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**Rob Tinlin**  
**Interim Chief Executive**

## **AGENDA**

**Committee: DEVELOPMENT MANAGEMENT**

**Date and Time: Tuesday 14<sup>th</sup> June 2022 at 7.00pm**

**Venue: Council Chamber, Council Offices**

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

**Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Hart, C. Mumford, Skipp, Taylor and J. Thornton.**

**Substitutes: Councillors Fuller, Riley, Savage, A. Thornton and Withers.**

**Canvey Island Town Councillor: S. Sach**

**Officers attending: Ms Kim Fisher-Bright – Strategic Developments Officer  
Mr Stephen Garner – Planning and Enforcement Officer  
Mr Jason Bishop – Solicitor to the Council  
Mr David Bland – Chartered Legal Executive Lawyer**

**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 5<sup>th</sup> April 2022 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.	21/1137/FUL	Land Rear of 248 Hart Road, Thundersley, Benfleet, Essex, SS7 3UQ	1
2.	22/0172/ADV	Waterside Farm Sports Centre, Somnes Avenue, Canvey Island, Essex, SS8 9RA	56

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**DEVELOPMENT MANAGEMENT COMMITTEE**

**TUESDAY 5TH APRIL 2022**

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

**Substitute Members Present:** Councillor A. Thornton for Councillor J Thornton and Councillor Dixon.

**Canvey Island Town Council:** Councillor Greig.

**APOLOGIES:** Apologies for absence were received from Councillors Blackwell, Gibson and J. Thornton, Canvey Island Town Councillor Sach also gave her apologies.

**20. MEMBERS' INTERESTS**

None

**21. MINUTES**

The Minutes of the meeting held on 2nd February 2022 were taken as read and signed as a correct record.

**22. DEPOSITED PLANS**

**21/1090/FULCLO - TEWKES CREEK, DOVERVELT ROAD, CANVEY ISLAND, ESSEX, SS8 8EJ - (CANVEY ISLAND WINTER GARDENS WARD) - INSTALLATION OF LIGHTING COLUMNS AND LED LIGHTING TO LIGHT RUGBY TRAINING PITCH**

The application sought permission for the installation of lighting columns and LED lighting to provide suitable floodlighting for the rugby training pitch at Canvey Island Rugby Football Club in accordance with the minimum luminance requirements of the Rugby Football Union.

The proposal would not constitute inappropriate development in the Green Belt and was recommended for approval.

The application had been submitted to replace the five previous floodlights within a playing field that were used by the Canvey Island Rugby Football Club but removed last year following a structural assessment, undertaken at the request of the Operational Services Team, which found the floodlights to be unsafe.

No responses have been received objecting to the application.

Councillor Greig representing the Canvey Island Town Council indicated there would not be an objection to the application.

Following the presentation Members took opportunity to ask questions of the Planning Officer regarding the output of the lighting, the previous installation, the siting of the columns and lighting controls.

In response it was confirmed the floodlights have been designed so that they are mounted horizontally which would result in low vertical overspill and a good uniformity on the playing field. Additionally, rear floodlight shields, front cowls and specific positioning of masts would reduce the impact and minimise overspill on the surrounding areas. None would extend as far as the neighbouring residential properties. Any disturbance caused by light was at ground level and not beyond the pitch.

Regarding the control of the lights, the lighting would be controlled by way of an automatic 7-day 24-hour with timings for the lighting automatically adjusted for daylight hours. It was confirmed that no objections or complaints have been received.

Following debate on the recommendation a vote was taken and it was:

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

**23. 21/0688/FUL - WALSINGHAM HOUSE, LIONEL ROAD, CANVEY ISLAND, ESSEX, SS8 9DE (CANVEY ISLAND CENTRAL WARD) - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND OUT-BUILDINGS, PROPOSED 9 DWELLINGS, 7 NEW CROSS-OVERS AND NEW ROAD FORMING PHASE 1 OF THE DEVELOPMENT**

The application sought planning permission, for the erection of nine dwellings and associated works and access road, on a brownfield site in the urban area, which was allocated for School and Worship purposes in the adopted Local Plan and residential purposes in the submitted Local Plan.

Government guidance as set out in the NPPF, was clear that where opportunities exist to provide housing on sustainable sites which are allocated for development purposes, (not necessarily residential development purposes), planning permission should not be unreasonably withheld.

Detailed consideration had been given to the proposal in the context of national legislation, Government guidance, the adopted policies and guidance set out in the adopted Local Plan, the policy and provisions of the merging Local Plan and the comments received in response to consultation, and for the reasons set out in the report, subject to appropriate conditions, the provision of residential development is considered appropriate on this site and was recommended for approval.

The applicant has already made the appropriate RAMS contribution.

The proposal sought to achieve 9 residential units on the site. Such provision was below the threshold for the attraction of any contribution towards the provision of affordable housing and no contribution was therefore provided within the context of the current application.

The applicant had acknowledged however that Phase 2 of the development would be required to meet the affordable housing need generated by the development of the whole of the Walsingham House site and that the affordable housing

calculations undertaken within the proposal for the development of Phase 2 would need to include the housing product of Phase 1.

Planning permission was sought for Phase 1 of a two-phase scheme which would eventually provide up to 42 dwellings. Phase 2 which would provide 20 houses and 13 flats was the subject of an extant planning application and was likely to be presented to the Committee later in the year. However while the application site formed part of a wider phased development Phase 1 must be considered on its own merits.

The recommendation was for approval subject to an amendment to condition No. 37 to require that prior to first occupation of Phase 2 of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme and such works shall be formally approved by the Local Planning Authority

A representation submitted by a member of the public Mrs Hann was read to the committee as the resident was unable to attend the meeting.

Councillor Greig, a representative for Canvey Island Town Council restated that Council's objection to the proposal.

Members took the opportunity to ask questions on the report regarding the adequacy of the parking provision, site access, whether the Developer could avoid his obligations to provide affordable housing, landscaping, drainage, infrastructure improvements and sustainability – the use of air source heat pumps or condensing boilers.

Debate took place on the recommendation during which it was confirmed that parking standards had been met. It was not possible on this application before the Committee to include a condition on the application requiring a play area be provided. At the conclusion a vote was taken, and it was:

**Resolved** – That the application be approved subject to the conditions as set out in the Planning Officer's report with the exception of Condition 37 which should be amended to read:

*Prior to first occupation of Phase 2 of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme and such works shall be formally approved by the Local Planning Authority.....*

Chairman

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**ITEM 1**

<b>Application Number:</b>	<b>21/1137/FUL</b>
<b>Address:</b>	<b>Land Rear Of 248 Hart Road Thundersley Benfleet Essex SS7 3UQ (Cedar Hall Ward)</b>
<b>Description of Development:</b>	<b>Demolish existing building and stables and construct 44. affordable dwellings including open space, playspace, landscaping and associated access, infrastructure and parking arrangements</b>
<b>Applicant:</b>	<b>L &amp; G Affordable Homes</b>
<b>Case Officer</b>	<b>Ms Kim Fisher</b>
<b>Expiry Date</b>	<b>14.06.2022</b>

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**Summary**

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. Prima facie the proposal should therefore attract a recommendation of refusal.

However, harm to the Green Belt may be outweighed by very special circumstances.

It is the view of Officers that very special circumstances, sufficient to outweigh the harm to the Green Belt, can be identified in this case as follows:

- (i) Castle Point has a significant unmet need for housing which analysis has confirmed cannot be fully met from within the urban area and must therefore, in part, be satisfied in areas beyond the urban edge.
- (ii) The site is allocated for residential purposes in the New Local Plan within Policy HO20. The Local Plan allocation is based on a detailed assessment of the strategic value of the site to the Green Belt and the requirement to identify sufficient land to meet identified housing needs.
- (iii) Detailed analysis of the wider HO20 site, within the context of the preparation of the Local Plan, identified that release of HO20 would give rise to limited harm to the objectives of the strategic Green Belt.
- (iv) This assessment has been found sound by the Inspector appointed to determine the soundness of the Local Plan.
- (v) The proposal meets the Master Plan requirements of HO20 of the New Local Plan and would not prejudice the development of the remainder of the allocation in accordance with the policy
- (vi) The proposal seeks to provide 100% affordable housing for which there is a significant unmet need in the Borough.
- (vii) The proposal will result in a significant increase in the biodiversity value of the site.

The weight that may be attached to these circumstances is considered to outweigh the harm to the Green Belt at this location.

Whilst it is acknowledged that Members have resolved not to adopt the Plan the evidence underpinning the Plan remains valid.

No objection is therefore raised to the proposal on the basis of Green Belt policy.

Further it should be noted that the proposal satisfies all relevant policies within the adopted and New Local Plans and satisfies all relevant Residential Design Guidance.

Should Members resolve to approve the application 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 needs to be referred to the Secretary of State, in order that he might consider whether this is an application he wishes to call in for his own determination.

My RECOMMENDATION is: **APPROVAL** subject to:

- (a) referral of the application to the Secretary of State and his notification of the Local Authority that he does not wish to call the application in for his own determination
- (b) The applicant being willing to enter into a S106 agreement to secure:
  - (i) 100% affordable housing provision on the site with nomination rights in respect of the rented properties being passed the Local Authority and affordable market properties being subject to eligibility criteria to ensure that local needs are, where possible, prioritised over the needs of non-local parties and
  - (ii) Appropriate financial contributions towards:
    - highway improvements
    - healthcare provision
    - educational facilities
    - indoor sports facilities
    - improved bus facilities
    - provision of an off-site Multi-Use Games Area and
    - Recreation Avoidance and Mitigation Strategy (RAMS).
  - (iii) Travel Packs for new residents of the Site.
  - (iv) An Open Space Management Plan suitable to secure the management of land for recreational and ecological purposes in perpetuity
  - (v) A SUDS Maintenance Plan
  - (vi) On-site children's play equipment and management plan and
  - (vii) The provision of access rights up to the boundaries of the site, to ensure the potential for access to adjoining land, without ransom strips

and appropriate conditions as set out at the end of this report.

## **The Site**

The proposal site encompasses some 1.7ha of land on the south side of Hart Road, comprising the curtilage of No. 248 Hart Road, located immediately to the east of the Cedar Hall School.

The site exhibits a fall of some 0.5m east to west and 4.7m north to south with a watercourse, Thundersley Brook, denoting the southern boundary.

A foul sewer and its 8m easement runs east to west across the site, just north of the watercourse.

The northern part of the site supports a detached dwelling and land in equestrian use with stables and a ménage located towards the northern boundary, adjacent to the residential uses.

The southern, eastern and western boundaries are demarcated by trees and hedgerows. None of these trees are the subject of a Tree Preservation Order.

The southern part of the site is designated a Local Wildlife Site.

To the north and east is existing residential development whilst to the west is Cedar Hall Primary School. To the south is an open field, beyond which lies further residential development.

## **The Proposal**

It is proposed to demolish the existing dwelling and provide 44 two and three bedroomed affordable housing units as follows:

### **Affordable Rent**

2-bed house	6
3-bed house	2

### **Shared ownership**

2-bed house	13
3-bed house	23

The applicant advises that rents will be set below Local Housing Allowance caps to ensure they are genuinely affordable to local people.

Each dwelling will be provided with parking and access provision. Vehicular access to the site will be from Hart Road. Within the site non-vehicular access is provided to the southern and eastern boundaries of the site to facilitate pedestrian access to the wider allocated site with the potential for proposed internal roads to be extended to the east to serve adjoining land if required.

The scheme includes provision of communal open space; an attenuation basin; playspace, soft and hard landscaping and ecological enhancements focussed on the southern end of the site.

## **Site Visit**

It is considered that Members should visit the site prior to consideration of the application.



## **Supplementary Documentation**

The application is accompanied by:

- Design and Access Statement
- Planning Statement
- Arboricultural Impact Assessment including Tree Protection Plan.
- Preliminary Ecological Appraisal
- Ecological Impact Assessment
- Biodiversity Impact Assessment
- Biodiversity Management Plan
- Invasive Species Management Plan
- Transport Assessment
- Geotechnical Report.
- Flood Risk Assessment
- Drainage Layout
- Suds Proforma
- Archaeology Report
- Construction Environment Management Plan.
- Schedule of Accommodation
- Specification for Soft Landscape works
- Statement of Community Engagement

The applicant has also submitted Heads of Terms for the S106 Agreement to include as necessary and appropriate:

Financial contributions towards:

- highway improvements
- healthcare provision
- educational facilities
- indoor sports facilities
- improved bus facilities and
- Recreation Avoidance and Mitigation Strategy (RAMS).

In addition, the applicant will provide

- Travel Packs for new residents of the Site.
- An Open Space and Management Plan/SUDS Maintenance Plan and
- On-site children's play equipment.

## **Relevant Planning History**

21/0814/MAJPRE

Demolish existing dwelling and construct 47 affordable dwellings with associated access and infrastructure.

15/0746/PREAPP

Demolish existing dwelling and construct 16 No. dwellings and associated access.

CPT/1150/89/OUT

Outline - Five Detached Five Bedroomed Houses and Garages

Refused 27.02.1990

CPT/311/88/OUT

Outline - Five Detached Houses and Garages'

Refused 12.04.1988

CPT/923/87/OUT

Outline - Twelve Houses and Garages'

Refused 28.07.1987

BEN/512/73/OUT

Outline - residential development'

Refused 15.08.1973.

### **Pre-Application Engagement**

As part of the pre application engagement the applicant has undertaken consultation with the wider community. This took the form of a newsletter distributed to some 1,065 households in the area, a dedicated website and a virtual exhibition. The newsletter contained information about the proposed development and the applicant and provided the opportunity to engage in both a virtual and physical environment.

This exercise elicited some 194 responses which identified concerns regarding:

- capacity of infrastructure;
- the loss of Green Belt;
- impact on traffic on Hart Road;
- impact on local wildlife and
- the impact on water pressure and flooding.

It also elicited support for the provision of affordable homes.

This closely reflects the responses to the consultation exercise undertaken by the planning authority in association with consideration of this application.

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

The following policies are of relevance:

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

Introduction and achieving sustainable development

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

Decision making

Paragraphs 47, 49, 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**

The site is partly allocated for Green Belt purposes on the adopted Local Plan with the frontage allocated for residential purposes.

Part of the site also forms part of Local Wildlife site CPT23 Thundersley Plotlands.

The following policies of the adopted Local Plan are of relevance:

EC2:	Design
EC3:	Residential Amenity
EC4:	Pollution
EC13:	Protection of Wildlife and their Habitats
EC14	Creation of new Wildlife Habitats
EC22	Retention of Trees Woodlands and Hedgerows
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
T8:	Car Parking Standards
H17	Housing Development – Design and Layout
RE4	Provision of Children's Playspace and Parks
CF1:	Social and Physical Infrastructure and New Developments
CF14:	Surface Water Disposal.

**The New Local Plan**

In October 2020, the Council submitted its new Local Plan (2018-2033) to the Planning Inspectorate for examination.

This Plan identifies the wider area of the Chase, of which the proposal site forms part, as Site HO20, an area suitable for release from the Green Belt for residential purposes.

Policy HO20 envisages the development of the whole of the allocated site within the context of a comprehensive Master Plan.

In considering the New Local Plan the Inspector identified that the site was currently allocated for Green Belt purposes, but stated that whilst the release of the site for development purposes:

*“would cause some limited harm to the Green Belt through the loss of openness, increasing urban sprawl and loss of countryside. The site would have a short boundary with the Green Belt on the A129 Rayleigh Road which would be readily recognisable and is likely to be permanent. In addition, the Council has taken into account the need to promote sustainable patterns of development, which is reflected in the policy requirements. Given the need for housing which cannot be accommodated within the existing urban area and the limited harm to the Green Belt, I find that there are exceptional circumstances for removing this site from the Green Belt”.*

The Inspector also considered that the capacity of HO20 should be increased from 340 to around 412 with the actual number to be determined through the Master Plan process (para 107 of the Inspector’s final report).

Such modification was made in accordance with the Inspector’s recommendations and the Local Plan was subsequently found sound.

Despite this finding Members resolved on the 23<sup>rd</sup> of March 2022, not to adopt the New Local Plan.

Nevertheless, the findings of the Inspector represent a material consideration which carries substantial weight in the determination of any application.

Policies within the New Local Plan which will be given consideration, as appropriate, in this report are:

SD1 Making Effective Use of land  
SD2 Development Contributions  
HO3 Housing Mix  
HO4 Securing More Affordable Housing  
HO20 The Chase  
HS1 Strategy for Healthy Communities  
HS3 Opportunities for Outdoor recreation  
TP6 Highway Impacts  
TP7 Safe and Sustainable Access  
TP8 Parking Provision  
DS1 General Design Principles  
DS2 Landscaping  
CC1 Responding to Climate Change  
CC3 Non-Tidal Risk Management  
CC4 Sustainable Buildings  
NE4 Local Wildlife Sites  
NE5 Ecologically Sensitive and Designated Sites  
NE6 Protecting and Enhancing the Landscape and Landscape Features

NE7 Pollution Control  
NE8 Contamination  
NE10 Ensuring Capacity at Water Recycling Centres

### **Adopted Residential Design Guidance (RDG)**

Relevant guidance includes:

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

### **Other Relevant Documents**

- Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)
- The Castle Point Borough Green Belt Review 2018
- Addendum to the South Essex Strategic Housing Market Assessment (2017)
- Addendum to the South Essex Strategic Housing Market Assessment (2020)
- Habitats Regulations Assessment (Screening Report and Appropriate Assessment) Sept 2020.
- Safer Places: The Planning System and Crime Prevention 2004
- Developer Contributions Guidance SPD – Adopted 1st October 2008
- Castle Point Open Space Appraisal Update 2012
- Technical Housing Standards – national described space standard (DCLG March 2015)
- DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)
- Essex Coast Recreational Disturbance and Mitigation Strategy (RAMS) 2020

### **Consultation**

#### Essex County Council Highways

No objection subject to conditions

#### Essex County Council Fire and Rescue

No objection

#### Essex County Council Infrastructure Planning Officer

Contributions towards education and library provision sought.

#### Essex County Council Lead Local Flood Authority

No objection subject to conditions.

Environment Agency

No comment

Anglian Water

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity.

Advisory requested.

Essex Police Architectural Liaison Officer

Seeks formal accreditation of Secured by Design for the scheme and the provision of an appropriate lighting strategy.

NHSEngland

Financial contribution required to fund necessary improvements to health care provision to meet the needs of the development.

Invertebrate Conservation Trust (Buglife)

No response

Essex Wildlife Trust

No response

Essex Badger Patrol

No response

Essex Bat Group

No comment on proposal.

CPBC Environmental Health Officer

Additional Noise survey requested subsequent to which no objection raised.

CPBC Legal Services

No observations on proposal.

CPBC Streetscene

No objection

CPBC Housing Manager

Affordable rented homes within the borough are always in high demand, the proposed construction of 2 and 3 bed properties fits with the demands within the area, whilst we would welcome a higher proportion of rented homes, we are pleased to see an increase in the number of affordable homes being available and as a housing provider are happy to work with L&G Homes in any way we can.

**Public Consultation**

Some 67 letters had been received identifying the following issues and concerns:

- Loss of Green Belt
- Loss of open space
- Impact on wildlife
- Site is too close to a school
- Lack of need for additional houses/people
- Increased traffic and potential for congestion and accidents
- Increased pollution
- Potential for light pollution
- Potential for increased surface water runoff and flooding
- Inadequate infrastructure to serve development and exacerbation of poor water pressure
- Impact on residential amenity and potential for overlooking
- Overdevelopment of the site
- Loss of view
- Impact on property values

In addition, 1 letter of comment had been received, requesting consideration of:

- Impact on air quality and pollution
- Impact of noise
- Impact on wildlife
- Provision of adequate parking
- Minimisation of use of artificial light
- Energy conservation

It should be noted that concerns over the potential impact of the proposed development on house values and loss of view are not valid planning considerations.

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

### **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 part of the site as Green Belt and part for residential purposes.

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 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 unless they qualify for consideration under one of the stated exceptions.

Part (f) of para 149 identifies that the provision of affordable housing for community need may constitute an exception to the usual presumption against development in the Green Belt.

The NPPF is however most specific that for development of this type to be acceptable in the Green Belt, it must be in accordance with policies set out in the development plan. The adopted Local Plan contains Policy H7 which is concerned with the provision of affordable housing; however, this Policy simply identifies that the Planning Authority will seek the provision of affordable housing in appropriate circumstances and does not identify that such provision may be made on specific sites or on land allocated for Green Belt purposes.

The New Local Plan similarly makes no statements in respect of affordable housing which would identify this proposal as being one which would benefit from this particular exemption to Green Belt policy.

The final exception identified within the paragraph 149 identifies the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development: or not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and would contribute towards meeting an identified affordable housing need within the area of the Local Authority, may not be inappropriate in the Green Belt.

That part of the site currently allocated for Green Belt purposes hosts a number of buildings associated with the use of the site for equestrian purposes. These buildings are located within the northern part of the site and a significant area of open land is retained to the south.

Given the presence of development on the site it is considered that, in part at least, the site represents previously developed land.

It is intended to replace these buildings with a development extending across the whole site, comprising 44 two storey dwellings with associated parking provision, access and landscaping, arranged in a suburban style layout.



Applying paragraph 149(g) to the proposal identifies that redevelopment of the previously developed part of the site with affordable housing would only need to satisfy the lesser test, however the greater proportion of the development site is not previously developed land and in this area, to be considered acceptable, the development is required to have no greater impact on the openness of the Green Belt.

It is clear that redevelopment of the site in the manner proposed would have a greater impact the openness of the Green Belt.

The current proposal cannot therefore benefit from the exception cited in para 149(g).

Consequently, the proposal represents inappropriate development, representing definitional harm.

Having determined the existence of definitional harm, consideration must be given to any other harm that might arise from the development of the site.

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.

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, (Updated 2019) identified the wider area of land, of which the application site forms part, as Parcel 6 and confirmed that whilst this parcel did not lie within a Locally Important Strategic Green Belt area it did perform the Green Belt functions of checking unrestricted sprawl and safeguarding the countryside. The proposed development would result in the intensive development of a currently largely vacant site. Such development represents a physical and visual encroachment into the Green Belt, in conflict with purposes 1 and 3. This carries weight against the proposal.

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

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

#### The existence of Very Special Circumstances (VSC)

The applicant has identified the following VSC:

- (i) The site's lack of contribution to the Green Belt
- (ii) The identification of the site as suitable for release for residential purposes within the New Local Plan
- (iii) The lack of harm to matters other than the Green Belt
- (iv) The provisions of the New Local Plan Inspector's Post Hearing letter
- (v) The housing land supply shortage
- (vi) The significant affordable housing need
- (vii) The inability of the Council to meet housing needs without developing on Green Belt land and
- (viii) The high quality of proposed design and speed of delivery.

In response, it should be noted that through the preparation of the New Local Plan it has been established that insufficient opportunity exists within the urban areas to accommodate the Borough's identified housing need. Opportunities beyond the urban areas were therefore sought where residential development could be accommodated with limited harm to the Green Belt and its strategic objectives.

The Castle Point Green Belt Review 2018 (Updated 2019), identified that land around the Chase, Thundersley, identified as Parcel 6, of which the application site forms part, whilst performing a Green Belt function, was of limited value and that given the isolation of the parcel from the wider Green Belt by development, the provision of houses on the site would result in only limited harm and would not prejudice the objectives of the wider strategic Green Belt. The site was duly allocated for residential purposes in the New Local Plan under Policy HO20.

The fact that the Green Belt in this area has been robustly scrutinised by this Authority and by the Inspector appointed to consider the soundness of the New Local Plan, and assessed to be of only limited value to the strategic Green Belt, and therefore capable of being released from the Green Belt without significant harm the strategic Green Belt, is of significance in the determination this application.

Whilst Members have resolved not to adopt the sound Local Plan, its provisions remain a material consideration of substantial weight in the determination of this application.

In terms of housing land supply, evidence collated through the Local Plan process has identified that the Borough has historically experienced a significant shortage of deliverable housing sites and consequently has demonstrated poor performance in housing delivery in both the market and affordable housing sectors. This has led to significant unmet housing need.

Whilst in isolation housing need is unlikely to justify inappropriate development in the Green Belt, case law and planning appeals have confirmed that a housing land supply shortfall can, in association with other considerations, contribute to the provision of sufficient weight to outweigh the harm to the Green Belt.

This attracts moderate weight in favour of the proposal.

Further it is considered that the provision of a scheme providing 100% affordable housing represents an unusual circumstance which may also contribute towards the achievement of very special circumstances.

The Castle Point Strategic Housing Market Assessment Addendum 2017 identifies a net annual affordable housing need of 353 dwellings. The New Local Plan proposes to deliver 355 net additional dwellings per annum. Thus it can be seen that the identified need for affordable housing almost matches total housing provision. Given the opportunities available for the provision of affordable housing, the likelihood of this Authority fully meeting its affordable housing needs is remote.

In this context, it is considered that the proposed development of the site to provide 100% of dwellings as affordable housing represents a significant benefit.

This attracts moderate weight in favour of the proposal.

In further support of the proposal, the applicant identifies that the proposed development will be of high quality and of modular form, facilitating speedy provision.

High quality would be required of any development and does not represent a very special circumstance.

Speed of delivery attracts some minor weight.

Finally, the applicant suggests that the lack of harm to matters other than the Green Belt represents a circumstance that should weigh in favour of the proposal.

It is not considered that a lack of harm beyond the Green Belt represents a very special circumstance and no weight is attached to this consideration.

### **Conclusion on the presence of very special circumstances.**

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

Residential development of the Green Belt element of the site represents inappropriate development which would permanently reduce the openness of this part of the Green Belt and conflict with the purposes of designation, namely the prevention of sprawl and encroachment and the protection of the countryside.

However, evidence collated by the Authority in its preparation of the New Local Plan identifies that the harm to the Green Belt occasioned by the release of site HO20, of which the application site forms part, and its development for residential purposes, would be limited and outweighed by the need to identify land to meet housing needs.

This view was supported by the Inspector appointed to consider the soundness of the New Local Plan.

Whilst HO20 is not the adopted policy of this Authority, the evidence underpinning the policy has been identified as sound by the Inspector .

This is considered to attract substantial weight in favour of the proposed development.

The fact that the proposal seeks to provide 100% affordable housing, of significant benefit to the community, is considered to attract moderate weight in favour of the proposal.

The ability to provide such housing speedily as a consequence of the modular design, in the light of the identified extreme need for such accommodation, attracts minor weight.

In conclusion, it is considered that the identified lack of harm to the objectives of the strategic Green Belt, the weight that may be attached to the Inspector's findings in respect of HO20 of the New Local Plan and the community benefits derived from the provision of a 100% affordable housing scheme, outweighs the harm to the Green Belt at this location.

No objection is therefore raised to the proposal on the basis of Green Belt policy.

### **Integration into the Master Plan for the Area**

Proposed main modifications to HO20 required the site to be developed in accordance with a Master Plan prepared for the area, to ensure that the development was attractively designed, contributed positively to environmental quality and was supported by appropriate infrastructure.

The modification acknowledged that the multiplicity of owners present within the wider allocation would result in individual parcels coming forward with different proposals but identified that all should conform to the provisions of the Master Plan.

The current proposal has been submitted in advance of the completion of the Master Plan. As modified the New Local Plan addresses this issue by stating in paragraph 4 that "applications for individual parcels within the allocated site must have regard to the Master Plan and must contribute towards those elements of the Master Plan which are necessary to make the proposal for development acceptable in planning terms. Any applications received in advance of the Master Plan must incorporate the requirements of part 3 of this policy and must not undermine the comprehensive development of the wider site".

Part 3 of the Policy states:

*"Each development parcel should have regard to the master plan which will secure:*

- a. Urban design which echoes the principles of the Arcadia approach as defined in Appendix 2, to create an attractive, green, parkland environment, integrated into the existing landscape;*
- b. An approach to wildlife that results in a measurable net gain in biodiversity;*
- c. The retention of existing Public Rights of Way through the site, and the provision of greenways through the site, linking to the existing network of green infrastructure;*
- d. The provision of open space and where appropriate, playing fields within the site consistent with the requirement of policy HS3, delivering additional accessible natural green space to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;*
- e. An approach to playing pitch provision which fully compensates for any losses arising on site or in an accessible location nearby, and provides for any additional need arising from growth at the site, in consultation with Sport England and the relevant sport governing bodies;*
- f. Main vehicular access to the south of the Chase from Kiln Road, and land to the north of the Chase from Runnymede Chase or Rayleigh Road;*

*g. Coordinated access to the development areas within the site without the creation of a motorised vehicular through route. As appropriate, the need for highways improvements, including to unmade sections of highway within the site will be secured to enable access to new development;*

*h. Active travel connections through the site linking through the new development to the USP College and Council Offices and adjoining leisure uses off Kiln Road;*

*i. The provision of a new stand-alone 26 place Pre-school, and the provision of a building to accommodate 1,000sqm of space for healthcare services. This may be provided in-kind, or through the provision of land comprising 0.058ha for the pre-school and 0.3ha for the healthcare building, with proportionate financial contributions towards the delivery of the facilities;*

*j. Sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties; and*

*k. The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility infrastructure identified on site”.*

The proposal must also have regard to the adopted Residential Design Guidance.

Consideration will be given to each of these requirements:

*a. Urban design and the principles of the Arcadia approach*

Appendix 2 to the New Local Plan identifies that appropriate elements of an Arcadia approach will secure:

- housing laid out according to landscape dominated principles;
- creating the illusion of a rural environment in a residential area;
- layout allows houses to appear at intervals among trees and landscape features as surprise hidden features in the dominant landscape;
- 'leafy' suburbs concealing houses among mature trees so visual appearance is of a landscape setting rather than housing;
- typified by layout of parks of great country houses;
- front gardens should be enclosed by hedges in order for the landscape to dominate the housing;
- most suitable sites are those which already have significant density of mature trees and hedges;
- consideration of how to enhance existing tree cover with new planting, and to establishing new patterns of substantial tree and hedge cover where existing vegetation is sparse; and
- plant material should not be alien to naturally occurring species

In terms of layout, whilst the site will benefit from new tree and hedge planting, the retention of trees and hedges around the boundaries of the site and the provision of open space at its

southern end and at the entrance to the site, the current scheme seeks to secure a relatively dense form of development which from most public vantage points will not present a landscape-dominated setting to the dwellings. The current layout therefore fails to achieve an Arcadia approach and prima facie would be inconsistent with the requirements of the proposed Master Plan.

It must be conceded however that the current landscape value of the site is limited in impact comprising primarily poor grassland and that across the wider allocated site, variations in density and style of development should be anticipated.

It must also be noted that in his post hearing letter the Inspector identified that across the wider site the number of dwellings to be provided should be increased. This has clear implications for densities across the site with a corollary impact on setting.

In order to protect the most valuable and sensitive landscapes in the allocation, densities in less sensitive locations will need to be increased. This site, by virtue of its close relationship with the adjoining urban area and lower landscape sensitivity, lends itself to a higher density, less landscape dominated development, than might be considered appropriate on other parts of the allocated site and as a matter of principle, therefore, it is not considered that an objection could be sustained in respect of a more urban form of development on the site.

That the proposal is equally acceptable in terms of other considerations and matters of detail will be dependent on the level of compliance achieved with the Council's adopted Residential Design Guidance and the remaining provisions of policy HO20.

*b. An approach to wildlife that results in a measurable net gain in biodiversity:*

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

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

Policy EC14 is considered consistent with the NPPF, particularly in respect of paragraph 179. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 180 of the NPPF.

Policy NE4 of the New Local Plan states at para 3:

*Development proposals which would result in harm to either a Local Wildlife Site or a potential Local Wildlife Site will not normally be permitted unless it can be demonstrated that every reasonable effort has been taken to minimise the harm arising through avoidance. Any harm arising must be fully mitigated, or compensated, resulting in a measurable net gain in biodiversity.*

Policy NE5 of the New Local Plan states that the Council will support proposals which can demonstrate a measurable net gain in biodiversity.

Policy NE6 states that all development proposals should contribute positively towards creating a visually attractive environment and should seek to protect and integrate key natural and semi-natural features including field boundaries, hedgerows, trees, woodlands and watercourses.

The southern portion of the application site was identified as forming part of Local Wildlife Site (LoWS) CPT23 – Thundersley Plotlands in the 2012 Wildlife Site Review. This identified the complex of land parcels forming the larger wildlife site, as an area which represented the last remaining blocks of old plotland habitat within urban Thundersley, comprising a mosaic of grassland, woodland and scrub with a characteristic suite of habitats and species with conservation interest in their own right.

The LoWS was also identified as a stepping-stone between the Daws Heath woodlands to the east and the Local Wildlife Site complex to the south of Kiln Road.

Woodland present within the LoWS are generally dominated by Pedunculate Oak with lesser amounts of Ash, Birch, Hazel, Hawthorn and Holly and with a few of the older boundary ditch and bank features supporting larger Oaks with coppiced Hornbeam.

The ground flora is described as generally poor with a high proportion of Bramble Common Nettle and Cow Parsley although pockets of more interesting flora such as Pendulous Sedge, Bush Vetch, Bluebell and Sanicle are present.

The quality of grassland blocks varies according to management.

Common Lizard, Slow Worm and Badger were identified as present in various parts of the wider site.

The Wildlife Sites Review was reviewed in 2019. This amended the extent of the LoWS to remove land to the east of Wensley Road and south of the Chase to reflect land lost to housing development. The field notes accompanying the Review identify the condition of the LoWS as declining as a consequence of development and that the woodland and grasslands required positive management to achieve conservation outcomes.

The application site forms the northern extent of LoWS CPT23 and is characterised by open grassland with hedgerows to the eastern, western and southern boundaries. The site does not however contain any priority habitats.

Recent surveys undertaken on behalf of the applicant have identified that as a consequence of the management of the site (horse grazing), its ecological value has been significantly downgraded and opine that under review it is likely that the site would be deselected as a LoWS. The site however does retain significant potential around the margins.

Within the context of Policy H020, the enhancement of biodiversity represents a key objective.

Such enhancement is required to be measurable however the New Local Plan does not identify the scale of enhancement required.

The NPPF similarly remains silent on this particular aspect of the policy. However, the Environment Act seeks to secure a net 10% increase in biodiversity (Biodiversity Net Gain – BNG) on development sites and it is considered that this should be the minimum standard sought in respect of all proposed development.

The applicant has undertaken an assessment of the site within the context provided by the Defra Metric (the required mechanism for the calculation of BNG) and has determined that whilst development of the site will result in the loss of part of a Local Wildlife Site comprising poor quality modified grassland and scrub, which will not be replaced, it will secure a 2.94% increase in habitat units through the provision of meadow grasslands, the removal/management of invasive species, the provision of a 'tiny forest' and the installation of bird and bat boxes and a 96.5% increase in hedgerow units through improvements to the existing hedgerows around the site.

The proposed scheme therefore achieves a significant increase in habitat biodiversity on the site, consistent with the requirements of HO20 and considered more than adequate to compensate for the loss of the degraded grassland and scrub within the LoWS designated area.

In terms of the impact of the proposed development on the species present on the site, the grassland habitat provided at present is not suitable for reptiles whilst the hedgerows are to be enhanced, thus improving habitat for reptiles.

Consequently, it is considered unlikely that any population of reptiles would be adversely impacted in the long term. Impacts during clearance will be minimised using precautionary clearance methods. Habitats available after development will be similar in size to that present before, with a possible small increase in area, as some rough grassland habitat is proposed.

Overall, there is unlikely to be any residual long term negative impact on reptiles on site.

With regard to Badgers, there are no setts on the site and analysis of the ground conditions has identified a low density of earthworms, suggesting that the site provides poor foraging. It is clear however that Badgers cross the site to get to other parcels of land where food sources maybe more abundant.

The submitted layout seeks to retain the opportunity for Badgers to cross the site by retaining areas of hedging and access paths along the boundaries. This measure, coupled with the provision of fruit and berry bearing trees is likely to enhance the Badger diet whilst the provision of the 'tiny forest' and new grassland will improve the opportunity for foraging within the site, resulting in no significant adverse impact on the Badger population.

It should be noted that the local Badger group has not sought to object to the proposal on the basis of impact on Badgers.

It is likely that hedgehogs are also present on the boundaries of the site and will similarly benefit from improvements to the habitat.

Bats are considered likely to forage along site boundary habitats. These are all being retained, thus impact on bats should be minimal. Further it is proposed to install bat boxes within the development, thus increasing the opportunity for roosting and a bat friendly lighting scheme will be used on site, minimising light spill onto boundary habitats. Overall, it is considered that the development will have no adverse impact on bats.

Finally with regard to birds, the proposed enhancement of the hedgerows, provision of the tiny forest and enhanced meadowlands and the provision of bird boxes, will ensure that opportunities for birds to nest and feed are maintained on the site.



The ecological survey undertaken identified Himalayan Balsam growing at the southern end of the site. This is a highly invasive species which has the capacity to smother native plants and thus impoverish biodiversity. Removal of this plant from the site will be a significant positive impact.

Proper management of the site to secure the biodiversity benefits identified can be achieved through the implementation of an appropriate Biodiversity Management Plan.

The applicant has submitted a Construction Environment Management Plan (CEMP) for Biodiversity which identifies elements of good practice. These include preliminary checks of badgers, birds and reptiles prior to works commencing and the institution of appropriate exclusion zones to protect species, good housekeeping to avoid pollution incidents such as the generation of excessive dust emissions, the pollution of groundwaters and light pollution and the establishment of protective zones around trees, hedges and the watercourse at the southern end of the site.

If fully implemented it is considered that the provisions of the Biodiversity CEMP would assist in ensuring that wildlife on the site was adequately considered during the construction period.

Conditions to secure compliance with the provisions of the Biodiversity CEMP can be attached to the grant of any consent.

A management plan for the removal of the Himalayan Balsam has also been submitted and recommends treatment of the Himalayan Balsam with a suitable herbicide. This is considered to be an appropriate and acceptable response.

Further details on the ecology of the site in the context of the Habitats Regulations and the RAM Strategy will be assessed later in this report.

c. *The retention of existing Public Rights of Way through the site, and the provision of greenways through the site, linking to the existing network of green infrastructure.*

There are no existing public rights of way through the site, however the proposed layout does provide opportunities for new routes with the provision of a pedestrian link to the south and the potential for both vehicular and pedestrian access to the land to the east.

Acceptance of the current layout will, of necessity, influence any future layout of adjoining land to secure a cohesive movement network through the wider site, however it is considered that this may, at this stage, be readily incorporated into the overarching Master Plan and the current layout would not therefore prejudice the development of land to the east and south.

In the event of planning permission being achieved for this development however, it will be necessary to ensure that no ransom strips are retained within the site. It is considered that this can be secured through a S106 agreement.

d. *The provision of open space and where appropriate, playing fields within the site consistent with the requirement of policy HS3, delivering additional accessible natural green space to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;*

Local residents have objected to the proposal on the basis that it results in the loss of open space.

It should be noted that at the present time the site is private land which does not offer the opportunity for public enjoyment of open space.

Consideration of the proposal within the context of the provisions of the Castle Point Infrastructure Delivery Plan suggests that this site attracts a requirement for the provision of some 0.29ha of playspace, parks/gardens amenity greenspace and semi natural and natural green space.

The proposal includes the provision of some 2,500m<sup>2</sup> of open space at the southern end of the site, providing a play area, 'mini forest' and semi-natural and amenity open space together with natural space provided along the eastern and western boundaries and an amenity space at the northern end of the site. Such provision totals some 0.32ha and is considered adequate to meet the daily recreational needs of new residents and divert and assist in deflecting visitors from ecologically sensitive areas. To further assist in this, the applicant will be required to make a financial contribution to the mitigation of recreational disturbance within the European designated sites under the RAM Strategy.

With regard to the provision of playing fields within the site, this is inappropriate in the context of the current site, however the applicant will be required to make a financial contribution towards the provision of an off-site Multi-Use Games Area. This can be secured through a S106 Agreement.

- e. An approach to playing pitch provision which fully compensates for any losses arising, on site or in an accessible location nearby, and provides for any additional need arising from growth at the site, in consultation with Sport England and the relevant sport governing bodies;

The proposal does not result in the loss of playing pitch provision. This requirement is not therefore relevant in the context of the current proposal.

- f. Main vehicular access to the south of the Chase from Kiln Road, and land to the north of the Chase from Runnymede Chase or Rayleigh Road;

The application site currently benefits from an existing vehicular access from Hart Road which will provide the sole vehicular access to the site.

Whilst the provisions of the Master Plan identified in HO20 requires access to land to the north of the Chase to be obtained from Runnymede Chase or Rayleigh Road, this site is isolated from these roads by land in different ownership. Access from these roads is not therefore practical and indeed is unnecessary given the access available from Hart Road, which, in the context of this application, has been found acceptable by the Highway Authority.

Further it is considered that provision of access from the south would have adverse consequences for the provision and retention of land suitable for biodiversity enhancement and recreational provision. Access the south is not therefore recommended.

It should be noted that in his conclusions on HO20, the Inspector appointed to consider the soundness of the submitted Local Plan advised that whilst it was

*“clear that the main vehicular access would be from Kiln Road to the south of The Chase, and from Runnymede Chase or Rayleigh Road to the north of The Chase, [but that] there may be limited access taken from other roads to small pockets of development as appropriate. Taking*

*limited access in this way from roads such as Hart Road could be considered in the development management process”.*

- g. Coordinated access to the development areas within the site without the creation of a motorised vehicular through route. As appropriate, the need for highways improvements, including to unmade sections of highway within the site will be secured to enable access to new development.*

The proposal does not facilitate the provision of a vehicular route through the wider allocated site and does not necessitate highway improvements within the site.

- h. Active travel connections through the site linking through the new development to the USP College and Council Offices and adjoining leisure uses off Kiln Road;*

The site offers the opportunity for pedestrian access to be provided through the site to the south, thus facilitating access to the College and Council Offices in the longer term as other parcels of land come forward within the Master Plan framework. Securing such links can be achieved through a S106 Agreement.

- i. The provision of a new stand-alone 26 place Pre-school, and the provision of a building to accommodate 1,000sqm of space for healthcare services. This may be provided in-kind, or through the provision of land comprising 0.058ha for the pre-school and 0.3ha for the healthcare building, with proportionate financial contributions towards the delivery of the facilities;*

Development of HO20 will create demands for new infrastructure to meet the needs of future residents. The application site is too restricted to provide land capable of supporting a preschool or health care centre and indeed such provision on this site could be considered unreasonable given the level of facilities identified. It is considered appropriate however for the site to meet its needs through appropriate financial contributions towards the provision of such facilities in the locality. This can be secured through a S106 Agreement.

- j. Sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties;*

Local residents have identified that they experience surface water flooding during heavy rain.

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

This is currently reflected in Policy CF14 of the adopted Local Plan and Policy CC3 of the New Local Plan.

To this end the Planning Authority requires applicants to demonstrate the flood risk associated with the development of their site.

The application site is located within Flood Zone 1 and within Critical Drainage Area 3. The site is at low risk of tidal or fluvial flooding.

Within Table 2 of the NPPG: Flood Risk and Coastal Change, residential developments are considered to be 'more vulnerable' in terms of the impact of flooding. Table 3 of the NPPG: Flood Risk and Coastal Change, states that more vulnerable development is considered appropriate

within Flood Zone 1. The development therefore passes the flood risk Sequential Test and the Exception Test does not need to be applied.

An ordinary watercourse, Thundersley Brook, traverses the southern boundary of the site and the Environment Agency Maps for Flooding identify that approximately a quarter of the site, adjacent the southern boundary and around the ordinary watercourse, is at high/medium risk of surface water flooding with predicted water depths of between 300mm and 900mm.

The applicant has submitted a surface water drainage scheme which has been considered by the Lead Local Flood Authority. Whilst a holding objection was initially raised, the submission of revised drawings and data has resolved the issues to the satisfaction of the LLFA which subsequently withdrew its objection subject to conditions being imposed on the grant of consent.

These conditions have been considered and are considered reasonable, proportionate and necessary to facilitate the proposed development. They may therefore be appended to the grant of any consent.

k. *The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility infrastructure identified on site.*

A foul drain runs through the southern part of the site.

Retention of land as open space on the southern part of the site will secure access for maintenance purposes. This provision is therefore considered satisfied.

### ***Conclusion on the Integration of the proposal into the Master Plan for the Area***

Subject to the applicant entering into a S106 Agreement and accepting conditions as appropriate, it is considered that the proposed development would be broadly consistent with the Master Plan requirements for HO20.

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

### **Prematurity**

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.

In the context of the current proposal, it is not considered that the proposed scheme is so substantial, or that development of the site in the manner proposed is so inconsistent with the provisions of the sound New Local Plan, that approval would undermine the Plan making process or the objectives of HO20. The site has been identified as suitable for residential development within the New Local Plan and the submitted scheme seeks to fulfil that aspiration.

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

### **The Scale and Form of Development**

The issue of scale in terms of its impact on the openness of the Green Belt has already been discussed and 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 all of the units are proposed to be two storeys in height.

The surrounding area is characterised by predominantly bungalows to the north and east and houses to the west.

The degree of separation achieved between the proposed and existing development, and the fact that the proposal essentially represents the development of a backland site, combine to ensure that there is no strong visual relationship between the proposed development and that in the surrounding area. The character the surrounding development is not harmed by the scale of the development proposed, consequently it is not considered that an objection can be raised to the proposal on the basis of its scale.

### **The Density and Mix of Proposed Housing**

Policy H9 of the adopted Local Plan requires the optimum density of housing to be achieved on any site whilst ensuring that the proposal does not harm the character of the surrounding area, provides a functional and attractive layout with adequate building lines, landscaping, setting and space around the building and ensuring that the proposal accords with all appropriate policies. Policy SD1 of the New Local Plan seeks, inter alia, to maximise the use of development land whilst ensuring that proposals are of high quality and compatible with the character of the area.

A proposed modification to policy HO20 of the New Local Plan identified a new paragraph which states that development within HO20 will adopt an urban design approach which echoes the principles of the Arcadia approach (as defined in Appendix 2), to create an attractive, green, parkland environment, integrated into the existing landscape. Development should be integrated into the landscape, with trees and hedges being dominant features.

Within the context of HO20, maximisation of the use of land is not therefore the overriding consideration.

It should be noted however that in his post hearing letter the Inspector considered that HO20 could accommodate a greater number of dwellings, stating:

*“it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The Council’s Large Site Capacity Study update (H-013) identifies a potential capacity for the site of about 430 dwellings (gross). I am not convinced that a lower site capacity as proposed in the submitted Plan is justified on the basis of the site constraints and policy requirements, which do not appear to have been applied consistently with other proposed site allocations. The site capacity should be amended taking into account existing commitments, to be around 412 new homes net (MM24). The actual number of new homes provided however will be determined through the master planning and development management processes having regard to factors such as the site characteristic, infrastructure needs and the housing mix”.*

This increased capacity has clear implications for the character and appearance of development on the wider site.

In order to protect the most valuable and sensitive landscapes in the allocation it is considered that higher densities of development will need to be accommodated on parts of the wider policy site and the application site, by virtue of its close relationship with the adjoining urban area and lower landscape sensitivity, lends itself to a higher density, less landscape dominated development, than might be considered appropriate on other parts of the allocated site.

It is acknowledged that the current layout does not fully achieve an arcadian layout, however the layout does retain trees and hedges present on the boundaries of the site as well as providing additional trees and hedges both at the entrance to and within the development.

In addition, the scheme seeks to provide significant new planting at the southern end of the site.

As such it is considered that the layout achieves a reasonable balance between the need to provide housing and the need to retain and enhance natural elements of the site.

As such it is considered that in principle the layout provides an acceptable density of development on the site.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is a vague policy which is inconsistent with the requirements of paragraph 62 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Policy HO3 of the New Local Plan similarly seeks a range of housing provision.

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

In preparing the New Local Plan, work was undertaken within the context of the Addendum to the South Essex Strategic Housing Market Assessment (SHMA) for Castle Point (2020) to review the

need for different house sizes and types to meet the changing needs of the Borough's population. This Addendum concluded that there will be demand from a range of different household types, although demand will be particularly strong from families with children and people of retirement age.

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

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

The proposed development identifies the provision of 19 two bed units (43%) and 25 three bed units (57%).

As can be seen the composition of the proposed development is inconsistent with identified needs, however, the Council's Housing Development and Finance Manager has confirmed that the dwelling type fits the demands present in the local area.

As such no objection is raised to the proposed housing mix.

The applicant has advised that all of the dwellings will be compliant with Part M4(2) of the Building Regulations which means that they will be capable of being accessed by most people and will incorporate features that will make them suitable for a wide range of occupants including older people, those with reduced mobility and some wheel chair users.

It is considered that such provision would satisfy the requirements of Policy H11, however as Part M4(2) is an optional provision within the Building Regulations, it will be necessary to impose a condition on the grant of any consent to secure such provision.

## **Design 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.

Policy DS1 of the New Local Plan reflects the provisions of adopted policy EC2 and seeks to secure high quality design, healthy and active lifestyles, the integration of development with the natural environment and the achievement of sustainability requirements.

The NPPF similarly seeks well designed development and it is therefore considered that Policy EC2 and New Local Plan policy 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 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 application site lies outside the existing built up area, but its proximity to adjoining residential development and the need to ensure that the development of this site properly integrates with the surrounding area strongly suggests that consideration should be given to the proposal in the context of RDG1.

The area immediately to the north and east of the site is characterised by pairs of semi-detached bungalows set on plots 7m – 7.5m in width, with plot depths of some 36m. To the west the site is immediately abutted by a pair of semi-detached houses, on plots some 8m wide, beyond which is a terrace of three storey dwellings on plots some 5m wide with plot depths of some 50m.

The current proposal seeks to provide semi-detached dwellings on plots some 8m – 10m wide and terraced properties on plots some 5m – 10m wide. Plots depths for both types of property are approximately 26m.

Whilst plot depths are shallower than those prevailing in the wider area, plot widths are reflective of the character of the adjoining development. Plot depth makes only a limited contribution to the character or appearance of an area and whilst it is acknowledged that those provided within the development are less than found elsewhere it is not considered that this feature detracts from the character of the area. No objection is therefore raised to the proposal under RDG1.

RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the building. At least 1m should be provided between the property and the boundaries of the site. Where dwellings are located adjacent to public open space or other areas of land which serve as a buffer to development less space may be considered acceptable. It is further stated that for new large scale developments, such as that proposed, a different character with varying degrees of space around dwellings can be created, however this should be accompanied by a robust design rationale.

With the exception of mid-terraced properties, all dwellings are provided with a minimum of 1m isolation from side boundaries and in many cases the provision of parking spaces to the sides achieves far greater isolation and an acceptable rhythm of development. As a consequence the proposal is considered to satisfy the requirements of RDG2.

RDG3 essentially requires the establishment of appropriate building lines and seeks to ensure that development does not result in excessive overshadowing or dominance to any elevation of an adjoining property.

The proposed development generally shares consistent building lines along each frontage and as a consequence no adverse overshadowing as a consequence of layout occurs.



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.

Plots 10, 12, 21, 23 and 44 are all considered to constitute corner plots. In each case the side elevation is punctuated by windows at ground and first floor level. Whilst limited in impact it is considered that such punctuation is enough to satisfy the technical requirements of RDG4.

RDG5 states that for all residential development 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. This requirement is satisfied in all cases.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. For dwellings, 15m<sup>2</sup> per habitable room is required. Where three or less rooms are provided an area of 50m<sup>2</sup> will be required. Habitable rooms do not include bathrooms, ensuites and utility rooms. All other rooms are included.

Where rooms are combined to create single living areas, it is the practice of this Authority to consider whether such combination of space represents an attempt to limit the requirement for amenity space provision. Where it is determined that such combination is contrived to achieve this purpose, the Authority will calculate amenity space on the basis of subdivision of such spaces.

Within the current proposal the three bedroomed properties each have a combined kitchen/dining area which might be considered to constitute two rooms. However, the combined space is not considered excessive, being only some 3.2m by 5.9m and as a consequence it is considered that each three bedroomed property may reasonably be concluded to provide five rooms and require the provision of 75m<sup>2</sup> of amenity space. All achieve this.

The proposed two bedroomed properties each have four rooms and require the provision of 60m<sup>2</sup> of amenity space. All achieve this.

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 dwellings are of modular form and all present well balanced and well-proportioned elevations. No objection is raised to the proposal under RDG8.

RDG9 is concerned with the achievement of energy and water efficiency and renewable energy.

Policy CC4 of the New Local Plan requires all development to minimise its impact on climate change arising from energy consumption and incorporate measures to achieve water efficiency.

The applicants have advised that the proposed development can incorporate the use of air source heat pumps as the primary source for heating and hot water and photovoltaic panels are identified on each south facing roof slope, these will reduce energy costs and carbon emissions for the dwellings.

Further the applicant advises that all off street parking spaces will be provided with electric and ultra-low emission vehicle charging points, that appropriate glazing will be used to secure passive solar heating and that flow restrictors will be fitted to all taps and dual flush systems provided.

Incorporation of such measures into the development will assist in securing energy and water efficiency and can be secured by condition.

Subject to such a condition, no objection is raised to the proposal on the basis of RDG9.

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 submitted boundary treatment plan indicates the use of a mix of 1.8m high close boarded fences and brick walls to screen private amenity areas, with the latter being used to screen those gardens immediately adjacent to the public realm. Such brick walls will be complemented with low level planting, which will also extend around the front gardens of the dwellings, providing an element of separation from the public realm. The boundary treatment is considered acceptable.

RDG11 of the Residential Design Guidance is concerned with landscaping.

Policy DS2 of the New Local Plan requires the provision of appropriate hard and soft landscaping in all development proposals.

The applicant has submitted a substantial soft landscaping scheme comprising the provision of some 831 trees, 644 shrubs, 2092 hedge plants and some 83 herbaceous specimens.

This is in addition to the retention of existing trees and hedging around the site.

The scheme is heavily biased towards native and wildlife friendly species and includes Maples, Hawthorn, Beech, Holly, Flowering Cherry, Oak and Willow tree species, Lavender, Hebe and Buddleia shrub species and Maple, Hawthorn and Dog Rose hedging.

The provision of such a scheme will ensure year round interest as well as a significant and varied foraging resource for birds and mammals.

In addition, it is identified that the amenity area to the south of the site will be seeded with flowering lawn and tussock mixes which will enhance habitat provision for invertebrate species.

The scheme is accompanied by a robust specification for works and a 10 year management plan, the implementation of which can be secured by condition. No objection is raised to the proposal on the basis of landscaping.

It should be noted however that any works provided as part of the measures to secure biodiversity net gain will need to be managed for no less than 30 years.

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

Details of purpose built refuse storage facilities have been submitted and are considered acceptable.

Kerbside collection will be operated within the development. To facilitate this all areas to be accessed by refuse vehicles must be constructed to accommodate the weight and manoeuvres of a 32 tonne vehicle. This can be secured by condition.

### **Access**

Policy TP6 of the New Local Plan requires developers to prepare Transport Assessments demonstrating how the impacts of the proposed development can be cost effectively mitigated to limit significant effects on highway and junction capacity and safety.

The applicant has submitted such documentation.

The issue of access to the site will be considered from 2 perspectives: that related to the construction phase and that related to the development phase.

#### The Construction Phase

It is self-evident that the construction phase will generate traffic and that such traffic will change during the various stages of the build programme. The applicant suggests that commercial vehicles likely to visit the site will include skip lorries, ready mix lorries and large rigid and articulated flatbed delivery lorries delivering materials to the site. It is estimated that projected average movements for such vehicles will be in the region of 5 -10 a day. A banksman will control all movements into and out of the site.

All materials will be unloaded and stored on the site and a delivery booking system will be operated by the site manager to avoid delivery vehicles queuing or waiting outside the site.

Nominated waiting areas for delivery vehicles will be identified in the locality to allow safe waiting where necessary.

It is considered that these should be agreed with the Planning Authority prior to the commencement of development on the site.

Wheel washing facilities will be available for vehicles exiting the site to ensure that mud and detritus is not brought out onto the highway.

All vehicle parking for site staff and visitors will be contained within the site boundary. To maintain the free flow of traffic the applicant advises that no parking by site staff or visitors will be permitted on Hart Road outside the site.

All access to the site will be from Hart Road via the A127 with the junction with Hart Road being provided with adequate sight splays and warning signs.

A turning area will be provided on site to ensure that all vehicles can access and egress the site in a forward direction and the applicant advises that should there be any exceptional loads and the site turning facilities are of insufficient size to enable vehicle turning, temporary traffic management would be utilised on Hart Road to temporarily stop the flow of traffic and allow loads to be delivered onto site.

Any temporary traffic management scheme would be subject to ECC approval.

Prior to commencing any construction works on site, a suitable Highways Condition Survey Report of the construction vehicle routes to/from the site to the A127 would be undertaken. This will include full photographic evidence of the routes with a categorization of the quality of the existing highway infrastructure.

A further survey would be undertaken post construction to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-construction survey findings.

Any identified damage or further defects would be mitigated or improved to the standard identified at the pre-construction stage.

Compliance with this requirement can be secured by condition.

#### The Operational phase

It is noted that Policy HO20 of the New Local Plan seeks to secure all access to development land within the allocation from either Rayleigh Road or Kiln Road.

The application site has no frontage to either Kiln Road or Rayleigh Road and is currently served by an access point from Hart Road which is to be retained to serve the proposed development.

It is noted however that some Members have raised concern in respect of the intensification of the use of this access given its proximity to the school.

The applicant has submitted a Road Safety Assessment which has been considered in detail by the Highway Authority which has raised no objection to the proposed access point.

Under the circumstances no objection is raised to the proposal on access grounds.

It should be noted that the continued use of the existing access point onto Hart Road provides the opportunity to better maintain and enhance the ecological features of interest in the site.

#### **Parking**

Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the Essex Planning Officers Vehicle Parking Standards 2009. This provision is reflected in Policy TP8 of the New Local Plan, which also introduces a requirement for all new development to have the infrastructure capacity installed to provide for the charging of electric and other ultra-low emission vehicles in safe, convenient and accessible locations.

Policy EC2 of the Adopted Local Plan and Policy TP7 of the New Local Plan highlight the need to ensure that all modes of movement are safe and convenient.

Standard C3 of the adopted parking standards is relevant to the proposed development and requires one space to be provided for all dwellings having one bedroom and 2 spaces for each dwelling having more than one bedroom.

Each parking space should be a minimum of 2.9m wide and 5.5m deep.

No garage provision is made within the scheme which relies on the provision of on site or adjacent parking spaces. All parking spaces satisfy the spatial requirement.

It should be noted that RDG12 requires that parking provision should not dominate the public realm and should be sited so as not to have an adverse impact on visual or residential amenity.

As originally submitted the proposal identified significant areas where the provision of parking would result in a streetscape dominated by parked vehicles. Following discussion the applicants have significantly revised the layout and reduced the number of units proposed, to secure a greater proportion of parking at the side of dwellings, resulting in only one small enclave now being entirely dependent on frontage parking. This enclave is contained within the core of the site and will have limited impact on the character and appearance of the area and as such it is not considered that the parking arrangements now represent a robust objection the proposal.

No objection is raised to the scheme on the basis of RDG12.

### **Affordable Housing Provision**

Policy H7 of the adopted Local Plan and Policy HO4 of the New Local Plan both seek to secure a proportion dwellings from large residential schemes as affordable housing.

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

Under the provisions of Policy HO4 of the New Local Plan up to 40% of the units should be provided as affordable housing units. This would equate to the provision of 18 affordable units on site.

Of these the Council will expect 50% of the units to be affordable rent properties.

The proposal seeks to provide 100% affordable housing with 8 units (18% of the properties) provided as affordable rent and 36 units (82%) as affordable home ownership products. Whilst the level of affordable rented property is less than required by HO4, it is considered that this is adequately compensated by the achievement of a further 36 affordable home ownership units. This exceeds the NPPF requirement of 10% of the total number of homes to be available for affordable home ownership and will assist in addressing an acute need for affordable home ownership properties in the Borough.

The Council will seek nomination rights in respect of the rental properties. This can be secured by a S106 Agreement.

### **Ecology**

Some consideration has already been given to the ecology of the site in the consideration of the very special circumstances identified by the applicant in respect of the principle of development in the Green Belt and in respect of the capacity of the proposed development to satisfy the requirements of HO20. This section of the evaluation seeks to consider wider issues pertaining to the ecological implications of the proposed development.

The site 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 Pre submission Local Plan 2018-2033 (including modifications) Habitats Regulations Assessment 2020 identified that release of the site for residential purposes under Policy HO20 had the potential for likely significant effects (LSE) on the designated areas.

‘Significant effects’ has been defined through case law. A significant effect is any effect that would undermine the conservation objectives for the qualifying features of Habitats Sites potentially affected, alone or in combination with other plans or projects. There must be a causal connection or link between the proposal and the qualifying features of the site(s) which could result in possible significant effects on the site(s). Effects may be direct or indirect and a judgement must be made on a case-by-case basis. The decision as to whether or not a potential impact is significant depends on factors such as: magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned. What may be significant in relation to one site may not be in relation to another. An effect which is not significant can be described as ‘insignificant’, ‘de minimis’ or ‘trivial’- i.e. it would not undermine the conservation objectives.

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

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

- Habitat loss and fragmentation / land take as a result of 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 as a result of development and increased demands for water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc.

Each will be considered in turn:

#### Habitat loss and fragmentation / land take as a result of development

The designated sites are characterised by wetland features. It is this typography that makes them of significance to the birds that use them. Loss of such habitat, even if not within the confines of the designated area, could result in a shift in usage pattern by birds and a subsequent deterioration in the quality of the designated areas as a consequence of over grazing/use.

Assessment of the site has identified that this is not a wetland area and consequently the development of the site would not result in habitat loss or fragmentation likely to have an adverse effect on the designated site.

#### Loss of functionally linked land (land outside the SPA and Ramsar site).

The site is considered sufficiently inland to be confident that the land would not be functionally linked to the designated sites.

#### Increase of any type of disturbance

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

Any event, activity or process contributing to the:

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

can be regarded as significant disturbance.

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

The current proposal seeks to provide residential development which has the potential to adversely affect the designated site through increased recreational pressure.

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

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

In order to fund such investment every net dwelling provided within the Borough will be expected to make a financial contribution.

This can be secured through a S106 agreement.

#### Changes in water availability, or water quality

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

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

At the present time a significant proportion of the site is permeable. Development will inevitably limit permeability as a consequence of the provision of a greater area of hardsurfacing. This has implications for surface water runoff not only in terms of surface water flooding, but also through nutrient enrichment of water and potential lowering of dissolved oxygen as well as increased water velocities and levels, all of which could adversely impact on the designated sites as a consequence of their relationship with the Thames and associated tributaries.

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

Anglian Water has not identified a deficiency in capacity within the WRCs to accommodate the proposed growth. This, coupled with the requirement for all new development to limit pollution through the implementation of Construction Environmental Management Plans and to secure

sustainable drainage methods which limit the quantity and/or speed of water reaching the WRCs, will sufficiently mitigate impacts to avoid significant effects.

#### Changes in atmospheric pollution levels.

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

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

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

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

The applicant advises that dust extraction equipment will be fitted to grinding machinery and that masonry and silica-based materials will be cut using water suppression / wet cut methods. Concrete / mortar batching if required to be carried out on site will be done so in an area as far as possible away from neighbouring properties or public areas; Any such batching area will be kept clean to prevent build-up of potentially dust emitting waste.

During dry weather and in the absence of any local or national water restrictions in place, water suppression / spays will be used for the damping down of any process likely to generate airborne dust.

Compliance with these practices will ensure the limitation of any potential pollution event and can be secured by condition.

The applicant advises further that good working practices will be put in place to minimise generation of noise, vibration and dust and that the site manager will ensure that all waste generated by the construction operations is dealt with appropriately so as to avoid nuisance and litter and that all waste will be segregated in appropriate waste containers, such that recycling opportunities may be optimised.

During transportation, all waste containers will be covered, wheels will be cleaned prior to leaving site.

No bonfires will be permitted on the site.

#### Cumulative Impact

In the preparation of the New Local Plan Appropriate Assessment was undertaken which included comprehensive identification of all the potential effects of the Local Plan likely to be significant,



including development of the application site, taking into account the combination of the effects of the Local Plan with those of other plans or projects.

The current proposal seeks to develop part of a larger site identified in the New Local Plan.

In considering the larger site, the Appropriate Assessment concluded that subject to amendments, which have been incorporated into the New Local Plan, development of the site would not, for the most part, have an adverse impact on the designated sites or any functionally linked land. The only area of concern which has been identified is the potential for additional recreational disturbance arising from the proposed residential development. It is considered that in respect of development currently proposed, that impact could be resolved through the provision of a financial contribution towards measures for the mitigation of such impacts under the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).

### Conclusion on Habitat Regulations Assessment

It is considered that the development proposed will **not** have an adverse impact on the integrity of the designated sites, provided an appropriate contribution towards the mitigation of recreational disturbance is secured and the provisions of the submitted Construction Environment Management Plan, which addresses pollution and water quality/quantity impacts during the construction phase of the development, are fully implemented.

### **Trees**

Policy EC22 of the adopted Local Plan is concerned to ensure the appropriate retention of trees, woodland and hedgerows in all new proposals for development.

Policy NE6 of the New Local Plan seeks to ensure that development proposals protect and integrate key natural features including established field boundaries, hedgerows and tree lines, established trees with high visual amenity value and established areas of woodland.

The submitted arboricultural report identifies that there are some 37 individual trees and 16 groups of trees, generally located on the boundaries of the site. Most are Category B (moderate value) and C (low value) trees.

The proposed development requires the removal of 13 trees from the central portion of the site together with two groups which are to be removed from the boundaries.

All other trees are to be retained and it is advised that during the construction phase all retained trees will be protected from mechanical damage to their trunk, branches and roots by the installation of 2m high protective fencing to create a construction exclusion zone (CEZ). Site workers, machinery and storage of materials will not be permitted within this zone. Given the size of the site it is considered that such restrictions should not impair operations on the site. Conditions can be imposed to secure these objectives.

Whilst the loss of trees is regrettable, it should be noted that the proposed landscaping scheme seeks to provide some 831 trees and 2092 hedge plants.

Such planting is considered adequate to compensate for the loss of trees incurred by the proposal.

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

## Sustainability

Policy CC1 of the New Local Plan seeks to secure climate sensitivity and sustainability by locating development in locations which do not rely heavily on private vehicles for access to services and facilities, providing opportunities for the provision of multi-functional green infrastructure and encouraging high levels of energy and materials conservation.

The NPPF seeks to ensure that new development is sustainable and within paragraph 8 identifies three overarching objectives:

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

The NPPF is clear that whilst these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged.

They are however worthy of some consideration in the context of the current proposal.

In terms of the sustainability objectives, economically it is acknowledged that the construction period of the proposed development will result in some economic gain through direct employment, the supply chain, and in the long-term stewardship of the development, including the school and healthcare, plus services provided to new residents and by new residents to the local area. The new development will be a pool of labour for local businesses and the public and voluntary sectors.

The applicants have prepared a Social Value Statement which seeks to quantify the value of the scheme to the local community.

This suggests that the scheme has the potential to create:

- Over 50 FTE (full-time equivalent) job opportunities for local people
- Over 13 FTE job opportunities for people from disadvantaged backgrounds
- Over 395 weeks' worth of training opportunities including apprenticeships, work experience and work placements
- 920 hours' worth of volunteer time to support local community programmes, local schools and small businesses
- Over £2M spend in the local area (Castle Point)
- Over £27K spend with the Voluntary, Community and Social Enterprise sector

Overall this will create up to £1.7M of social and local economic value over the construction period

In addition, socially, the provision of 44 affordable dwellings would have a positive impact on housing supply and the provision of a range of housing sizes and open space, with potential access to further areas of open space and a robust green network as the allocation is developed in accordance with an adopted Master Plan, has the potential to support a strong, vibrant and healthy community.

Given the nature of the housing, the applicant anticipates that the new homes will be taken up by people already living in the Borough. This will potentially reduce the impact on local economic and social infrastructure, as the proposed development would potentially serve people who are already living the area.

Notwithstanding this, the proposed development, through the associated s106 legal agreement, would contribute to new and improved community infrastructure which would not only meet the needs of the development but could potentially have wider public benefit.

Environmentally, the site is within 300m of local retail and entertainment facilities, some 65m from the nearest primary school and some 650m from the nearest secondary school.

Employment sites at Rayleigh Weir and Manor Trading Estate are some 1.1km and 2.2km distant respectively.

Whilst the railway station is approximately 3km away, access to bus routes is good and provides links to all local facilities.

In addition the proposal provides the opportunity for the extension of the footpath network through the wider area, facilitating access by foot to local services and education and recreation facilities.

The site does therefore offer the opportunity for alternative means of travel than the private car.

In terms of the form of construction, 70% of the construction will be delivered off-site via L&G Modular Homes. L&G Modular Homes are constructed in a factory with the modular product being delivered to site as a complete unit, with the electrical, plumbing, wiring, kitchens and bathrooms all in place. The on-site construction work then includes groundworks, construction of façades and roofing.

The benefits created through the use of off-site modern methods include:

- Reduced carbon emissions through the construction process, through measurement and monitoring energy use at construction sites to ensure emissions are minimised
- Greater consideration of whole-life environmental impact and
- Reduced disruption to the local community with the construction period on-site reduced to approximately one year.

In terms of the layout of the site and the physical design of dwellings, the scheme secures significant net biodiversity gains whilst the use of factory produced modular elements enables the use of materials with a lower life cycle environmental impact and a high recycled content which will assist in mitigating climate change.

Measures that have been considered, include improved thermal and acoustic insulation levels and the use of an Air Source Heat Pumps (ASHP) as the primary source of heating and hot water and photovoltaic panels , rainwater collection system/grey-water recycling for watering gardens and landscaped areas, the incorporation of electric and ultra-low emission vehicle charging points to all off-street parking spaces and consideration of additional charging points for other parking areas, effective orientation and layout to maximise solar-passive strategies, Integrated energy management controls and information systems within individual units and control of water consumption through the use of conservation measures such as flow restrictors fitted to all taps, dual flush cisterns and a preference for showers over baths.

Implementation of these measures will ensure the development is as energy and water efficient as possible.

When viewed in the round it is considered that the proposal represents a sustainable form of development, consistent with the requirements of the NPPF.

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

### **Security**

The proposed development has drawn on the principles of Manual for Streets, Safer Places: The Planning System and Crime Prevention and Secure by Design to create a layout which secures ownership of the public realm by residents which good access to all parts of the site and good levels of natural surveillance.

The Police Architectural Liaison Officer has commented that the proposal has been well thought out and that the layout lends itself to Secured By Design accreditation, should the applicant wish to apply.

On that basis it is not considered that an objection to the proposal on the basis of concerns over security could be supported.

### **Contamination**

Para 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed uses taking account of any risks arising from contamination.

Policy NE8 of the New Local Plan requires the appropriate remediation of contaminated land prior to the implementation of any planning consent.

The site has been used for equestrian purposes for many years and contamination may therefore be present.

A Stage 1 desk study has identified the following potential contamination sources:

- Possible made ground.
- Possible asbestos within existing buildings.
- Possible harmful gases from an infilled pond in the southeast of the site:

The subsequent Stage 2 Study identified that provided the former pond was not disturbed (which is likely as this area of the site is not the subject of development), the risk to future residents from

this source is negligible, however as a consequence of hardsurfacing across part of the site, some materials would need to be removed from rear garden areas to less sensitive areas of the site, or capped with topsoil, to ensure a safe growing environment for residents.

The Report also confirmed that any asbestos identified within existing buildings should be removed by specialist contractors prior to the commencement of development, to limit risk to site operatives.

The proposal has been considered by the Council's Environmental Health Officer who has raised no objection to the proposal on the basis of contamination.

### **Site Waste Management**

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

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

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

It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF and relevant development plan documents.

To ensure compliance with these requirements provisions in respect of site waste management have been incorporated into Construction Environment Management Plan. This however is focussed on the construction phase and does not consider the demolition phase. Further the submission does not establish strategic forecasts in relation to expected waste arisings for construction, include waste reduction/recycling/diversion targets, and monitoring against these, and does not advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Consideration of these matters can however be secured by condition.

### **Archaeology**

Policy EC38 of the adopted Local Plan seeks to ensure that the historic record of the Borough as presented by its Heritage Assets is appropriately protected.

Policy HE1 of the New Local Plan similarly seeks to conserve and enhance the historic environment.

The site contains no designated heritage assets but is described in the Essex Thames Gateway Historic Environment Characterisation Report (ECC 2007) as being in Historic Environment Character Zone 84.1, Thundersley, the character of which is recorded as a 20th century residential development retaining some earlier buildings from the original dispersed settlement pattern and some historic, rectilinear field boundaries and secondary woodland.

The site is known to lie within a medieval deer park.

Work undertaken by Archaeology South-east has identified that no recorded archaeological work has previously taken place within the boundaries of the Site and that undertaken within 1km of the site has not identified any archaeological remains. The desk survey undertaken by the applicant has revealed that the northern boundary of the site is consistent with the post medieval boundary and that within the wider area, spot finds, extending from the roman period to post medieval have been found. In this context the site would appear to have low archaeological potential.

However, the significance of any heritage assets that may exist on the site cannot be determined in advance of confirmatory fieldwork. Consequently, it is considered that a programme of archaeological trial trenching should be undertaken to better determine the presence or absence of archaeological remains.

A condition to secure an appropriate scheme of trial trenching can be attached the grant of any consent.

### **Other Considerations**

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

#### Inadequate infrastructure to support proposal

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

Policy SD2 of the New Local Plan similarly seeks to ensure that appropriate contributions are sought from development proposals to deliver new or improved infrastructure to meet the needs of the development.

Policy NE10 of the New Local Plan requires all new development to demonstrate that adequate foul water treatment and drainage capacity to support the proposal exists or can be provided in time to serve the development.

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

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

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

Concern has also been expressed that the proposed development will also exacerbate water pressure issues.

The Planning Authority has consulted all relevant service providers including Anglian Water, Essex Fire and Rescue, Essex Infrastructure (Education and libraries) and the NHS to determine the capacity of existing resources to meet the needs of the proposed development.

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

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

Surface and foul drainage systems inadequate.

The Planning Authority has consulted Anglian Water, the EA and the LLFA. None have advised of any deficiencies in drainage infrastructure provision arising from the proposed development which cannot be appropriately mitigated.

The loss of Open space

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

Policies HS1 and HS3 of the New Local Plan seeks to secure public access to open space in order to support active and healthy communities and to manage recreational pressure on areas of nature conservation interest.

It should be noted that at the present time the site is in private ownership and there is no right of public access. The site does not therefore contribute to the provision open space and development of the site cannot therefore result in a loss of open space.

The South Essex Strategic Green and Blue Infrastructure Study identifies that in respect of parks and gardens and provision for children and young people, the Borough exhibits a deficit of provision. The proposal provides some 0.32ha of open space which will meet the informal recreational needs of future residents as well as provide the opportunity for ecological enhancement. This facility will be available to the wider community.

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

Subject to such provision no objection is raised to the proposal on the basis of the loss of open space.

Lack of need for additional houses/people

The New Local Plan clearly demonstrates that there is an acute housing shortage in Castle Point with particular pressure in the affordable housing sector. The proposed development will assist in mitigating this situation by providing family homes for individuals unable to enter the housing market.

It is anticipated that as affordable housing units, focused on local housing needs, the dwellings will meet the needs of local residents. Accordingly, it is not anticipated that the proposal would lead to significant levels of 'additional people' in the borough.

Increased traffic and potential for accidents

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

Site is too close to school

Proximity to schools is desirable for many homeowners, particularly those occupying family homes.

Whilst concern may be expressed in respect of the need for construction vehicles to move in close proximity to the adjoining school during the construction phase, the proposed vehicle routing plan identifies that large vehicles should not be required to pass the site. It must also be considered that the construction phase represents a transitional stage of the development, the impact of which can be mitigated by the implementation of the submitted Construction Management Plan.

No objection may be raised to the proposal on the basis of proximity to the school.

Increased air pollution

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

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

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

Policy NE7 of the New Local Plan seeks to ensure the management and reduction of pollution through energy and water efficient design, the installation of sustainable drainage systems and the delivery or enhancement of green and blue infrastructure.



The policy requires development proposals to be located, and designed and constructed in such a manner as to not cause a significant adverse effect upon the environment, the health of new and existing residents or surrounding residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to, noise, light, odour, heat, dust and vibrations and development proposals adjacent to, or in the vicinity of, existing businesses or community facilities will need to demonstrate that the ongoing use of the existing businesses or community facilities would not be prejudiced by the proposed development, and that the impact of the continuing operation of the existing businesses or community facilities on the amenity of occupiers of the new development can be satisfactorily mitigated.

There is no evidence to support the premise that the use of the site for residential purposes will give rise to unacceptable air pollution.

The potential for air pollution during the construction period can be adequately mitigated through the implementation of the provisions of the submitted Construction Environment Management Plan.

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

Noise and disturbance affecting amenity of existing and future residents and adjoining school

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

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment.

The potential for noise and disturbance affecting amenity of existing and future residents and adjoining school during the construction period can be adequately mitigated through the implementation of the provisions of the submitted Construction Environment Management Plan.

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

Consideration must be given however to the impact of adjoining uses on future occupants of the proposed development. The site immediately abuts the Cedar Hall School to the west, which has the potential to generate noise.

The applicant has submitted an acoustics report which has been considered by the Environmental Health Officer who has raised no objection to the proposal, but has sought the imposition of conditions on the grant of any consent to ensure the achievement and retention of an appropriate acoustic environment.

Such conditions may be imposed on the grant of any consent.

#### Light pollution

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

The operational phase lighting strategy will be secured by condition.

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

### **Summary and Conclusion**

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. Prima facie the proposal should therefore attract a recommendation of refusal.

However harm to the Green Belt may be outweighed by very special circumstances.

It is the view of Officers that very special circumstances, sufficient to outweigh the harm to the Green Belt, can be identified in this case as follows:

- (i) release of HO20, of which the application site forms part, would give rise to limited harm to the objectives of the strategic Green Belt.
- (ii) the Borough exhibits a critical housing land deficiency which prejudices its ability to meet its identified housing needs.
- (iii) These conclusions have been found sound by the Inspector appointed to determine the soundness of the Local Plan.
- (iv) The proposal meets the Master Plan requirements of HO20 of the New Local Plan and would not prejudice the development of the remainder of the allocation in accordance with the policy
- (v) The proposal seeks to provide 100% affordable housing for which there is a significant unmet need in the Borough.
- (vi) The proposal will result in a significant increase in the biodiversity value of the site

The weight that may be attached to these circumstances is considered to outweigh the harm to the Green Belt at this location.

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

Further it should be noted that the proposal satisfies all relevant policies within the adopted and New Local Plans and complies with all relevant 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.

It must be noted however that by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, the application is identified as one which needs to be referred to the Secretary of State, in order that he might consider whether this is an application he wishes to call in for his own determination.

My **RECOMMENDATION** is **APPROVAL** after referral to the Secretary of State and the applicant being willing to enter into a S106 Agreement to achieve:

- (i) 100% affordable housing provision on the site with nomination rights in respect of the rented properties being passed the Local Authority and affordable market properties being subject to eligibility criteria to ensure that local needs are, where possible, prioritised over the needs of non-local parties and
- (ii) Appropriate financial contributions towards:
  - highway improvements
  - healthcare provision
  - educational facilities
  - indoor sports facilities
  - improved bus facilities
  - provision of an off-site Multi-Use Games Area and
  - Recreation Avoidance and Mitigation Strategy (RAMS).
- (iii) Travel Packs for new residents of the Site.
- (iv) An Open Space Management Plan suitable to secure the management of land for recreational and ecological purposes in perpetuity
- (v) A SUDS Maintenance Plan
- (vi) On-site children's play equipment and management plan and
- (vii) The provision of access rights up to the boundaries of the site, to ensure the potential for access to adjoining land, without ransom strips

And the following conditions:

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

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

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

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

- 3 Prior to commencing any construction works on site, a suitable Highways Condition Survey Report of the construction vehicle routes to and from the site to the A127 shall be undertaken. This will include full photographic evidence of the routes with a categorization of the quality of the existing highway infrastructure.

A further survey shall be undertaken post construction to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-construction survey findings.

Any identified damage or defects shall be mitigated or improved to the standard identified at the pre-construction stage.

REASON: To ensure that any damage sustained to the highway network as a consequence of the approved development is fully remediated by the developer.

- 4 No works except demolition shall be begun on the excavation of the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority prior to excavation of the site.

Any works identified shall be undertaken in accordance with the approved details.

REASON: In order to ensure the preservation of the historic record if present on the site, in accordance with Policy EC38 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

- 5 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- o Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - o Limiting discharge rates to 2.9l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event.
  - o Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - o Final modelling and calculations for all areas of the drainage system.
  - o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - o Detailed engineering drawings of each component of the drainage scheme.
  - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON:

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 6 No works except demolition shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 7 Prior to the commencement of development, works identified within the submitted Invasive Species Management Plan dated 9th October 2020 (3545) shall be commenced to ensure the appropriate control and eradication of Himalayan Balsam and False Virginia Creeper on the site.

Notification of completion of such works shall be submitted to the Local Planning Authority within two years of commencement.

REASON: In order to ensure the appropriate control and eradication of invasive species on the site.

- 8 Prior to the commencement of development, a Site Waste Management Plan detailing strategic forecasts in respect of expected waste arisings from demolition operations undertaken on site and the measures to be used to ensure that all waste arisings are appropriately reduced/recycled or diverted and legally disposed of, shall be submitted to and approved in writing by the Local Planning Authority.

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REASON: In order to secure the efficient use of resources and the proper control of waste arising from the development of the site.

- 9 All appropriate access roads within the site shall be constructed in a manner suitable to accommodate the weight and turning manoeuvres of a 32 tonne refuse vehicle.

REASON: In order to ensure that an appropriate refuse collection service can be operated within the site.

- 10 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 11 Prior to their first use on site, full details of all energy and water efficiency measures to be incorporated within the development shall be submitted to, and approved by, the Local Planning Authority.

Any approved measures shall thereafter be installed into the dwellings and thereafter permanently retained as such unless alternative energy and water efficiency mechanisms are agreed with the Local Planning Authority.

REASON: In order to ensure the achievement of an energy and water efficient development on the site, in the interests of sustainability.

- 12 Prior to their first use on site, details or samples of all materials to be used on the external surfaces of the proposed development shall be submitted to, and formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 13 The proposed dwellings shall, as a minimum, meet the requirements of Part M4(2) of the Building Regulations 2010.

REASON: In order to ensure the provision of a range of dwellings capable of meeting the needs of a wide range of users including the elderly and mobility challenged.

- 14 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan (Biodiversity) Reference: OS 2244-21 Doc 5 Rev A dated December 2021 and the Construction Environment Management

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Plan (Construction) Reference: 21255-002 dated December 2021, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 15 The proposed development shall be undertaken in accordance with the provisions of the submitted Arboricultural Impact Assessment (Reference: OS 2244-21 Doc 2 Rev A dated November 2021) from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In the interests of the future health and amenity value of the trees/shrubs/hedges.

- 16 Prior to occupation of the development, the access point at Hart Road shall provide a site access road at a minimum of 5.5m in width with 2m wide footways on either side. As shown in principle on AMA Drawing AMA/21255/SK001. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 43m in both directions, shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times thereafter.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 17 Prior to first occupation of the 44th dwelling, all tree planting and landscaping works shall be carried out in accordance with the provisions of the Specification for Soft Landscape Works and 10 year Management Plan (Reference OS 2244-21 Doc 4 dated December 2021) from which there shall be no deviation without the formal consent of the Local Planning Authority.

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

- 18 Prior to first occupation of the 44th dwelling, the proposed amenity areas shall be made available for use and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents.

- 19 Management of the open spaces shall be undertaken in accordance with the provisions of the submitted Biodiversity Management plan (Reference: OS 2244-21-Doc 3 December 2021), from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to ensure the appropriate management of the open space areas within the site.

- 20 Prior to first occupation, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of any vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety

- 21 Prior to first occupation of the dwellings hereby approved, the approved parking spaces shall be provided and made available for use.

REASON: To ensure adequate off-street parking provision to meet the needs of future occupiers.

- 22 Details of any external lighting of the proposed development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. Such approved lighting strategy shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site and the ecological sensitivity of the landscaped areas and adjoining land.

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

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

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

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 25 Prior to first occupation, each dwelling shall each be provided with the infrastructure necessary to facilitate the provision of electric vehicle charging points.

REASON: To facilitate the use of electric vehicles by occupiers of the development in the interest of sustainable transport.

- 26 Any tree, shrub or herbaceous plant contained within the approved landscaping scheme identified within document OS 2244-21-Doc 4 and drawing number OS2244-21.3 Rev B dated 03/12/2021, dying or being damaged, removed or becoming seriously diseased within 10 years of the date of this permission shall be replaced by a tree of a similar size and species



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by the applicant or the applicant's successor in title, as formally approved by the Local Planning Authority.

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

- 27 Where car parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on-site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 28 During the construction period any security fencing around the site must include appropriate gates to allow for the passage of wildlife such as badgers and hedgehogs.

REASON: In order to facilitate the movement of wildlife across the site.

- 29 Any garden fences or walls provide to demarcate the extent of private amenity areas within the scheme shall be provided prior to first occupation of the dwelling it serves and shall incorporate appropriate hedgehog gates. Such measures shall thereafter be permanently retained as such.

REASON: In order to facilitate the movement of wildlife across the site.

- 30 Any gates, walls or means of enclosure provided to the open land on the boundaries of the site shall incorporate the means to allow free access by badgers. Such measures shall be installed prior to first occupation of the development hereby approved and thereafter permanently retained as such.

REASON: To ensure that Badger corridors are maintained around the boundaries of the site, in the interests of maintaining the nature conservation value of the site.

- 31 Ecological management of the open spaces shall be undertaken in accordance with the provisions of the submitted Biodiversity Management Plan (Reference: OS 2244-21-Document 3 December 2021) from which there shall be no deviance without the formal consent of the Local Planning Authority.

The Biodiversity Management Plan shall be reviewed on a ten yearly basis and any alterations to the management regime shall be submitted to and approved by the Local Planning Authority.

REASON: In the interests of securing appropriate ecological management of the site in perpetuity.

- 32 Any windows provided in a side elevation at first floor level shall be obscure glazed to at least level 3 on the Pilkington scale and fixed to a height of 1.7m from the finished floor level of the area it serves. Such windows shall be installed and glazed prior to the first occupation of the building and shall thereafter be permanently retained as such.

REASON: In order to protect the privacy and amenity of adjoining residents.

- 33 There shall be no discharge of surface water onto the Highway.

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

- 34 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

REASON: To ensure that the amenities of future occupiers are protected.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 36 The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for every household for sustainable transport, to include six one day travel vouchers for bus travel approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

## **Informatives**

### Essex County Fire and Rescue Service

#### Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

#### Sprinkler Systems

- " There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

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Essex County Police

The developer is formally requested to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2, March 2019. The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence .

of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Lead Local Flood Authority

Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

#### Highway Authority

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.  
The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD
2. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
3. Prior to any works taking place in the public highway the developer shall enter into the appropriate legal agreement with the Highway authority under the Highways Act 1980 to regulate the construction of the highway works.
4. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

## ITEM 2

<b>Application Number:</b>	<b>22/0172/ADV</b>
<b>Address:</b>	<b>Waterside Farm Sports Centre Somnes Avenue Canvey Island Essex SS8 9RA (Canvey Island West Ward)</b>
<b>Description of Development:</b>	<b>1 fascia sign on front elevation of building</b>
<b>Applicant:</b>	<b>Castle Point Borough Council</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date</b>	<b>03.05.2022</b>

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### Summary

Advertisement consent is sought for the display of window vinyls to promote a soft play facility at the leisure centre. In all the circumstances the proposal is not felt to be visually detrimental to the surrounding area and no reasons for refusal can be found. The proposal is therefore recommended for APPROVAL.

The application is presented to the committee as the council owns the building to which the proposed advertisements would be affixed.

### Site Visit

It is not considered necessary for members to visit the site prior to determining the application as the site will be familiar to most. Members may, of course, undertake their own independent inspection of the site. It is not necessary to enter the building to view the location, and there is plenty of parking.

### Introduction

The application relates to a part single, part two storey building in use as a leisure facility. It contains a swimming pool as well as a gym and other sports facilities. Externally, there are playing pitches and outdoor sports facilities, as well as the aforementioned parking. Access to the site is from the B1014 Somnes Avenue.

### The Proposal

Consent is sought for the display of a vinyl advertisement in a front-facing window at first floor level. The total area of the display is 4.36m wide by 1.64m tall, with the picture split into three sections to accommodate the glazing divisions. The floor plan of the building shows that the window to be covered serves a 'Judo room'.

### Supplementary Documentation

None

### Planning History

In 2015 there were grants of advertisement consent for a new welcome sign (15/0058/ADV) along with a fascia sign to the café (15/0110/ADV) and a fascia sign to the bungalow (15/0571/ADV)

## Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (The Framework, 2021)

Local Plan (LP, 1998):

S12 – Siting, design and illumination of advertisements

S13 – Proliferation of advertisements

S14 – Advertisements and public safety

Emerging Local Plan (March 2022):

DS3 - Advertisements

## Consultation

### Legal Services

No observations

### Canvey Town Council

No comments received

## Public Consultation

No representations received

## Evaluation of Proposal

*The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).*

*In October 2020, the council submitted to the Planning Inspectorate its new Local Plan (2018-2033) for examination. The New Local Plan, with main modifications, has been found sound, satisfying the requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004.*

*The New Local Plan was considered by the council on 23<sup>rd</sup> March 2022, however, members resolved not to adopt the plan. This resolution limits the weight that can be attributed to the policies in the New Local Plan, however, they remain a material consideration.*

The Framework states at paragraph 136 that the consent process within the planning system for controlling the display of advertisements should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The council's LP policy S12 states that advertisements shall be well designed and sited and relate to the character of the building or site on which they are to be displayed, as well as the surrounding area. Regard will be had to the location, size, materials, design, intensity of illumination and relationship with the building or site concerned. These considerations come under the heading of 'amenity' and are therefore consistent with the Framework.

LP policy S13 states that the council will exercise strict control to prevent a proliferation of advertisements. The precise wording of the policy is not entirely consistent with the Framework as it is negative, but the spirit of it seeks to ensure that the cumulative impact of advertisements is considered, which is something that the Framework says should be taken into account.

LP policy S14 states that the council will not grant consent for advertisements which would have an adverse effect on the safe operation of traffic or transportation or the safety of pedestrians. This is consistent with the Framework objective of considering public safety when operating the advertisement consent process.

The council's emerging LP policy DS3 basically consolidates existing LP policies S12 to S14.

Turning to the proposal in hand, the window display of vinyls concerned would be non-illuminated. It would be some 40m from the highway and would not be distracting to traffic or a danger to highway users.

In aesthetic terms, the proposed advertisement would add a splash of colour to what is an otherwise utilitarian building. It would not lead to an excessive number of advertisements on the building, and no visual harm can be identified as arising from its provision.

The proposal would accord with national and local policies and guidance and it is therefore recommended that consent be granted.

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

My **RECOMMENDATION** is: that advertisement consent be GRANTED.