *prima facie* that planning permission should be refused.

Government guidance, ministerial statements, recent appeal decisions and a recent judicial judgement however make it clear that circumstances and material considerations may, either in isolation or combination, provide an argument of sufficient weight, the 'very special circumstances', to set aside the harmful impacts on the Green Belt and allow the release of land for development purposes.

There can be no denial of the fact that within the context of the Strategic Housing Land Availability Assessment Castle Point is unable to identify a five year housing supply and that the development of this site could make a minor contribution to the satisfaction of housing need. This consideration would therefore appear to carry some limited weight in favour of the proposal.

It is clear however that the weight that may be attached to unmet housing need, either market or affordable, is unlikely, in isolation, to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances.

Furthermore it is considered that development of the site at a low density of some 11.6 dwellings to the hectare, as proposed, would be contrary to the provisions of the NPPF concerning the effective use of land.

There can further be no denial that the site the subject of the current application was identified in the Draft 2014 Local Plan as a site which, subject to appropriate mitigation, was suitable for release from the Green Belt post 2031. This allocation was not pursued in the 2016 New Local Plan which has now been withdrawn. As the applicant states in paragraph 3.14 of the submitted Planning Statement, no weight can be attached to either Plan in the consideration of this application.

It is not considered that the site represents a particularly sustainable site, the value of which, in isolation outweighs the harm to the Green Belt.

On the basis of the significant increase in site coverage and encroachment onto undeveloped land the applicant's argument that development of the site would have no impact on the openness of the Green Belt is considered to carry no weight.

In isolation none of the identified circumstances are considered to carry sufficient weight to outweigh the harm to the Green Belt.

Looking at the circumstances identified in combination it is considered that insufficient weight is attracted by the combined circumstances to outweigh the harm to the Green Belt.

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

(ii) 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.

The Council is currently preparing a further Local Plan with consultation under Regulation 18 on the issues being undertaken in July 2108. This Local Plan will overlap with a South Essex overarching Joint Strategic Plan (JSP) to be published for consultation in Spring, 2019 under Regulation 19. The JSP will describe how South Essex will meet its housing and employment needs at a strategic scale to 2037.

Both this Local Plan and the JSP, will determine the location of future housing growth within Castle Point.

Whilst these plans have not yet been published for consultation purposes, both are nevertheless at a critical stage, which could be disrupted/prejudiced by proposals seeking to undermine established Green Belt.

The new Local Plan will be published in November 2018 for consultation in Spring 2019, under Regulation 19, and will identify areas to be released from the Green Belt to meet the development needs of the Borough.

The current proposal seeks to provide housing in an area which whilst identified as potentially available for housing in the 2018 Consultation has not been confirmed as a housing site.

The application site represents a small area within a much larger potentially available site, the future of which should, in the view of the Planning Authority, 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, prior to consideration of the 2018 Local Plan, represents an attempt to circumvent the Local Plan process and, if allowed, it is considered that the 'piecemeal' release of this site for residential development, before consideration of the wider strategic issues or consideration of a more comprehensive approach, would establish a precedent which would prejudice the ability of the Council to achieve a high level of sustainability and effectiveness in meeting its housing 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.

(iii) Consideration of the Reserved Matters

Whilst an objection has been raised to the proposal on the basis of Green Belt policy, there are other considerations, associated with the nature of the application and other policy provisions of the Local Plan and the environmental impact of the proposal which require consideration. These are set out below.

Access

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development. Where such demonstration cannot be shown, or where there is a Policy objection from the highway authority, permission will be refused.

Policy T7 of the adopted Local Plan states that in all applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway.

The proposed development seeks to provide 11 dwellings and may reasonably be expected to generate movements associated with at least 22 vehicles.

The Highway Authority has raised no objection to the proposal subject to conditions and it must therefore be assumed that the proposed access is acceptable in principle and that capacity exists within the highway network to accommodate the development proposed.

In terms of the details of the access, the submitted drawings indicate the retention of the existing access point from the unmade Chase. In principle such provision is acceptable, but it should be noted that The Chase adjacent to the site is not maintained by the Highway Authority, which has consequently made no comment in respect of its use/condition. Local residents however have expressed concern in respect of the use of the Chase by traffic accessing the site.

In order to appropriately serve the proposed development, ensure pedestrian safety and limit any undue damage to the road surface, it is considered that The Chase should be appropriately upgraded across the entire site frontage, to secure an appropriate drained and finished surface, adequately robust to accommodate traffic routinely entering the site (including refuse vehicles) and appropriate segregated pedestrian access, and measures put in place for its subsequent maintenance.

Such provision would necessitate the applicants entering into a S106 Agreement with the Authority, however subject to a satisfactory specification being achieved no objection is raised to the proposal on the basis of access.

The route is gated and 'closed' with little opportunity with little opportunity for the scheme to be integrated into a larger development should the release of the land formerly known as 'Parcel 6' be considered at any time in the future.

Layout and scale

In terms of layout, Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and layout and of external materials which are appropriate to its setting and do not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

Policy H12 of the adopted Local Plan states:

'Where it appears to the council that the comprehensive development of a large site or development in depth would be prejudiced by piecemeal development proposals, planning permission will be refused'.

The National Planning Policy Framework similarly seeks well designed development and encourages Local Planning Authorities to achieve effective use of land. Paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes at low densities and ensure that developments make optimal use of the potential of each site.

The submitted plans identify the provision of 11 detached dwellings of which all but two are provided with accommodation arranged over three floors, on an isolated site within an area allocated for Green Belt purposes.

The submitted drawings indicate the provision of a single sinuous access road/private drive through the centre of the site, from which all dwellings will gain access. The applicant has

indicated that the layout owes much to the linear nature of the site and the location of the access point which it is proposed to retain and enhance. A sinuous access road leading to a private drive at the northern end of the site is indicated.

In principle the submitted scheme is considered to demonstrate the prematurity of the proposal. The limited, linear nature of the site fails to achieve an effective use of land which might more easily be achieved if a larger area were to be available and fails to provide opportunities for integration with adjoining development, should this area be released as part of the Local Plan Review. In addition the scheme achieves only a low density of development and an ineffective use of land which is contrary to the provisions of the NPPF.

This ineffective use of land represents a further objection to the proposal.

In terms of the detail of the proposed layout, and again, notwithstanding the principle objections, compliance with the provisions of the Residential Design Guidance would be sought in all residential schemes.

RDG1 of the adopted Residential Design Guidance states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes.

The surrounding area is transitional in character with more suburban development located to the east of the application site and a more rural character, typical of plotland development, and exhibited in development to the west. Dwellings are predominantly detached and set on plots some 9m – 20m wide and approximately 20m deep.

The proposed development, as represented in the illustrative drawings exhibits a variety of plot sizes with those at the centre of the site being more limited and those at the entrance to the site and at the northern edge benefitting from much more generous plot sizes. Notwithstanding the provisions of the NPPF in respect of density and the effective use of land, the proposal is considered to be broadly consistent with the provisions of RDG1 and in the current context no objection is raised to the proposal on this basis.

Such consistency is however insufficient to outweigh the principle objection to the proposal.

RDG2 states that the space around all new development should be informed by the prevailing character of space around the dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern.

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 dwelling. It should seek to provide at least 1m between properties and the boundary.

The area of land to the east of the development site is characterised by dwellings which generally maintain isolation spaces of 1m or more on one side with garages generally extending up to the boundaries.

The proposed development achieves greater isolation in most instances, and this reflects the transitional stance adopted by the applicant, between the suburban and more rural development located to the east and west respectively.

In this context the setting of the buildings is considered acceptable, albeit the scheme only achieves a low density of development on the site.

This lack of objection does not however outweigh the principle 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.

Paragraph 5.5.2 of the preamble to RDG3 states that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms and accommodating the storage and service requirements of the properties.

Paragraph 5.5.3 of the preamble states that such spaces can provide a buffer from the activities of the neighbouring public areas, such as the street or parking or servicing areas, as well as from neighbouring developments.

The application site is not within the built up area and by virtue of the undeveloped nature of the land around the development site, the proposed dwellings as shown in the illustrative layout have no strong relationship with the established building lines of the surrounding area and as such, with the currently identified layout RDG3 would appear to be irrelevant, however its content is made known to the applicant in the event of an alternative layout being considered.

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

The proposed dwellings would be located sufficiently distant from any existing adjoining development to avoid any significant overshadowing or domination of adjoining development.

Based on the indicative layout, no objection would be raised to the proposal on the basis of dominance or overshadowing.

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 frontages to all elevations that face the public realm.

All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.

Corner Plots should also be designed to limit the length of high level garden screening, particularly along return frontages.

The submitted layout does not provide any traditional corner plots, although the arrangement of dwellings within the site does give rise to the opportunity for extensive lengths of fencing and blank elevations adjacent to public vantage points. The applicant is asked to consider the provisions of RDG4 in the submission of any reserved matters application.

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.

The proposed layout indicates a number of situations where the achievement of these requirements may not be possible, however, in the absence of any detailed drawings of the appearance and internal layout of the proposed dwellings it is not possible to comment in detail on this matter. The applicant is however advised that any residential development on the site will be required to satisfy the provisions of RDG5.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. It states that for each habitable room at least 15m² of amenity space should be provided.

Whilst the submitted drawings suggest that this provision can be achieved, no information is provided in respect of the number of habitable rooms to be provided. The applicant is therefore advised that this level of provision will be required to be fully satisfied in the preparation of any detailed drawings of the proposed development.

It should be noted that communal areas, small areas located at the sides of dwellings and areas located between the front elevation of dwellings and the highway, are excluded from any calculation of private amenity space.

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

No details of the proposed elevations have been submitted, however the applicant is advised that full consideration should be given to RDG8 in the event of a detailed scheme being submitted.

RDG9 requires all development to demonstrate energy and water efficiency and the potential for the use of renewable energy systems. No comment has been made in respect of energy and water efficiency and renewables. The applicant is advised that full consideration should be given to RDG9. A condition requiring such consideration can be attached to the grant of any planning consent.

RDG10 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 application does not identify boundary and surface treatments. It is not therefore possible to comment on these aspects of the proposal. The applicant is however advised to consult the Residential Design Guidance prepared by the Planning Authority if an application for reserved matters is pursued on this site.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers. All communal waste points and waste storage facilities should be provided with suitable landscaping and screening.

Residents should not have to transport refuse and recycling unreasonable distances from their dwelling to the communal waste collection points or storage facilities. Such areas should be accessible for waste collectors from the point at which refuse vehicles can receive waste.

The illustrative drawing does not indicate the provision of refuse storage. This should be addressed in any future submission. However the applicant has stated in the submitted Design and Access Statement that storage areas will be provided in curtilage.

Such an arrangement would be considered satisfactory, provided the access road and drive serving the site are adequate to accommodate the weight and movements of a 32 tonne refuse collection vehicle. A condition to this effect can be attached to the grant of any consent.

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

No information on accessible housing provision has been provided as part of the application; however the Planning Authority would expect any application for reserved matters to demonstrate the potential for the accommodation of persons with locomotive disability.

Policy EC5 of the Adopted Local Plan relates to crime prevention. It states that the Council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

The 'Safer Places - The Planning System and Crime Prevention' guidance document recommends that seven attributes of sustainable communities are particularly relevant to 'crime prevention'. These include:

- Access and Movement
- Structure
- Surveillance
- Ownership
- Physical Protection
- Activity
- Management and Maintenance

Were permission to be granted for the residential development of the site it is considered that the applicant should be required to demonstrate achievement of the seven attributes.

Overall in terms of layout and design, the illustrative layout indicates a form of development, which would appear capable of demonstrating compliance with all relevant policy and guidance and would thus be acceptable in the context of the adopted Residential Design Guidance.

Such acceptance does not however outweigh the principle objection to the proposal.

Consideration of other matters

(iv) Mix of Housing

Paragraph 159 of the NPPF states that Planning Authorities should have a clear understanding of the mix of housing required to meet local needs and plan to meet those needs.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This policy is considered inconsistent with the requirements the NPPF which further states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market signals and the needs of different groups in the community and should identify the size, type, tenure and range of housing reflecting local demand. (Paragraphs 60 and 61).

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The applicant has identified that the scheme will comprise large four and five bedroomed dwellings only. Whilst a need for dwellings of this size has been identified, the proposed development would not contribute significantly towards satisfying those areas of need where there is the greatest demand, specifically affordable family homes.

Whilst the applicants offer of a contribution towards the provision of affordable housing is acknowledged, for the reasons already stated such provision is considered inappropriate.

(v) Car/cycle parking

Policy T8 requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

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

The currently adopted standards are the 2009 County Parking Standards which require the provision of two spaces for properties with two or more bedrooms.

The submitted layout identifies the provision of two parking spaces and a double garage for all of the dwellings. The applicant is advised that such provision is acceptable in principle, however, it should be noted that all garages are required to be a minimum of 7m deep. The submitted drawings do not indicate that this is achieved in all cases, however, a condition requiring the provision of 7m deep garages can be appended to the grant of any consent.

The parking standards also require the provision of visitor parking at a ratio of 0.25 per dwelling. 11 dwellings would generate a requirement for 3 spaces. These spaces would, if provided parallel to the highway, be required to be 2.9m wide and 6m deep.

It is noted that the proposed scheme seeks to provide two visitor parking spaces only and that those identified have a width of 2m only. Such provision is inadequate, however, it is considered that scope exists within the layout to accommodate visitor parking to the requisite standard. A condition requiring such provision may be attached to the grant of any consent.

The required cycle parking standard is one space per dwelling plus one space per eight dwellings for visitors. 11 residents' cycle spaces are needed with 2 visitor spaces, making a total of 13 cycle spaces.

It is considered that both resident and visitor cycle parking can be provided within the curtilage of individual dwellings.

A condition to secure such provision can be appended to the grant of any consent.

(vi) 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.

Paragraph 109 of the NPPF states that "The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

In paragraph 118 it states: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impact that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The application site is located within the Zones of Influence associated with Thundersley Great Common (SSSI) and the Southend and Benfleet Marshes SSSI, Special Protection Area and Ramsar site.

In addition the site is in close proximity to Great Wood and Dodds Grove, some 2.2km to the southeast of the site, Garrolds Meadow, some 2.2 km to the east and Belfairs Local Nature reserve, some 2km to the east.

In addition the site also abuts part of Local Wildlife Site CPT23 Thundersley Plotlands which is part of the last remaining blocks of old plotland habitat within urban Thundersley. This habitat is characterised by a mosaic of grassland, woodland and scrub and provides a significant green space resource to the local population and an ecological stepping stone between the Daws Heath woodlands to the east and the LoWS complex to the south of Kiln Road.

Given the proximity of the site to such statutorily and locally designated sites, it is essential that the ecological value of the site be assessed and any impact of development either on or off site be considered.

At the present time the character of the site may be said to comprise of two elements: the southern part of the site is currently managed as a residential curtilage, whilst the northern part of the site is less managed, although still maintained to a reasonable standard.

The consequence of such management is that neither part of the site has been identified as having any significant ecological value. Redevelopment of the site in the manner proposed, retaining all of the perimeter trees, is considered unlikely to have a significant adverse impact on biodiversity on or off the site, or on any protected species.

Whilst it is recognised that the site directly abuts a Local Wildlife site which could be adversely affected by the Construction Programme, it is considered that adequate measures could be introduced to mitigate such impact satisfactorily.

In terms of the potential impact on statutorily designated sites, the isolation retained between the site and the designated areas and the limited extent of the development is such that it is considered highly unlikely that the proposed development would impact on those sites.

This assessment is supported by Natural England.

No objection is therefore raised to the proposal on the basis of ecology, subject to the imposition of appropriate conditions on the grant of any consent to secure the submission, approval and implementation of an appropriate Construction Management Plan, and Landscaping Scheme and the retention of all suitable boundary trees.

(vii) Trees

Policy EC22 of the adopted Local Plan states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

The site is currently bounded along the on the western, northern and on part of the eastern boundary by preserved trees which the submitted layout seeks to largely retain.

In addition, part of the eastern and all of the Southern boundary is bounded by Leylandii which the applicant also states will be retained, although the landscape strategy identifies that these may be reduced in height to some 8m.

The retention of these trees will assist in screening the development from adjoining properties and will maintain the ecological value of the site, however, as previously stated, concern is raised in respect of the longevity of the trees at the front of the site given their capacity to dominate and overshadow the proposed properties which may give rise to pressure to remove these trees, to the detriment of the character and appearance of the area.

Having said that however, Leylandii are not an indigenous or particularly attractive species and their loss would have minimal impact on biodiversity.

As previously identified however, the loss of these trees would open the development to view and would diminish the applicant's argument that development of the site is acceptable because of the capability of these trees to hide the development from view.

(viii) Landscaping

Landscaping is to be determined at Reserved Matters stage and no details of the proposed landscaping scheme are therefore available for consideration at this time. The applicant is however

advised that any landscaping scheme submitted should be heavily biased towards the provision of indigenous and wildlife friendly species, in order to enhance the biodiversity of the site.

(ix) Flood risk and drainage

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires applicants to demonstrate the flood risk associated with the development of their site.

The application site is bounded to the north by a main river but has been identified as falling within Flood Zone 1 as defined by the Technical Guide to the National Planning Policy Framework (NPPF) and is therefore concluded to have a low fluvial flood risk.

In terms of surface water flooding, the proposed development represents a significant diminution in the permeable area of the site and an increased risk therefore of surface water runoff and flooding.

The applicants have submitted a Conceptual Sustainable Drainage scheme which has been assessed by consultants on behalf of the Lead Local Flood Authority and found to be acceptable, subject the imposition of conditions on the grant of any consent.

Subject to such conditions, no objection is raised to the proposal the basis of flood risk.

(x) Infrastructure

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

Reference to the provision of appropriate vehicular and pedestrian access has already been made in the section entitled 'Access' in this report and no further comment is offered on this aspect the proposal.

In terms of health and education infrastructure, neither the NHS or Essex County Council have requested contributions towards the provision of enhanced facilities and it must therefore be concluded that sufficient capacity exists to meet the needs of the proposed development.

(xi) Provision of Children's Playspace

Policy RE4 of the Adopted Local Plan is concerned with the provision of children's playspace and parks. It states that the Council will seek to provide and facilitate the provision of additional children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.

Thundersley has not been identified as an area which experiences a deficiency in children's playspace and parks.

No additional facilities will therefore be sought as a result of the proposed development.

It is noted however that the applicant has identified an area of open space within the site which is identified as public open space. Whilst the Authority recognise the identification of the land as public open space within the application, it is considered unlikely that the general public would in fact make use of this space, as a consequence of its isolation from the public highway and lack of appropriate parking facilities. The fact that the space also appears to be set within a gated development is considered to further discourage public use.

Despite the lack of public access, it is considered that this area of open space, which would also function as a flood plain, (given the location a main river on the northern boundary of the site), would provide an attractive private open space.

It should be noted that the Council will not adopt the identified land as open space and that future management and maintenance of this land will be the responsibility of the land owner(s). Such management is usually secured through the formation of a Management Company. This can be secured through the provisions of a S106 Agreement.

(xii) Construction Noise and Traffic – Impact on residential amenity

Comment has been received that traffic associated with the construction and operational phases of the development should not be permitted to gain access to the site via Wensley Road. It is assumed that such comments are concerned with the potential for noise and general disturbance for adjoining residents and the potential for damage to Wensley Road, which is a road, not maintained by Essex County Council.

In terms of the construction phase, noise and disturbance associated with construction traffic is transient in nature and whilst the potential for nuisance may exist, it is relatively short lived and cannot therefore provide a robust objection to development.

The use of Wensley Road by such traffic could however have long lasting and significant adverse consequences for adjoining residents in terms of the potential for damage to the road surface and it is therefore considered appropriate to limit as far as possible heavy construction traffic on roads not suited to such vehicles.

To this end it is considered that a condition should be imposed on the grant of any consent requiring construction traffic to access the site from the east only, via the surfaced section of The Chase.

In terms of operational traffic, Wensley Road is a public highway and as such its use by residents may not be unreasonably restricted. No sustainable objection can therefore be raised to the proposal on the basis of the likelihood of vehicles associated with the residential use of the site accessing the site via Wensley Road.

Conclusion

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

Within the context provided by the NPPF residential development of the site has been identified as inappropriate development.

Inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances.

A number of factors have been identified which the applicant believes justifies the proposed development, however, it is the view of the Planning Authority that the identified features either in combination or isolation, do not create the very special circumstances required to justify inappropriate development in the Green Belt.

The proposal therefore attracts an objection in principle.

Were Members nevertheless minded to approve the proposed development, the low density achieved the site is considered to result in a form of development which fails to achieve the effective use of the land, contrary to Government guidance as set out in the NPPF, which represents a further objection to the proposal.

Consideration of the proposal is considered premature in the light of work currently being undertaken in respect of the preparation of the new Local Plan which will consider the future extent of the Green Belt within the Borough. Consideration of the piecemeal release of this site in advance of comprehensive consideration of all potential strategic sites is considered likely to prejudice the achievement of a more comprehensive and efficient form of development.

In terms of the reserved matters, whilst some minor deficiencies have been identified, it is considered that sufficient scope exists within the site to satisfy all spatial requirements should consent be granted.

Nevertheless, to ensure that such provisions can be achieved, it is considered that layout should be specifically excluded from the grant of any consent.

Notwithstanding this statement however, the proposed development remains contrary to Green Belt policy and my recommendation is therefore **REFUSAL** for the reasons set out below.

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.

Reason for Refusal:

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 development on the basis of individual applications would lead to poorly planned growth and would fail to deliver development in an effective and 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.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.
- 2 The applicant is advised that the proposed layout fails to meet all of the requirements of the Planning Authority's adopted Residential Design Guidance and adopted parking standards and is therefore unacceptable.

The applicant is advised that full compliance with all elements of the relevant SPD should be achieved.