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**Ann C. Horgan**  
**Head of Governance**  
**Proper Officer**

## **AGENDA**

**Committee: DEVELOPMENT MANAGEMENT**

**Date and Time: Tuesday 7 September 2021 at 7.00pm**

**Venue: Council Chamber, Council Offices**

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

**Membership: Councillors Skipp (Chairman), Acott, Anderson, Blackwell, Dick, Drogman, Fortt, Fuller, Gibson and J Thornton**

**Substitutes: Councillors S Mumford, Palmer, Savage, Walter and Withers.**

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

**Officers attending: Mr Keith Zammit – Planning Officer  
Mrs Kim Fisher-Bright – Strategic Developments Officer  
Mr Jason Bishop – Solicitor to the Council**

**Enquiries: Miss 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 1 June 2021 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 report is attached.

	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
1.	21/0599/FULCLO	Knightswick Centre, Furtherwick Road, Canvey Island, Essex SS8 7AD (Canvey Island South Ward)	1
2.	21/0361/FUL	Garden World Plants Ltd, Canvey Road, Canvey Island, Essex, SS8 0QD	5

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**DEVELOPMENT MANAGEMENT COMMITTEE**

**TUESDAY 1<sup>st</sup> JUNE 2021**

**PRESENT:** Councillors Skipp (Chairman), Acott, Anderson, Drogman, Fortt, Fuller, Gibson and S Mumford.

**Substitute Members Present:** Councillor S Mumford for Councillor Dick.

**Also Present:** Councillor Walter

**Canvey Island Town Council:** Councillors Greig and Sach.

Apologies for absence were received from Councillors Blackwell and Dick.

**1. MEMBERS' INTERESTS**

There were no disclosures of interest.

**2. MINUTES**

The Minutes of the meeting held on 6 April 2021 were taken as read and signed as correct.

**3. DEPOSITED PLANS**

- (a) **21/0107/FULCLC – LAND ADJACENT TO 2 CEDAR ROAD, CANVEY ISLAND, ESSEX, SS8 9HP (CANVEY ISLAND CENTRAL WARD) – PROVISION OF A PAIR OF SEMI-DETACHED TWO-BEDROOM RESIDENTIAL DWELLINGS WITH ASSOCIATED PARKIN AND PRIVATE AMENITY AREAS – CASTLE POINT BOROUGH COUNCIL**

The proposal sought consent for the provision of a pair of semi-detached two-bedroom market houses with associated parking and garden area on the northern side of Cedar Road, on land formerly used for residential garaging and parking. A new access road was proposed through the site to access the pumping station to the north.

The proposal was considered satisfactory in the context of the provisions of the National Planning Policy Framework (2019), adopted Local Plan (1998) and Residential Design Guidance (2013). Subject to the provision of an updated ecological survey and site plan showing the retention of the trees to the north to be reported to Members at Committee, the proposal was therefore recommended for approval.

The proposal attracted 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 contribution had been paid and the mitigation had been met.

The application was presented to the Committee as the applicant was Castle Point Borough Council.

Councillor Greig, a representative of Canvey Island Town Council, stated that there was no further comment on the application as it had now been confirmed that the trees currently on the site would not be removed.

Following the presentation Members took opportunity to ask questions of the Planning Officer regarding biodiversity, overlooking, flood risk and contamination of the land.

During debate a Member moved that, if the application was approved, a condition be added to plant hedgerows along the boundary of the site to increase biodiversity. The Planning Officer confirmed that this would be acceptable along with a planting area to the front of the site. The motion was seconded and the Committee voted to include this amendment.

Following debate a vote was taken and it was:

**Resolved** – That the application be approved subject to the conditions set out in the Planning Officer's report and a condition that a landscaping scheme be submitted to the Local Planning Authority for approval. Such scheme shall include planting hedgerow and wildlife attracting border planting to the eastern and western boundaries of the site and the planting area to the front of the site to enhance the biodiversity on site. The exact wording of the condition to be delegated to the Planning Officer in consultation with the Chairman of the Development Management Committee.

Chairman

## ITEM 1

<b>Application Number:</b>	<b>21/0599/FULCLO</b>
<b>Address:</b>	<b>Knightswick Centre Furtherwick Road Canvey Island Essex SS8 7AD (Canvey Island South)</b>
<b>Description of Development:</b>	<b>Provision of a regular market on the forecourt pavement area between the Knightswick Shopping Centre and the highway area alongside Furtherwick Road and the Old High Street (part-retrospective)</b>
<b>Applicant:</b>	<b>Mr Mike Evans</b>
<b>Case Officer:</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>10.09.2021</b>

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### Summary

The application seeks to permanently establish a market for Canvey Town Centre. In all the circumstances this is considered to be a welcome proposal that will support and enhance the town centre and it is therefore recommended for APPROVAL.

### Site Visit

It is thought that Members will be familiar with the location therefore an accompanied site visit is not recommended. Members may, of course, wish to inspect the site independently.

### Introduction

The application relates to council-owned land along with some highway land along the western and northern sides of the Knightswick Centre. Although the council is not the applicant, the case is presented to the committee due to the council's interest as a landowner.

### The Proposal

Permission is sought for the holding of market, primarily on Thursdays and Saturdays and on up to 10 additional event days per year. The operator of the market describes these event days as currently unspecified but gives examples of Easter, Christmas or food festivals.

The stalls are 7' x 7' in footprint and can be provided as single or twin units. The canopies are 6' 6" off the ground.

The market has already been taking place using permitted development rights for temporary uses of land but the operator of it seeks a permanent permission.

### Supplementary Documentation

The applicant has provided diagrams of the stalls along with an indicative layout plan however the attention of members is drawn to the fact that a market stall does not in itself require permission, it is the change of use of the land for a market that requires consent, and therefore the stalls may not always be laid out as shown.

### Planning History

A market in the town centre has been operating in a limited capacity under permitted development rights for approximately a year.

### Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2021):

Paragraph 86 – Ensuring the vitality of town centres

Local Plan (LP, 1998):  
No relevant policies

Emerging Local Plan (2019):  
TC2 – Canvey Town Centre and Hadleigh Town Centre regeneration

Canvey Town Centre Masterplan (2010)

### **Consultation**

Legal Services – The operator already has in place a licence to run the market at this location.

Environmental Health – No perceived problems from an Environmental Health perspective. The organiser should ensure that any food stalls are registered with the relevant local authority that covers their business.

Highways – The proposal is acceptable from a highway and transportation perspective.

Canvey Town Council – No comments received

Refuse and recycling – No comments received

Environment Agency – No comments received

### **Public Consultation**

No responses received to neighbour notification and site notices.

### **Comments on Consultation Responses**

There is none.

### **Evaluation of Proposal**

The main issues with this application are the impact on the town centre's vitality and the street scene. Flood risk is also a consideration.

The Canvey Town Centre Masterplan, although of some age, supports the provision of a market. While the Masterplan is unlikely to be delivered in its original form, and revisions to it are envisaged by emerging Policy TC2, a market for Canvey has long been an aspiration of the council and this application furthers that objective.

This is consistent with the Framework at paragraph 86c) which states that the creation of new markets where appropriate contributes to ensuring the vitality of town centres.

The market is already in operation on Thursdays using permitted development rights and it is not considered that there has been any detriment caused to the town centre from it. No objections have been received from shopkeepers. As the market increases footfall, it is likely that it would be of benefit to the shops in the town centre. No town centre residents have objected to the market being held.

The market allows for the free passage of pedestrians through the area and does not block access to shops. Market traders park clear of the highway while setting up or taking down their stalls and at other times park in the public car parks that are nearby. No permanent structures are

to be left on site when the market is not being held. There should therefore be no detriment to highway conditions from the market.

There is plenty of public parking for shoppers in the town centre and it is not likely that car parking capacity will prove insufficient as a result of the market operating.

In visual terms, the market makes for a lively street scene. The application states that when the market is not operating, no permanent structures will be left on site. It is important that this is ensured by way of a condition as the leaving of market items permanently on the land could be aesthetically unattractive.

On the matter of flood risk, the provision of a market may add to the number of town centre visitors. Canvey Island is located entirely within Flood Zone 3, the zone with the highest probability of flooding. The sequential test set out in the Framework aims to steer new development to the areas with the lowest probability of flooding. As this is a market for Canvey Town Centre, it could not be located outside of Canvey and still fulfil its purpose, so there are no sequentially preferable sites available for it in terms of flood risk.

The provision of a market is a less vulnerable use and appropriate development in Flood zone 3a. An exception test is therefore not required.

The proposal therefore does not conflict with government guidance as far as flood risk is concerned.

## **Conclusion**

The establishment of a market for Canvey is a long-held ambition of the council and this planning application is a result of sterling work by the council's regeneration team. It will contribute to the future regeneration of Canvey Town Centre, whatever form that may take, and seeks to bolster the vitality of the centre as the town recovers from the effects of the Covid pandemic. The provision of a market in Canvey Town Centre would also be consistent with national planning guidance.

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

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

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

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

2 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

3 The market shall only operate on Thursdays and Saturdays, and up to 10 additional event days per calendar year.

REASON: In order to limit the impact of uncontrolled market operating days on the amenity and ambience of the town centre.

4 The market stalls and all associated items, equipment, fixings and vehicles shall be removed from the site at the end of each day's trading.

REASON: In the interest of visual amenity.

### **Informatives**

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2 A minimum 2-metre-wide footway should be retained throughout the temporary market stalls.



## ITEM 2

<b>Application Number:</b>	<b>21/0361/FUL</b>
<b>Address:</b>	<b>Garden World Plants Ltd Canvey Road Canvey Island Essex SS8 0QD (Canvey Island West)</b>
<b>Description of Development:</b>	<b>Demolition of existing buildings and construction of residential care home comprising of 57No. units and proposed cross-over boundary treatment</b>
<b>Applicant:</b>	<b>S. Howard</b>
<b>Case Officer:</b>	<b>Ms Kim Fisher</b>
<b>Expiry Date:</b>	<b>10.09.2021</b>

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### Summary

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

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

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

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

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

However outline planning consent was granted for a similar form of development in November 2018. In determining that application Members considered that the need for residential care facilities outweighed the harm to the Green Belt and that the objectives of the Local Plan would not be prejudiced by the release of the site before consideration of the future of the remainder of the land bounded by Canvey Road, Northwick Road and Roscommon Way. This determination weighs heavily in favour of the proposal.

In considering the scheme in detail, whilst the proposed materials and general form of development is considered acceptable in principle, it is considered that the specific scale of development proposed is excessive given the size of the site, resulting in an overdominant and obtrusive feature in the landscape, of mean and cramped appearance, lacking adequate setting and the ability to satisfy the requirements of the Residential Design Guidance.

The proposal is therefore recommended for REFUSAL.

The application is presented to the Development Control Committee as the site was previously the subject of an application determined by Members and lies within an area allocated for residential development in the submitted Local Plan.

It should be noted that should Members seek to depart from this recommendation, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, the application is identified as one which must 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.

Once that determination has been received, this matter will be presented at a further meeting of the Development Management Committee for final determination.

### **The Site and its Surroundings**

The application site is an irregular shaped plot of land, incorporating the site of the former Garden World Garden Centre. The site extends to some 0.3ha of land on the west side of Old Canvey Road, at the junction with Northwick Road.

The site has a frontage to Canvey Road of some 58m and a depth of some 57.5m and exhibits a slight falls to the north and west.

The development site has formerly been used as a garden centre and subsequently for car sales and for various recreational purposes. The site hosts a single storey flat roofed former retail/display building and a number of single storey canopies which originally sheltered a large plant display area.

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

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

The site is entirely hard-surfaced or covered in buildings.

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

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

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

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

The submitted drawings indicate that an area of parking to the east of the site is to be retained. However this parking area is not within the application site and is not indicated as being with the control or ownership of the applicant. No reliance may therefore be placed on its future retention or ability to serve the application site.

### **The Proposal**

Planning permission is sought for the erection of a three storey, part pitched roofed building providing a nursing home supporting 57 units of accommodation (60 bed-spaces) with associated communal and administrative facilities including a hairdressers, coffee shop and therapy room, and 26 parking spaces.

The building would have a maximum height of some 13m, a maximum width to Canvey Road of some 50m and a return width to Northwick Road of some 50.5m.

The building would be located a minimum of some 2.2m from the Northwick Road frontage, increasing to a maximum of 5m and would be located some 4m – 8m from the Canvey Road frontage, although on this elevation the proposed entrance staircase and access ramp would extend up to the highway boundary.

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

## **Supplementary Documentation**

The application is accompanied by:

- A Topographical Survey (Drawing No. PA10)
- General Arrangement and Visibility Splays
- Swept Path Analysis And Small Refuse Vehicle
- Swept Path Analysis And Fire Appliance
- General Arrangement + Manhole Details
- Landscape Proposals
- Construction Method Statement
- Design And Access Statement
- Ecology Report
- Flood Resilient Design, General Principles.
- Flood Response Plan
- Flood Risk Assessment
- Road Safety Audit Report
- Site Waste Management Plan
- Structural Calculations
- Suds Report And Proforma
- Surface Water Drainage Calculations

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

## **Site Visit**

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

## **Planning History**

Outline consent for a 57-room nursing home with associated administrative and operational facilities and parking was granted on this site, contrary to recommendation, on the 7<sup>th</sup> November 2018.

This consent represents a material consideration in the determination of the current application.

Within the context of the submitted Local Plan Policy HO24 allocates the wider site for the delivery of around 196 new homes and a residential care home by 2033 subject to, inter alia, the condition that the development of the site would only be permitted when it could be demonstrated that there

was an insufficient supply of land to ensure a five year housing supply, thereby passing the sequential test for flood risk.

No such demonstration accompanies the application.

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

The 1998 Local Plan is currently the adopted Local Plan for Castle Point. This identifies that the site is allocated for Green Belt purposes.

In considering the application the following policies and guidance is of relevance:

### **National Policy Planning Framework (2021)**

#### 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 92, 93, 98, 100.

#### Promoting sustainable transport

Paragraphs 107, 108, 110.

#### Making effective use of land

Paragraphs 119, 120,

#### Achieving well designed places

Paragraphs 126, 130.

#### Protecting Green Belt land

Paragraphs 137, 147, 149.

#### Meeting the challenge of climate change, flooding and coastal change

Paragraphs 154, 162-165, 167.

#### Conserving and enhancing the natural environment

Paragraphs 174, 180, 183, 184, 186.

### **Adopted Local Plan**

EC2:	Design
EC3:	Residential Amenity
EC4:	Pollution
EC13:	Protection of Wildlife and their Habitats
EC19:	Ancient Landscapes
EC38:	Archaeological Sites and Monuments
T2:	Intensification of Access Use
T8:	Car Parking Standards

CF1:	Social and Physical Infrastructure and New Developments
CF14:	Surface Water Disposal.

## **Residential Design Guidance**

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

### The New Local Plan

In October 2020, the Council submitted to the Planning Inspectorate its new Local Plan (2018-2033) for examination. The Plan sets out the Council's aims and objectives for the Borough over the 15 year period, and includes policies to support these ambitions. The Plan has now progressed through the Hearing stage and the Council is beginning to give some weight to the policies contained within the Plan when determining planning applications. Different degrees of weight are being given to policies within the Plan depending on the level of objection received during the Regulation 19 consultation.

It should be noted that modifications have been proposed in respect of a number of policies in the emerging Local Plan, where appropriate, these will be referenced.

Policies which will be given consideration, as appropriate, in this report are:

SD1	Making Effective Use of land
SD2	Development Contributions
HO1	Housing Strategy
HO4	Securing More Affordable Housing
HO24	Land to the west of Canvey Road
TP1	Transport Strategy
TP5	Highway Impacts
TP6	Safe and Sustainable Access
TP7	Parking Provision
TP8	Access for Servicing
DS1	General Design Principles
DS2	Landscaping
GB1	Green Belt Strategy
GB2	New Development in the Green Belt
CC1	Responding to Climate Change
CC3	Non-Tidal Risk Management
CC4	Sustainable Buildings
NE2	Protection of Historic Natural Landscapes
NE4	Local Wildlife Sites
NE5	Ecologically Sensitive and Designated Sites
NE6	Protecting and Enhancing the Landscape and Landscape Features
NE7	Pollution Control

## **Other relevant Documents**

- Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)
- The Castle Point Borough Green Belt Review 2018
- Safer Places: The Planning System and Crime Prevention 2004
- Castle Point Local Plan Habitats Regulations Assessment (Screening Report and Appropriate Assessment) Sept 2020.

## **Consultation**

### County Highways

No response

### Lead Local Flood Authority

No Objection subject to conditions.

### Anglian Water

No objection

### Environment Agency

No objection

### Essex County Council Fire and Rescue Service

No objection

### Essex Police

Wishes to see development achieve 'Secured by Design' status.

### NHSEngland

No response

### CPBC Environmental Health

Noise levels are high in this area. In order to meet both WHO guidelines and BS 8233:2014 in respect of indoor noise levels within the dwellings it is necessary to have improved glazing to reduce noise levels. The developer has not yet provided details of the glazing scheme to be used in the care home. Furthermore opening windows to control the internal temperature of habitable rooms will not be acceptable because this will mean noise levels will significantly exceed the guidelines and standards mentioned above. A mechanical ventilation and cooling scheme is required.

This matter was highlighted by the appointed acoustician. Request that conditions are placed on the development in line with the submitted acoustician report to ensure that indoor noise levels are reduced to an acceptable level.

### CPBC Legal Services

No objection

### CPBC Streetscene

No response

### Canvey Island Town Council

Objects to proposal on following basis:

- The proposed development is on Green Belt land as defined within the 1998 Local Plan.
- Insufficient parking for the number of potential visitors to the area.
- It was not clear that a Sequential Test Report was provided.
- Safety Audit not representative of conditions
- Concerned over air quality
- Concerned over surface water and foul water treatment capacity.

Natural England

Require Habitat Regulations Assessment.

RSPB

No response

Invertebrate Conservation Trust (Buglife)

No response

Essex Wildlife Trust

No response

**Public Consultation**

Two responses have been received from local residents which make the following comments:

- Inadequate surface water drainage
- Concerns over impact of air pollution on future residents.

Response to Public Consultation

It should be noted that the Lead Local Flood Authority has raised no objection to the proposal subject to the provision of an appropriate surface water drainage strategy being implemented. Such strategy and its implementation can be secured by condition.

Issues concerning air pollution are evaluated below.

**Evaluation of the Proposal against adopted policies and guidance**

The proposal seeks consent for a 57 bedroomed (60 bed-space) nursing home.

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

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

Consideration will also be given to the issues of prematurity, appearance and layout, scale, access and parking, flood risk, ecology, impact on the historic environment, sustainability, noise and disturbance and pollution, ground conditions and contamination and the provision of affordable housing within the following evaluation.

**The Principle of Development**

Planning law requires that applications for planning permission be determined in accordance with the Development Plan currently in force unless material considerations indicate otherwise

(paragraph 2 of the NPPF). The adopted development plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

The NPPF further states that where the relevant Development Plan 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 provide a clear reason that development should be refused (paragraph 11 of the NPPF).

Footnote 7 to the NPPF identifies that land allocated for Green Belt purposes is an example of where the Policies in the Framework can provide a clear reason for refusing the development proposed.

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

The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Within the Green Belt there is a general presumption against inappropriate development. Such development should not be approved, except in very special circumstances.

Paragraph 140 states that once established Green Belt boundaries should only be altered in the most exceptional circumstances, through the preparation or review of the Local Plan.

Paragraph 147 of the NPPF clearly states that inappropriate development in the Green Belt, which includes large scale residential development, is by definition harmful to the Green Belt and should not be approved, except in very special circumstances and paragraph 148 of the NPPF states that when considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 149 states that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. It does however list a number of exceptions to this presumption against development, one of which is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The site formerly operated as a Garden Centre and contains a number of buildings and structures covering approximately one third of the site.

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

The site may therefore reasonably be considered to constitute previously developed land, the redevelopment of which need not be contrary to Green Belt Policy, provided such redevelopment would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.



## **Impact on the Openness of the Green Belt**

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

At the present time the application site hosts a relatively large single storey building, and a bank of display canopies which have a gross area of some 1081m<sup>2</sup>. As such buildings on the site can be concluded to occupy approximately 28% of the garden centre site.

The proposed building has a gross footprint of some 1371m<sup>2</sup> (compared to the approved scheme which has a gross footprint of some 1242m<sup>2</sup>) and thus covers approximately 44% of the site, (compared to the previous proposal which covered approximately 31% of the site). The currently proposed building would therefore, in physical terms, cover a greater proportion of the site than the existing structures or indeed that in receipt of outline planning permission and would as a consequence reduce the openness of the Green Belt by enclosing more space within a building.

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

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

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

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

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

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

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

Paragraph 138 of NPPF sets out the five main purposes of Green Belts:

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

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

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

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence.

The Castle Point Borough Green Belt Review 2018, Part 1 identifies the wider area of land 'trapped' between Canvey Road Northwick Road and Roscommon Way, as successful in preventing the sprawl of the developed area of Canvey Island. As such the area is identified as performing a positive Green Belt function which weighs against the proposal.

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

The application site is located on the western edge of the developed area of Canvey Island; however, given the level of isolation achieved between this parcel of Green Belt land and the adjoining towns, it is not considered that the redevelopment of the application site would prejudice the objective of preventing towns merging. This stance is supported by the provisions of the 2018 Green Belt Review.

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

The 2018 Green Belt Review identifies that the wider Parcel serves a strong Green Belt function in respect of safeguarding the countryside from encroachment, however, the application site represents a previously developed site on the edge of the Green Belt and itself represents a historic encroachment into the Green Belt.

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

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

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

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

The 2019 submitted Local Plan identifies that redevelopment of the site for residential purposes would only be acceptable, if it could be demonstrated that there was an insufficient supply of land to ensure a five year housing land supply. Such demonstration has not been made and it is not possible therefore to determine whether the refusal of the current scheme might not assist in urban regeneration by encouraging the redevelopment of a site within the urban area for residential care purposes.

This attracts some weight against the proposed development.

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

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

## **Conclusion on Green Belt considerations**

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

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

Paragraph 147 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

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

### **The existence of Very Special Circumstances**

There is no statutory definition of the term 'very special circumstances' as the Courts have held that very special circumstances will be specific to the particular scheme under consideration.

The Planning Authority considers that a very special circumstance need not be a single matter, but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.

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

However, the Planning Authority can identify two factors which may potentially be considered to weigh in favour of the proposal.

The first is the fact that outline planning permission for a similar form of development was granted on this site in November 2018. In determining this application, Members were at that time of the view that the need for a residential nursing home outweighed the harm to the Green Belt and approved the application. This consent is currently extant (until November 2021) and the development may be secured through the submission and approval of reserved matters.

The existence of this consent represents a very special circumstance which attracts some weight in the consideration of the current proposal.

The second factor concerns the fact that the application site forms part of a wider area which has been identified by the Planning Authority as suitable for release for development purposes in the emerging Local Plan, subject to the identification of the need for housing land.

The issue of prematurity and the weight that may be attributed to this fact is considered below.

## **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)

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 New Local Plan is currently at examination with adoption anticipated in early 2022. The Plan is therefore at an advanced stage.

Policy HO24 of the New Local Plan identifies the application site as part of a wider parcel of land which is allocated for residential purposes to deliver around 196 homes and a residential care home by 2033. Criterion 2 of the Policy however identifies that as a consequence of the high level of flood risk associated with the wider site, housing development (which includes the provision of care home facilities) on the land may only be brought forward when insufficient land to ensure a five year housing land supply can be identified.

The New Local Plan identifies a five year housing land supply that does not rely on the release of this site. Release of the application site at this time would be inconsistent with that Policy stance and could prejudice unbiased consideration of the future the area of land bounded by Northwick Road, Canvey Road and Roscommon Way and could thus prejudice the ability of the Council to achieve a high level of sustainability in meeting its needs.

It is considered therefore that the current proposal has the capacity to undermine the Council's New Local Plan. As such an objection should be raised to the proposal on the basis of prematurity.

It must be remembered however that outline consent for the development of the land the subject of the current application with a nursing home has already been granted. In considering the earlier proposal Members determined that the proposal was not premature and consequently granted consent.

In the light of this decision it is no longer considered defensible to resist the proposal on the grounds of prematurity.

## **Appearance and Layout**

Adopted Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals with particular regard paid to the scale, density, siting, design, layout and external materials which

should be appropriate to the setting, and which should not harm the character of, the surroundings. Proposals should take account of all elements of the local design context. This is reflected in emerging Policy DS1.

The NPPF similarly seeks well designed development and it is therefore considered that Policy EC2 and DS1 are consistent with the NPPF.

Local Plan Policy H17 states that in designing proposals, regard must be had to the design and layout guidelines contained within Appendix 12 of the Local Plan. Appendix 12 has been superseded by the adopted Residential Design Guidance (RDG).

In general terms the proposed development is three storeys in height. The roof is a mix of gabled and flat roofed elements with small dormers provided to the front, rear and side elevations. The southern element is essentially flat roofed but is designed to give the appearance of a pitched roofed element.

In terms of materials, the proposed mix comprises:

Brickwork: Ibstock Westminster Blend panels  
Render: Smooth white  
Stonework; Blue Diamond Z Stone Cladding  
Cladding: Black timber  
Roof; Fibre cement slate in blue/black  
Doors and windows: Black uPVC

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

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

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

In terms of the provisions of the adopted Residential Design Guidance, it should be noted that RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes.

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

RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the building, for buildings providing specialist housing and care homes a space equivalent to 25% of the width of the property should be provided.

The building would have a maximum height of some 13m, a maximum width to Canvey Road of some 50m (compared to 52m on the outline proposal) and a return width to Northwick Road of some 50.5m (compared to 46.4m). Isolation spaces of 13m and 11.6m respectively are required. The scheme provides some 6m of isolation space to the Canvey Road elevation (compared to the previously proposed 7m) and some 6.8m (compared to the previously proposed provision of 10.5m) to the Northwick Road elevation. The proposal therefore fails to achieve appropriate levels of isolation.

Whilst Members previously considered the limited isolation achieved by the proposed development to be acceptable, the current proposal seeks to reduce this still further. The proposed enlargement of the building results in a structure that completely dominates the plot and provides limited opportunity for the creation of an appropriate setting for the building. The result is a cramped and unduly constrained appearance, which is exacerbated by the mass of the building and proximity to the front boundary of the site, in an area which has historically been relatively open in character. The cramped nature of the building represents an objection to the proposal.

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

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

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

RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots should provide active and articulated frontages to all elevations that face the public realm.

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

The proposed development provides a focal feature at the junction, which successfully turns the corner. No significant enclosure is identified on the eastern or southern boundaries. The proposal therefore satisfies the principles of RDG4 and no objection is raised to the proposal on this basis.

RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level and 15m at second floor level.

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

Windows in the southern elevation are located only 2.2m – 4m from the boundary of the site, but as these overlook the carriageway of Northwick Road it is not considered that these would result in any loss of privacy or amenity for adjoining users. No objection is therefore raised to the proposal in this respect. Such proximity to the highway and adjacent commercial uses may however have implications for occupiers of the proposed development. This will be discussed later in this evaluation.

No windows are provided in the northern elevation; however, a window is proposed in the northern elevation of the northernmost projecting gable. This would be located approximately 6.5m from the northern boundary and has the capacity to overlook the adjoining property. This window is however a secondary window to a dayroom. It is considered that this window may be obscure glazed and fixed to 1.7m above finished floor levels without adversely affecting living conditions within the building and would protect the amenity of the adjoining residents. This may be secured by a condition attached to the grant of any consent. Subject to such a condition no objection is raised to the proposal under RDG5.

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

The proposal provides 57 bedrooms, 6 dayrooms and a library and therefore generates a requirement for 512m<sup>2</sup> of amenity space.

The proposed development provides a split level amenity area to the rear of the site comprising a raised terrace and a small ground level garden area of some 320m<sup>2</sup> of useable amenity space (compared to 440m<sup>2</sup> in the earlier proposal). This represents approximately 62.5% of the requisite provision compared to the 96% achieved with the earlier proposal. Whilst the earlier deficiency of 4% was considered acceptable a deficiency of some 37.5% is considered inappropriate and is considered to demonstrate that the proposal represents overdevelopment of the site. An objection is therefore raised to the proposal on this basis.

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

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

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

The proposed building is considered to be well proportioned and balanced. Consequently the proposal is considered to meet the expectations of RDG8.

RDG9 is concerned with the achievement of energy and water efficiency and renewable energy. Policy CC4 of the emerging Local Plan seeks to promote energy and water efficiency in development.

The Design and Access Statement identifies that it is intended to meet 10% of energy consumption from renewables and to this end it is intended to provide photovoltaic panels on the building. These are not identified in the submitted drawings, but details of size and location can be required by condition. Further, the layout of the scheme exhibits good opportunities for solar gain and daylight penetration, with principal elevations predominantly orientated to the south, east and west. It is noted however that the proposed amenity area, by reason of its location relative to the southern wing is likely to be in shadow until early afternoon.

The applicant states that the design of the building will incorporate higher levels of insulation to the building fabric than required under the Building Regulations, triple glazing, increased loft insulation the installation of a higher efficiency Combination Boiler with gas and a low energy lighting scheme including control systems to limit use. In addition it is proposed to provide 70m<sup>2</sup> of photovoltaic panels and Air Source Heat Pumps are being considered for the domestic hot water supply. All of these measures will limit energy consumption and improve the sustainability of the scheme.

Opportunities also exist for rainwater harvesting and greywater recycling. The Design and Access Statement makes passing reference to these features but does not develop them within the scheme. The applicant is encouraged to investigate the use of these features further. Their absence from the scheme however does not represent a robust objection to the proposal.

The Town Council has raised concerns that there is inadequate surface water and foul water treatment capacity available to serve the proposed development. This objection is not supported by the utility providers.

RDG10 provides guidance in respect of boundary treatments and states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high quality materials, appropriate in terms of appearance and ongoing maintenance to the location.

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

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

No objection is therefore raised to the proposal under RDG10.

RDG11 of the Residential Design Guidance is concerned with landscaping. The application is accompanied by a spatially limited but robust landscaping scheme exhibiting hard surfaced areas and a variety of native species, all of which have ecological benefits and will enhance the setting of the building and the proposed amenity area. Subject to a condition securing maintenance for the lifetime of the development no objection is raised to the proposed landscaping scheme.

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

The applicant identifies that specialist contractors will be used to remove human and medical waste from the site. Storage facilities are provided adjacent to the undercroft access and are stated to be consistent with the contractors requirements. Whilst concern is expressed in respect



of the proximity of the storage facilities to the access, this is essentially a managerial matter for the site operators and does not represent a robust objection to the proposal.

## **Scale**

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

In terms of more generalist comments in respect of the scale of the development, it is noted that the development is three storey in nature. In principle such provision is not unacceptable however, the proximity of the building to the front boundary of the site and the relationship of the building to the adjoining dwelling, results in the creation of an over-dominant and overbearing structure with limited setting and a cramped appearance. To this extent the proposal does not integrate well with the adjoining development, presenting itself as a form of development which is out of scale with its domestic surroundings. The mass of the building and its relationship with the boundaries of the site and adjoining property renders the proposal inappropriate on this site. An objection is raised accordingly.

## **Access and Parking**

Policy EC2 of the adopted Local Plan requires all modes of transport to be safe and convenient. This principle is enshrined in Policy TP6 of the submitted Local Plan.

At the present time vehicular access to the site is obtained via a dropped kerb crossing provided approximately midway along the Northwick Road frontage. It is proposed to slightly relocate this access and provide access to the rear of the site via an undercroft. The existing access point is to be reprofiled to form an uncontrolled pedestrian crossing with tactile paving and a 2m wide footpath is to be provided along the road frontages.

The Highway Authority has considered the proposal and subject to the satisfaction of proposed conditions considers the proposal acceptable.

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

Various other works are proposed within the highway to improve pedestrian access to the site. These include the provision of new tactile paving, new footways and areas of highway landscaping.

All of these works are within the highway and will require the further formal consent of the Highway Authority.

Should planning permission be achieved it is considered that conditions should be attached to the grant of any consent requiring the applicant to demonstrate approval of the proposed measures by the Highway Authority prior to installation and occupation.

Policy T8 of the Adopted Local Plan and Policy TP7 of the submitted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the Essex Planning Officers Vehicle Parking Standards 2009. Standard C2 is relevant to the proposed development and requires one space to be provided for each full time equivalent member of staff plus one visitor space per three beds.

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

The applicant has advised that 14 part time and 2 full time staff will be provided, equivalent to the provision of 6 full time staff. On this basis 6 parking spaces are required for staff.

In addition sixty bed spaces would generate a need for a further 20 visitor car parking spaces. Thus 26 parking spaces are required.

The scheme provides 24 car parking spaces plus 2 van spaces.

This is considered adequate to meet the needs of the site. No objection is therefore raised to the proposal on the basis of car parking provision.

In addition the applicant is required to provide bicycle parking and powered two wheeled vehicle parking facilities on the basis of one bicycle parking space for each five (FTE) staff members and one space plus one space per twenty car parking spaces for powered two wheeled vehicles. Two bicycle spaces and 3 powered two wheeled vehicle spaces are required. A small bicycle facility is provided; however no provision is made for powered two wheeled vehicles. It is however considered that provision could be made within the site. A condition securing such provision can be attached to the grant of any consent.

It is noted that the Town Council has objected to the proposal on the basis that the submitted road safety audit does not reflect the situation at the site.

It would appear however that this comment is based on a misunderstanding of the time frame over which the assessment was undertaken. The audit was undertaken between 10.45am and 11.15pm on the 9<sup>th</sup> March 2021 and did provide an opportunity for peak hour traffic to be considered. It must be recalled however, that the audit would have been executed under Covid conditions when traffic levels may not have been entirely representative. The Assessment should therefore be treated with caution. Nevertheless, the Audit is considered to represent a robust and reasonable assessment of the highway risks associated with the development and clearly identifies modifications to the highway which should be secured to improve safety, key amongst which are improvements to the footpath adjacent to the site and improvements to the island refuge close to the junction of Northwick Road and Canvey Road. These areas lie outside the confines of the site and are within the adopted highway. Such works would therefore require the consent of the Highway Authority. In the event that planning permission is granted for the proposed development it is considered that a Grampian style condition be imposed to secure such improvements prior to first occupation of the development.

## **Flood Risk**

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

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

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

A Care Home is classified as a 'more vulnerable' form of development in Table 2: Flood Risk Vulnerability Classification of the NPPG. In order to comply with national policy the proposal must therefore pass the sequential and exception tests as set out in the NPPF and the Planning

Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide a care home on Canvey Island. For such development to serve the community of Canvey Island it is considered that it would need to be located within, or immediately adjacent to, that settlement.

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 164 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment (FRA) where one has been prepared; and a site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

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

The applicant has provided a FRA which demonstrates that the site is currently protected by sea defences and that the proposed development will not be at risk of flooding in a 0.5% (1 in 200) annual probability flood level, provided that the TE2100 policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

In the event of a breach of the sea wall the Environment Agency has confirmed that in a 0.1% annual probability including climate change breach flood event the site could experience flood depths of up to 0.89m. The ground floor of the building will be set above this height, consequently under such conditions the ground floor of the building will remain dry.

In the unlikely event that flood waters do enter the building, the applicants have identified a communal lounges at first and second floor level which would provide appropriate refuge for residents should the need arise.

The applicant has provided a Flood Response Plan and has identified the use of flood resilience measures. Both are considered adequate to secure the safety of residents and the rapid recovery of the building from a flood event.

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

Paragraph 167 of the NPPF states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

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

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

## **Ecology**

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

Policy EC14 encourages proposals to promote the creation of new wildlife habitats. It further states that the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

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

The site has no ecological designation but is within the zone of influence associated with the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site and the Outer Thames SPA. The application site is also in close proximity to Holehaven Creek which has been identified as land which is functionally linked to the Thames Estuary SPA.

The Benfleet and Southend Marshes SPA and the Outer Thames SPA have been designated in view of their importance to wetland birds.

Development of the site has the potential to adversely impact on the integrity of these sites through;

- Habitat loss and fragmentation/land take by development;
- Loss of functionally linked land (land outside the SPA and Ramsar site);
- Increase of any type of disturbance;
- Changes in water availability, or water quality; and
- Changes in atmospheric pollution levels.

Consideration must also be given to the cumulative impact of development.

Given the potential for adverse impact there a need for a Habitats Regulations Assessment (HRA) to be undertaken in respect of the proposal in order to identify that potential and any appropriate mitigation.

### Habitat loss and fragmentation / land take by development and loss of functionally linked land.

The application site forms part of an area of land allocated for residential purposes under Policy HO24 of the submitted Local Plan.

HO24 is located in the south-east corner of the West Canvey Marshes Local Wildlife Site (LoWS CPT/4) and is largely characterised by grazing marsh, ditches, scattered scrub and inter-tidal habitats and as such it may be considered to be land which is functionally linked to the designated sites.

However, following a review of Local Wildlife sites in 2019, it was recognised that the application site, which is located on the extreme south-eastern corner of the LoWS, immediately adjacent to the urban edge, constituted developed land which had no ecological value and could not realistically be described as functionally linked land. Consequently the boundary to the LoWS was redrawn to exclude the application site from the designation.

Given the identified lack of functional link and the fact that the site is fully developed and provides no opportunity for the provision of appropriate habitat, it is not considered that the development of the site would result in the loss, or fragmentation, of habitat.

Increase of any type of disturbance;

The application seeks consent for a 57 bedroomed care home.

The RAMS SPD states that Class C2 (Care Home) uses are notionally included within the scope of the RAMS and tariff payments, this is on the basis that an increase in population would arise from any such developments. However it is recognised that each case should be dealt with individually as some forms of development may provide a specific type of accommodation that would not result in new residents visiting the coast.

The applicant has advised that residents of the Home will be primarily end of life and vulnerable clients who will spend most, if not all, of their time at the Home.

It is highly unlikely that residents would visit nearby designated sites.

As a consequence it is not considered that the proposed development would give rise to increased disturbance within the designated sites.

Changes in water availability, or water quality

At the present time the application site is completely hardsurfaced with no provision for sustainable drainage measures and considerable potential for contaminated surface water run off onto adjoining land.

The proposed development will reduce the impermeable area of the site and introduce appropriate sustainable drainage measures which will reduce run off from the site. The proposal therefore has the potential to improve water quality in the area.

Separately, in its response to engagement and consultation on the emerging Local Plan, which included the allocation of this site, Anglian Water advised that there was sufficient capacity at its Water Recycling Centre on Canvey Island to accommodate foul water discharges arising. There were no concerns that this site, in-combination with other allocations on Canvey Island would result in the discharge consents for the Canvey Water Recycling Centre being exceeded. The proposal will therefore not have an adverse impact on water quality in the Thames Estuary, nor to the Benfleet and Southend Marshes SPA and Ramsar Site or the Thames Estuary and Marshes SPA and Ramsar site.

#### Changes in atmospheric pollution levels.

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

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

The application site is located within 200m of a major route and was formerly a popular garden centre which, because of its peripheral relationship with the main urban areas of Canvey Island, attracted significant levels of vehicle movements. Subsequently the site has been used for a range of retail and leisure purposes which also generated substantial traffic movements.

The site therefore has the potential to be adversely affected by traffic emissions and has a history of uses capable of generating traffic emissions any of which could be resumed without the further consent of the planning authority.

The proposed development is also indirectly capable of generating traffic emissions.

Traffic at the proposed care home is likely to be associated only with staff and visitor movements as residents are typically frail and/or living with cognitive impairments such as dementia and therefore would not own cars. In practice it is considered that the proposed development will result in lower trip rates compared to existing and previous uses, with the potential for improvement in air quality in the area generally.

With specific reference to the impact of the proposed development on the designated sites, although traffic generation associated with the proposed use is anticipated to be lower than previously has been the case, the fact remains that vehicles will attend the site. Any vehicles attending the site from origins not based on Canvey Island will access the site by either the A130 Canvey way or the B1014 Ferry Road. Neither of these roads however are within 200m of the Southend and Benfleet Marshes SPA or the Holehaven Creek SSSI, as functionally linked land. The impact on the designated site is not therefore considered likely to be significant.

Pollution may also arise as a consequence of the development phase of the site. Such pollution is considered likely to be transitory and short-lived but must be adequately mitigated.

Policy NE7 of the SLP highlights that all development proposals must be designed to manage and reduce air pollution impacts. They must also be located and designed in a manner which does not result in an adverse effect upon the environment. Therefore, all residential developments must be constructed in a way which will not contribute to air pollution. Precautionary air quality mitigation must be contained within a Construction Environmental Management Plan to ensure that either singularly or collectively-such development does not lead to an unacceptable risk to air quality.

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

#### Cumulative Impact

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

The conclusion drawn was that subject to amendments, which have been incorporated into the submitted Local Plan, development of the larger site of which the application site forms part would not for the most part have an adverse impact on the designated sites or any functionally linked land. The only area of concern was that of the potential for additional recreational disturbance arising from an increase in population. It is considered that in respect of development of the scale currently proposed, that impact would ordinarily be resolved through the provision of a financial contribution towards measures for the mitigation of such impacts under the Recreational Disturbance Avoidance Strategy (RAMS).

In the case of this particular proposal however, the frail nature of future residents strongly suggest that such residents are unlikely to visit the coast and as such are unlikely to have an adverse impact on designated sites or protected species. Under the circumstances of this particular proposal it is not considered appropriate to seek a RAMS contribution.

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

### Conclusion on Habitat Regulations Assessment

It is considered that the development proposed will **not** have an adverse impact on the integrity of the Benfleet and Southend Marshes SPA and Ramsar site, the Thames Estuary and Marshes SPA and Ramsar site, nor the functionally linked land at Holehaven Creek, provided that a Construction Environment Management Plan is provided which addresses pollution impacts during the construction phase of the development. This can be secured through a pre-commencement condition.

It is further considered that the redeveloped site could offer the potential for habitat creation and it is therefore considered that the proposed landscaping scheme, which provides a variety of native species, should assist in this regard.

### **Impact on Historic Assets**

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

The Framework continues that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or

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

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

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

Policy NE2 of the SLP seeks to ensure that development which will impact on the Canvey Marshes historic natural landscape, which the application site directly abuts, enhances the quality of the landscape and provides greater opportunity for the enjoyment of the landscape. It also seeks to ensure that development does not detrimentally impact on the undeveloped character of the landscape or its visual quality.

Any residual harm to the quality of the landscape is to be addressed by mature planting.

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

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

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

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

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

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

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



In terms of improving enjoyment of the landscape, it may be argued that future residents will be able to view the landscape from the terraced area of the Home and as such may derive some pleasure from it. As such no conflict with this aspect of the policy is noted.

Given the limited extent of the site and the high ratio of development to open space, there is no opportunity available within the site to soften the edge of the proposed development where it abuts the historic landscape. This is regrettable; however it must be recalled that land to the west of this site is designated for development purposes within the SLP. This development is considered likely to substantially mitigate the impact of that currently proposed.

## **Sustainability**

The NPPF seeks to ensure that new development is sustainable. Consideration of the energy and water efficiency of the proposed development have been considered above. No further comment is offered in this regard.

The applicant has further stated that materials selected for construction will be selected from the BRE Green Guide with a target rating of A or A+, where possible. This will again improve the sustainability credentials of the site.

In the case of transport, developments are expected to demonstrate the opportunity for use of sustainable transport modes and limited journeys.

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

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

## **Noise and Disturbance and Pollution**

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

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

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

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

- \* whether or not a significant adverse effect is occurring or likely to occur;
- \* whether or not an adverse effect is occurring or likely to occur; and

\* whether or not a good standard of amenity can be achieved.

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

The NPPF states at paragraph 174 that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 185 of the NPPF states that in order to prevent unacceptable risks from pollution (including noise) and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 187 of the NPPF states that existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. New development is required to demonstrate the appropriate mitigation of impacts arising from adjoining development.

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

Policy NE7 of the emerging Local Plan similarly seeks to limit the impact of development on health and the environment.

A local resident has commented that due to the proximity of the site to the main distributor Road serving Canvey Island, air quality is poor and would be likely to adversely impact on the health of residents.

The Environmental Health Officer has considered the proposal but has raised no objection on the basis of air quality.

With regard to noise, it is inevitable that the development of the application site will generate noise and disturbance and potentially pollutants during the constructional phase. However, such noise is transitory and will rarely provide a robust reason for refusal.

The application is accompanied by an appropriate Construction Management Plan which provides a robust framework for dealing with dust emissions and spoil tracking from the site. A condition securing compliance with this Plan can be attached to the grant of any consent.

Of greater concern is the potential for noise generated by uses on the adjoining industrial estate/road to adversely impact on the amenity and health of future residents of the proposed home.

The Council's Environmental Health Officer has considered the submitted acoustics report and confirms that noise levels are high in this area. In order to meet both World Health Organisation guidelines and British Standard 8233:2014 in respect of indoor noise levels within the building, it will be necessary to have improved, fixed glazing to those windows fronting Northwick Road and Canvey Road. The Design and Access Statement identifies that windows will be triple glazed,

which will be effective when they are closed, however open windows will allow noise to penetrate the building. It will therefore be necessary for those windows fronting Northwick Road and Canvey Road to be fixed shut. This can be secured by condition.

Windows to the rear of the building will not be required to be fixed shut as these would benefit from the noise baffling effect of the building.

The need to have windows fixed shut to secure an appropriate internal noise environment has implications for the achievement of natural ventilation and cooling of the building. Given the external noise environment it will not be acceptable to achieve ventilation and cooling by opening windows because this will mean noise levels will significantly exceed the guidelines and standards mentioned above. Therefore a mechanical ventilation and cooling scheme will be required. No details of such a scheme have been submitted to date but may be secured by condition.

Whilst it is incumbent on the Planning Authority to ensure the amenity of future residents as far as possible, it is considered that any persons seeking to reside at the site would be fully aware of its relationship to the adjoining industrial development and highway network and that they, or their representatives, would be able to determine the suitability of the site for themselves.

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

## **Ground Conditions and contamination**

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

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

## **Affordable Housing**

The NPPF states that where major development involving the provision of housing is proposed (which includes care homes) planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. There are however exemptions to this requirement. Paragraph 65 of the NPPF identifies that where development provides specialist accommodation for a group of people with specific needs (such as a purpose-built accommodation for the elderly), no contribution should be sought.

It is considered that the current proposal, by virtue of its purpose of providing nursing care to the elderly would benefit from such exemption. No contribution towards affordable housing provision is therefore sought from the proposed development.

## Summary and Conclusion

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

The Planning Authority defines a 'very special circumstance' as one which is unique to the site or, at the very least, is incapable of frequent repetition.

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

However, the Planning Authority is mindful that outline planning permission for a similar form of development was approved on this site in November 2018. It is considered that this decision represents a very special circumstance that weighs heavily in favour of the proposed development.

Whilst the proposal is considered to represent inappropriate development in the Green Belt very special circumstances have been identified which outweigh the harm to the Green Belt. No objection is therefore raised to the proposal on the basis of Green Belt policy.

Furthermore Members have previously identified that the release of this site from the Green Belt would not be premature within the context of the New Local Plan. Whilst the Local Plan is now more advanced than was previously the case, in the context of the previous decision of the Council and Government advice as contained in the NPPF, it is not considered that a refusal based on prematurity could now be supported on appeal.

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

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

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

1 The proposed development, by reason of its mass, scale, disposition and proximity to the boundaries of the site represents overdevelopment of the site resulting in the creation of a building of mean and cramped appearance and likely to result in an unduly dominant and prominent feature in the street scene which would be detrimental to the character and appearance of the area and result in significant overshadowing and dominance of the adjoining dwelling to the north, contrary to Policy EC2 and H17 RDG2 and 3 of the adopted Local Plan.

2 The proposed development, by reason of the excessive size of the proposed building relative to the plot size fails to provide adequate amenity space for future residents, contrary to Government guidance in respect of the provision of high quality living conditions and Policy H17 RDG5 of the adopted Local Plan.

#### NOTE

Should Members seek to depart from this recommendation, it should be noted that by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, the application is identified as one which must 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.

Once that determination has been received, this matter will be presented at a further meeting of the Development Management Committee for final determination.

#### **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.