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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 23rd September 2014 at 7.30 p.m.

Venue: Council Chamber

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

**Membership: Councillors Ladzrie (Chairman), Smith (Vice Chairman),
Anderson, Barrett, Blackwell, Burch, Cross, Hart, Mrs King,
Varker, Mrs Wass, N. Watson and Wood**

Canvey Island Town Councillors : Acott and Greig

**Officers attending: Steve Rogers – Head of Regeneration and Neighbourhoods
Fiona Wilson – Head of Legal Services
Kim Fisher – Chief Development Control Officer**

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 2nd September 2014 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

Report of the Head of Regeneration and Neighbourhoods is attached.

Application No.	Address	Page
14/0304/OUT	Land West of Glebelands, Thundersley, Benfleet (St George's Ward)	1
14/0255/FUL	74 Essex Way, South Benfleet (Boyce Ward)	50

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DEVELOPMENT CONTROL COMMITTEE

2nd SEPTEMBER 2014

PRESENT: Councillors Ladzrie (Chairman), Smith (Vice-Chairman), Anderson, Barrett, Blackwell, Burch, Cross, Hart, Varker, Mrs Wass, N. Watson, Wood and Canvey Island Town Councillors Acott and Greig.

Councillors Dick, Palmer, Riley, Sharp, Sheldon and Tucker also attended.

An apology for absence was received from Councillor Mrs King.

7. MEMBERS' INTERESTS

There were none.

8. MINUTES

The Minutes of the meeting held on 29th July 2014 were taken as read and signed as correct.

9. DEPOSITED PLANS

(a) 14/0014/FUL – ACRES WAY, GREAT BURCHES ROAD, THUNDERSLEY, BENFLEET, ESSEX (ST. PETER'S WARD) CONSTRUCTION OF KENNEL BUILDING (RETROSPECTIVE APPLICATION) – MR AND MRS CLARKSON

The application sought permission for the retention of an isolation block for the housing of stray dogs brought to the site as a consequence of the operation of the stray dogs' collection and kennelling service undertaken on behalf of Basildon, Castle Point, Rochford and Southend on Sea councils.

The building constituted inappropriate development in the Green Belt as it was harmful to its openness, character and strategic function. However, it was considered that in this particular case there were very special circumstances that outweighed the harm to the Green Belt.

The application was retrospective in nature and reported to the Committee in view of the Council's contractual interest in the proposal.

During discussion, Members acknowledged the evidence demonstrating that the facility provided a much needed service for a number of local authorities, who would otherwise be unable to fulfil their statutory duty. Members also took into account the isolated nature of the site and the lack of any visual harm to the

surrounding area which it was considered outweighed the inappropriateness of the development in the Green Belt.

Following discussion it was:-

Resolved – That the application be approved subject to conditions.

(b) 14/0209/FUL – KINGS PARK VILLAGE, CREEK ROAD, CANVEY ISLAND, ESSEX SS8 8GX (CANVEY ISLAND NORTH WARD) – ERECTION OF NEW BUILDING TO FORM CAFE/BAR, CONSTRUCTION OF BOWLING GREEN, ASSOCIATED WORKS AND LANDSCAPING – KINGS PARK VILLAGE LLP

The application was the third from Kings Park Village to construct a new bar/cafe on the site. Following amendments to the scheme to overcome issues of noise disturbance to adjacent residents, it was considered that the proposal now represented an acceptable form of development.

The application was presented to the Committee at the request of Councillor Tucker in order to assess the effect of the development on local residents and the Park Village.

Mr G Miguire spoke in support of the proposal.

During discussion Members agreed that the proposal would have no significant adverse impact on the residential amenity of the surrounding area, resulting from either noise or other disturbance. Members however raised concern at the visual impact on some residents of the village arising from the erection of an acoustic fence to the rear of the existing hedge on the northern side of the proposed bowling green.

Members considered that the approval of the application should be subject to an additional condition for appropriate landscaping to be provided to soften the visual impact of the acoustic fence.

Resolved – That the application be approved subject to conditions, together with an additional condition for the provision of adequate landscaping to screen the acoustic fence.

(c) 14/0308/FUL – 388 HIGH ROAD, SOUTH BENFLEET, ESSEX SS7 5HL (ST MARY'S WARD) – CONSTRUCTION OF VEHICULAR ACCESS TO FRONT OF PROPERTY – MR SCOTT GIDDENS

The proposal was for the creation of a new access point on a stretch of secondary distributor where the principal function was that of carrying traffic freely and safely between centres of population. It was considered that the slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to

the detriment of highway safety. It was also noted that the applicant had not demonstrated that a vehicle could be safely and conveniently turned within the site and there was also an outstanding Highway Authority objection to the proposal. The proposal was also contrary to Policies T2 and EC2 in the Council's Adopted Local Plan. For these reasons, the application was recommended for refusal.

The applicant's partner, Deborah Johnstone, spoke in support of the application.

The application was presented to the Committee at the request of Councillor Sheldon who spoke in support of the application.

Councillor Sharp spoke in support of the application.

During discussion Members referred to the number of residential properties along this section of the High Road which already had vehicular access to and from the carriageway. It was also considered by Members that Policies T2 and EC2 of the Council's adopted Local Plan would be reviewed during the current process of agreeing a new Local Plan, and that in the meantime a broader view should be taken on this proposal to make the lives of the applicant and his family safer, particularly as Members considered that a vehicle could be safely turned around within the curtilage of the property, thereby enabling exiting from the site in forward gear.

Resolved - That the application be approved subject to conditions:–

1. That permeable surfacing materials are used for the crossover.
2. That adequate sight visibility splays are provided.

- (d) **14/0316/FUL – 17 AND 19 MOORCROFT AVENUE, HADLEIGH, BENFLEET, ESSEX SS7 2UH (VICTORIA WARD) – LOFT CONVERSION WITH HIP TO GABLE EXTENSION AND FRONT DORMERS TO BOTH 17 AND 19 MOORCROFT AVENUE. EXTENSION OF REAR DORMER TO 17 MOORCROFT AVENUE. CONSTRUCTION OF REAR DORMER, TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS TO 19 MOORCROFT AVENUE – MR & MRS TIPPETT AND MR & MRS BURNETT**

The application sought consent for hip to gable roof extensions and the formation of front dormers to both 17 and 19 Moorcroft Avenue.

An extension to the existing rear dormer at No 17 was proposed, and at No 19 the applicants also intended to construct a part two storey flat roofed side and rear extension.

It was considered necessary that the works were carried out simultaneously to avoid the creation of an asymmetrical pair of dwellings when viewed from the street. It was recommended that approval of the application be subject to a

Section 106 Agreement that both halves of the pair of dwellings are sympathetically altered.

Resolved – That the application be granted approval subject to the conditions set out in the Planning Officer's report and to the applicants entering into a Section 106 Agreement requiring the works to be carried out in their entirety and simultaneously to both properties.

(e) 14/0321/FUL – 8 KNIGHTSWICK CENTRE, FURTHERWICK ROAD, CANVEY ISLAND (CANVEY ISLAND SOUTH WARD) – EXTENSION TO TEMPORARY CHANGE OF USE FROM RETAIL (A1) TO COMMUNITY ENGAGEMENT AND EXHIBITION SPACE (SUI GENERIS) FOR A PERIOD OF THREE YEARS – CASTLE POINT BOROUGH COUNCIL

This application sought permission to extend the temporary use of the retail unit in the Knightswick Centre for exhibition and community engagement purposes for a period of three years.

As the application was submitted on behalf of the Council it was presented to the Committee for determination.

The Committee was advised that the proposed use was contrary to the provisions of the adopted Local Plan as it did not retain a retail or service use within Class A of the Use Classes Order on the site. However, in view of the overriding local circumstances and relevant past history, the proposal for continued use of the unit for these purposes was recommended for approval.

During the debate, Members considered the application on its planning merit but felt that the longer term use of the unit for this purpose should be reviewed by the Council. Some Members also considered that a three-year extension was too long and that 18 months would be more appropriate.

Councillor Blackwell had not been present in the Council Chamber during the debate on this item and did not take part in the voting.

Resolved – That, subject to conditions, approval is granted for an 18 month extension and that the use of the unit in the longer term for this purpose is reviewed by the Council.

(f) 14/0331/FUL – FIVE ACRES, GREAT BURCHES ROAD, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD) – REPLACEMENT DWELLING – MR D LAVER

The application sought consent to demolish the existing property and construct a replacement dwelling within the Green Belt.

The proposed property was materially larger than the original dwelling and would constitute an inappropriate form of development, contrary to Policy GB4 of the adopted Local Plan and national policy as set out in the National Planning Policy Framework. The applicant had also advised that the dwelling may be extended under permitted development and prior approval allowances to create a larger building than that proposed. The Planning Authority's view was that the unattractive nature of the dwelling extended in this way would preclude this from occurring, and did not consider this a realistic prospect.

The application was recommended for refusal.

The application was presented to the Committee at the request of Councillor Dick in order for the Committee to assess the proposal in terms of its impact on the Green Belt.

Mr Woodger, agent for the applicant, spoke in support of the proposal.

Councillors Dick and Sharp spoke in support of the application.

During discussion Members took into account that the existing dwelling could be extended under permitted development and prior approval allowances, to create a larger building than that proposed. Members considered that this would create a more unattractive building in the Green Belt than the one proposed in the application.

Resolved – That the application be approved subject to conditions on the external material used and to no further permitted development to the property.

(g) 14/0388/FUL – 1ST CANVEY SEA SCOUTS COMPOUND ADJACENT TO CANVEY HEIGHTS COUNTRY PARK, CANVEY HEIGHTS WAY, CANVEY ISLAND, ESSEX (CANVEY ISLAND NORTH WARD) – DISABLED TOILET FACILITY – MR RONALD WILDING

This proposal sought to provide a disabled toilet facility building within the 1st Canvey Sea Scouts Compound at Canvey Heights Way.

The application was submitted to the Committee as the land was within the control and ownership of the Council.

Resolved – That the application be granted conditional approval.

- (h) **14/0406/FUL – 74 HIGH STREET, HADLEIGH, BENFLEET, ESSEX (ST. JAMES' WARD) – EXTENSION TO TEMPORARY CHANGE OF USE FROM RETAIL (A1) TO COMMUNITY ENGAGEMENT AND EXHIBITION SPACE (SUI GENERIS) FOR A PERIOD OF THREE YEARS – CASTLE POINT BOROUGH COUNCIL**

This application sought permission to extend the temporary use of the retail unit at 74 High Street, Hadleigh, for exhibition and community engagement purposes for a period of three years.

As the application was submitted on behalf of the Council it was presented to the Committee for determination.

The Committee was advised that the proposed use was contrary to the provisions of the adopted Local Plan as it did not retain a retail or service use within Class A of the Use Classes Order on the site. However, in view of the overriding local circumstances and relevant past history, the proposal for continued use of the unit for these purposes was recommended for approval.

Resolved – That, subject to conditions, approval is granted for an extension of three years and that the use of the unit in the longer term for this purpose is reviewed by the Council.

Chairman

ITEM 1

Application Number:	14/0304/OUT
Address:	Land West Of Glebelands Thundersley Benfleet Essex (St George's Ward)
Description of Development:	Outline - Proposed Residential Development of up to 140 Dwellings, Landscaping, Open Space, Access and Associated Works
Applicant:	Fox Land & Property
Case Officer	Ms Kim Fisher

Summary

The application seeks consent for the erection of up to 140 dwellings and various associated works on the site, which is allocated for Green Belt purposes.

The proposal is for outline consent only with all matters reserved except access.

The proposal represents inappropriate development in the Green Belt in respect of which the applicant has failed to advance any very special circumstances which might justify a departure from normal Green Belt policy. The proposal is therefore contrary to Government guidance as contained in the National Planning Policy Framework.

In addition within the context of Government guidance it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the emerging Local Plan.

The Proposal is therefore recommended for REFUSAL.

Introduction

The site lies on the western edge of the Borough, immediately to the east of the A130 dual carriageway and north of the London Road A13, at the Sadlers Farm Roundabout.

The eastern boundary of the site adjoins the western boundary of the development fronting London Road, Ivy Road, Steeple Heights, Sadlers and Glebelands.

The northern boundary is defined by the boundary of the Glenwood (Special) Primary School and the Montgomerie Infant and Junior Schools.

The site comprises open land which is allocated for Green Belt purposes in the adopted Local Plan and is approximately 7.4 hectares in area.

Site Visit

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

Supplementary Documentation

The submitted application was accompanied by the following documents, all of which have been and remain capable of being viewed on the Council's website.

- o Planning Statement (Including S106 Heads of Terms, Affordable Housing Statement and Sustainability Matrix)
- o Illustrative framework Plan (Masterplan)
- o Design and Access Statement
- o Landscape and Visual Assessment
- o Ecological Appraisal Report
- o Transport Assessment
- o Archaeological Desk Based Assessment
- o Flood Risk Assessment
- o Statement of Community Involvement
- o Socio-economic Impact Statement
- o Environmental Noise Assessment
- o Air Quality Assessment Screening
- o Topographical Survey
- o Stage 1 Desk Study Report

The Proposal

Outline permission is sought for the erection of up to 140 dwellings of which 25% (up to 35 units) would be affordable housing. The plan also indicates the provision of areas of landscaping, open space, access and associated works.

All matters except for access are reserved. The only matters for consideration at this stage are therefore the principle of residential development on this site and the means of access to the site.

The applicant has submitted an indicative layout showing a single spine road leading from the western end of Glebelands and running south down the length of the site, with dwellings arranged along the spine road and various side roads and walkways.

Unlike the previous scheme which provided an emergency vehicular access route out onto the London Road slip lane, this scheme does not appear to extend the road through to London Road, although emergency access is proposed to be maintained.

Two attenuation areas are shown as part of the indicative layout, with a 0.04ha informal play area and other incidental areas of open space and planting.

The illustrative Master Plan indicates the provision of 4.8ha of development and 2.73ha of open space.

Planning History

In 1953 an application was received for the residential development of the northern part of the site. This was refused on 13th July 1953.

In 1962 a further application was received for the residential development of the northern part of the site. This was refused on the 7th November 1962.

In 1973 an application was received for the residential development of the northern part of the site. This was refused on the 27th June 1973.

In 1993 an outline application for eight bungalows was made on land immediately to the west of Glebelands (CPT/721/93). This was refused on the basis of the site's Green Belt allocation.

In 1997 an application for change of use of a 10 metre wide strip of land along the eastern boundary of the site from agricultural use to residential garden land was refused (CPT/685/97/FUL) on the basis of the site's Green Belt allocation and the resultant encroachment into and urbanisation of the Green Belt.

In 2002 an application was received for the residential development of the southern part of the site. This application was refused on the 29th July 2002, on the basis of the sites allocation for Green Belt purposes and the loss of a relatively uncommon wildlife habitat.

In 2010 an application was received for the development of land to the west of Glebelands with up to 165 dwellings with associated landscaping, open spaces, highways and other works. This application was withdrawn by the applicant on the 6th January 2011.

In 2012 an application was received for the development of land to the west of Glebelands with up to 165 dwellings with associated landscaping, open spaces, highways and other works. This application was refused on the 3rd April 2012.

The applicant lodged an appeal against the decision which was heard at a Public Inquiry in December 2012. Consideration of the appeal was recovered by the Secretary of State.

The Inspector recommended that the appeal be allowed and planning permission be granted subject to conditions; however, the Secretary of State disagreed with this recommendation and dismissed the appeal.

In August 2013 the appellants sought to challenge this decision in the High Court under S.288 of the Town and Country Planning Act 1990. The appellants sought the quashing of the decision of the Secretary of State to refuse permission for the development and to have the decision declared unlawful. This application was dismissed on the 17th January 2014.

A further appeal against this judgement was lodged on the 6th February 2014. This will be heard on the 10th and 11th November 2014.

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs 7, 73, 80, 83, 84, 87, 89, 93 – 108, 109, 118, 120, 126 - 141 and 203 – 206

National Planning Policy Guidance

Adopted Local Plan

EC2: Design
EC4: Control of Pollution
EC9: Development affecting commercial farmland
EC10: Protection of high quality agricultural land
EC13: Protection of wildlife and their habitats
EC38: Archaeological Sites and Monuments
H7: Affordable housing
H9: New housing densities
H10: Mix of development
H17: Housing development – design and layout
T8: Car parking
RE4: Provision of children's playspace and parks
CF1: Social and physical infrastructure and new developments
CF2: Education facilities
CF13: Foul water and sewage disposal
CF14: Surface water disposal
Residential Design Guidance

Consultation

CPBC Planning Policy Officer

The application is for residential development on land which is currently located within the Green Belt. None of the exceptions identified in paragraph 89 of the National Planning Policy Framework apply to this site. Therefore, the proposal constitutes inappropriate development within the Green Belt whereby it is necessary for very special circumstances to be demonstrated if development is to be exceptionally permitted.

The Planning Statement which accompanies this application sets out three matters which are considered by the applicant to constitute very special circumstances justifying the exceptional permission of this proposal on this Green Belt site. These are:

- 1) The contribution of the site to address the chronic shortage of housing land which will not be met in the short-medium term unless Green Belt sites are released.
- 2) There is a severe shortage of affordable housing and the site is extremely well placed to meet this need. It is achieving the highest level of affordable housing provision achieved in the last eleven years.
- 3) The fact that the site has been allocated through the plan-making process in order to meet the housing needs of the Borough and that this is recognised as a very special circumstance by the Council.

With regard to point 1, the Council is still in the process of preparing the SHLAA update 2014; however at this stage it is possible to confirm that the Council is unlikely to be able to identify a five year housing land supply. It is also likely that the supply of deliverable sites will be less than year's worth of supply. There is therefore a shortage of housing land to meet short term housing needs. However, the Planning Practice Guidance clearly states at Paragraph 034 Reference ID: 3-034-20140306 that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt. National guidance is therefore clear that housing land supply issues do not constitute very special circumstances to justify inappropriate development in the Green Belt.

With regard to point 2, it is again agreed that past delivery of affordable housing provision in Castle Point has been low. However, the applicant seeks to resolve the issues associated with the delivery of affordable housing in Castle Point through a proportional contribution alongside market housing. As such, the affordable housing need is being treated by the applicant as a component of the overall housing delivery, and should therefore be treated by the local planning authority as such also. Therefore, paragraph 034 Reference ID: 3-034-20140306 applies equally to affordable housing provision on this site as it does to the overall housing provision. As such, housing land supply issues, including the need for affordable housing, do not constitute very special circumstances to justify inappropriate development in the Green Belt according to the Planning Practice Guidance.

With regard to point 3, the applicant claims that the site has been allocated for housing development. This is not the case. The approved development plan for Castle Point is the 1998 Adopted Local Plan which shows this site designated as Green Belt.

It is agreed that the site is identified as a potential housing development site in the draft New Local Plan. The draft New Local Plan was made available for consultation from the 24th January until 28th March 2014. Over 4,900 responses were received in relation to this consultation, including over 4,860 responses from residents. Residents' responses, which were provided using a questionnaire, indicated that there remains substantial objection to the proposal for housing development on this site. Overall, 1,091 residents indicated an objection to this proposed development. The Council is now undertaking work through a formally appointed 'Task and Finish Group' to determine how the New Local Plan should be progressed in light of the responses received. This will enable the preparation of a submission New Local Plan.

The National Planning Policy Framework at paragraph 216 specifies the weight that may be attached to emerging plans. It is clear that consideration should be given to the stage of preparation of the emerging plan, the extent to which there are unresolved objections; and the degree of consistency with the National Planning Policy Framework. Given that the plan is still being progressed for submission, it is at an early stage of preparation. As detailed above there are also numerous objections to this proposal. The applicants seek to indicate that the site does not fulfil a Green Belt function in separating Thundersley from North Benfleet. This is clearly a contentious matter, with evidence and views expressed on both sides, including the varying views of the appeal inspector and the Secretary of State in relation to the previous application for this site. Given the location of the site within the Green Belt and the contention surrounding this matter, it is unlikely that these issues will be fully resolved until such time as all the evidence has been considered by an Inspector examining the plan. Therefore, it is considered that limited weight can be placed on the proposals in the draft New Local Plan at this time. As such the proposals in the draft New Local Plan do not constitute very special circumstances justifying development in the Green Belt.

It is considered that this application is seeking to circum-navigate the plan-making process. The previous Secretary of State's appeal decision in relation to this site was clear that it was for the local planning authority to identify sites to meet housing needs through the plan-making process. This decision was consistent with the NPPF which states at paragraph 83 that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. It should be noted that the Secretary of State recently took a similar position with regard to the appeal for housing development at the Little Chalvedon Hall site in Basildon Borough.

Finally, there are suggestions that the proposals put forth in this application would enhance the character of the area. The site is comprised of open fields. Whilst not perhaps rolling countryside they are nonetheless green, open and inoffensive in their character and appearance, and provide a green buffer to the urban edge. The proposal would see the site substantially altered in appearance through the provision of development. It is not however clear that this would represent an 'enhancement' in the character of the site.

Overall, it does not appear that sufficient very special circumstances have been put forth to exceptionally permit residential development to occur on this site. These proposals are being considered through the plan-making process, but limited weight can be placed on these at this time due to the contention surrounding the Green Belt function of this site.

PCT

No response received.

Basildon Council

The proposal follows the recent refusal of planning permission for residential development of up to 165 dwellings, landscaping, open space, access and associated works on the same site late last year with the main reasons for refusal being the impact upon the Green Belt.

The revised proposal is similar to that which was refused for 165 dwellings with a reduction in the overall dwelling numbers to 140 with a lower percentage of affordable housing at 25% rather than the previous application which proposed 35%.

Green Belt

Basildon Borough Council would like to make Castle Point Borough Council aware of a recent refusal of planning permission for 750 dwellings on a site only 800m away from land west of Glebelands in the Basildon borough, referenced Little Chalvedon Hall (13/00140/0UT). The decision was dismissed at appeal which was considered by both the Planning Inspectorate and the Secretary of State.

Whilst the Secretary of State agreed that the most compelling argument for allowing the proposal on the ground of very special circumstances would be the agreed lack of five year housing supply and the time that it would take to put an adopted Core Strategy in place, he did not consider these to outweigh the harm the proposal would have on the Green Belt.

In both the Inspector's and Secretary of State's reasoning for the Appeal's dismissal, specific reference was made to the decision made by the Secretary of State at land west of Glebelands which was considered to be a material consideration (CPT/7/12/0UT):

'15. The Secretary of State has had regard to the Inspector's balancing exercise at IR259-266. He agrees with her that, whilst each site must be considered on its own merits, the Castle Point decision is a material consideration that must be taken into account when the merits of this proposal are weighed in the balance. (IR260). '

IR260 stated:

The Secretary of State has recently (within the last 7 months) also refused to grant planning permission for a smaller scheme in the Green Belt that is only 800m from the appeal site. [89,97,114] Although this proposal was in a different Borough (Castle Point), the site was also within the TGSE development area and the housing land supply situation was worse than in Basildon. Significantly, the site was also in the same vulnerable gap between Basildon and Thundersley/Benfleet as the appeal site, with the harm being accorded to Green Belt by the Secretary of State being described as 'moderate'. In this case, I consider the Green Belt harm would be significantly greater, due to the more open nature and larger size of the appeal site. Whilst each site must be considered on its own merits, the Castle Point decision is a material consideration that must be taken into account when the merits of this proposal are weighed in the balance. '

The Little Chalvedon Hall decision demonstrates that amendments to the Green Belt boundary should be made through the Local Plan process. Nothing has significantly changed since the publication of both the Castle Point decision on the applicant's site and the decision of Little Chalvedon Hall.

A130 Strategic Green Corridor

Additionally, Basildon Council would like to make Castle Point Council aware of the function of the strategic gap between the two settlements of Thundersley and Bowers Gifford and any encroachment of the gap would harm the purpose of preventing neighbouring towns from merging into each other (paragraph 106 of the NPPF).

The strategic gap has been recognised as an important area in preventing coalescence between the settlements in this location and Basildon Council hopes to continue working with Castle Point, Rochford and Chelmsford Councils in securing the preparation, adoption and implementation of a new cross boundary A130 Landscape Strategy to support this importance.

Basildon Borough Council has demonstrated its commitment to this strategy by ensuring that the recent version of the Core Strategy Revised Preferred Options Report, which underwent a public consultation at a similar time to Castle Point's Draft New Local Plan earlier this year, incorporated the observations of the Landscape Character and Green Belt Study in retaining the strategic green corridor between Bowers Gifford and Thundersley within PAD6 (East Basildon Urban Extension).

County Education

According to the latest information available to Essex County Council's Early Years and Childcare Team there are no day care facilities in St George's Ward and the 3 pre-school providers are either full or very close to capacity. There is therefore a need for additional early years and childcare provision within the locality of the development which this development will add to.

With regard to the sufficiency of primary school and secondary school places, the latest information and data suggests that there will be sufficient capacity to meet the needs of the proposed development.

In view of the above Essex County Council requests that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on early years and childcare provision. The formula for calculating childcare contributions is outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, 2010 Edition. Essex County Council standard s106 agreement clauses that give effect to this formula are stated in the Education Contribution Guidelines Supplement, published in July 2010.

For information purposes only, should the final development result in 140 houses all with 2 or more bedrooms the early years and childcare contribution would be (162,305 index linked to April 2014 costs).

If your council were minded to turn down the application the lack of education provision in the area can be noted as an additional reason for refusal

Natural England

Date: 28 July 2014

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites –

No objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Previous advice

Natural England has previously made comments regarding similar proposals at this site; your references were CPT/7/12/0UT and CPT/621/10/0UT. We refer the authority to our previous responses dated 19 November 2010 (our ref 10060), 3 May 2011 (our ref 21264), and 01 February 2012 (our ref 43217), all of which are attached with this letter.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Previous Advice Date: 19th November 2010

The proposed development has the potential to have a significant effect on Benfleet & Southend Marshes Special Protection Area, Ramsar site and Site of Special Scientific Interest.

Based on the information provided, Natural England submits a holding objection until a report detailing adequate mitigation measures to protect Benfleet and Southend Marshes (SPA, Ramsar and SSSI) is submitted. There is very little information provided concerning offsetting recreational pressures on the SPA, and the proposed level of alternative green space provision is also insufficient. If adequate information is not received concerning the above, we advise that an appropriate assessment will be required.

Natural England also has concerns regarding the complete loss of a Local Wildlife Site, and insufficient compensatory grassland provision overall. The holding objection also arises from a lack of detail and appropriate mitigation for protected species, and a need for further ecological

survey work. Therefore two further reports are required: a Green Space/Recreation Report and an Ecological Addendum.

Consultation under Section 281(2) of the Wildlife and Countryside Act 1981 (as amended) The conservation features under consideration for the European and Ramsar site are also among the features of interest for which the Benfleet & Southend Marshes Site of Special Scientific Interest (SSSI) is notified. As such, Natural England's advice on the European and Ramsar site also applies in relation to the SSSI in respect of these features.

European Designated Sites

Natural England advises Castle Point District Council, as competent authority, that in view of the apparent insufficiency of mitigation measures (as detailed below) the proposal is likely to have a significant effect upon the European site. Therefore, unless information is supplied which would be sufficient to withdraw this advice your Council is required to undertake an appropriate assessment of the implications of the plans for the European site in view of its conservation objectives (Reg 61 of The Conservation of Habitats and Species Regulations 2010). Consent can then be granted for the project only if your Council can ascertain that it will not have an adverse effect upon the integrity of the European site (unless the further tests of Reg 62 can be shown to be satisfied).

Recreational Pressures on European Sites

The proposed development has the potential to place increased recreational pressure (eg due to human presence and dog walking) on Benfleet & Southend Marshes, which lies 3.6km to the South East of the site. It is now widely accepted that by providing spatially targeted and appropriate levels of alternative green space, it is possible to mitigate for adverse effects which would otherwise arise due to increased disturbance on sensitive sites.

In the Environmental Statement, the applicant has calculated a figure of 1.74 hectares to offset the recreational pressures on the SPA, without giving any background on how they arrived at this figure. There is no calculation of the likely population in this 165 dwelling development. Following several high profile cases, Natural England considers that 8ha per 1000 population provides an appropriate level of alternative green space to offset recreational pressures on designated sites.

An average of 2.5-3 people would likely be expected per household in most developments. If we take an average of 2.45 persons per household, a figure of 3.23 hectares would be required, but the applicant has calculated a figure of approximately half that. This is unlikely to be sufficient. We expect a report to be submitted assessing the pressures on the SPA, and concluding how these pressures will be offset. We would expect this to include more alternative green space provision than is currently proposed. Our holding objection with regards to European designated sites will stand until we receive and are happy with the report and the green space provision proposed.

Locally Designated Sites

The development will completely destroy Montgomery School Meadow, a 3.7ha Local Wildlife Site which contains the national BAP habitat lowland meadow. As a species-rich grassland with scattered scrub, it is valued as an excellent source of food for insects. Five of the six common species of bumble bee have been recorded on site, as well as a range of butterfly species. We note that in the Phase I survey associated with this case, corn buttercup *Ranunculus arvensis*, classified as Nationally Scarce and as a Priority Species on the UKBAP, was found.

The applicant ascertains that because the site is in need of a Management Programme and has turned to scrub in places, its value is reduced. However, in 2007 the site was reviewed as part of the reassessments of wildlife sites, and was found to still meet the criteria. Therefore we consider that the Local Planning Authority should protect and enhance this site rather than allowing the entire meadow to be destroyed for housing. It is disingenuous to state that the site is of degraded ecological value due to inappropriate management; the potential of the site remains at a significant level as recognised in the 2007 Local Wildlife Sites Review.

Under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. Further, the potential impact of development on certain species and habitats of principal importance is addressed in detail under regulation 3(4) of The Conservation (Natural Habitats &c.) Regulations 1994, and section 74 of the Countryside & Rights of Way Act 2000. These duties and others are set out in detail in the legal Circular 06/2005 to PPS9 'Biodiversity and Geological Conservation' and we would urge the Council to bear these in mind in the execution of its nature conservation related functions.

We therefore advise that in view of the above duties, the loss of this important Local Wildlife Site containing valued BAP habitat must be regarded as a significant material consideration in respect of the decision of your Authority in respect of this application. We also advise you to contact the Essex wildlife Trust, Buglife and other NGOs as they may wish to comment on the nature conservation implications of the proposals.

Should the Local Planning Authority decide that the loss of the local wildlife site above is justified, we would also ask you to consider whether the 1.27 hectares proposed to compensate for the above loss makes up for the loss of 3.52 hectares in the LWS and the 0.47ha of semi improved grassland outside the LWS. It is the view of Natural England that this is simply not an adequate amount of grassland provision, and therefore the applicant should at the very least reconsider the compensation they intend to use to offset the loss of the above.

Protected Species

Invertebrates

Montgomery School Meadow is evidently an extremely good source of food for invertebrates, and therefore it is puzzling why the applicant has not included an invertebrate survey with the application documents. We submit a holding objection until an invertebrate survey has been completed for this site.

Reptiles

Displacement techniques have been proposed to protect the reptiles on site but given the scale of the development and the population of adders, slow worms and common lizards on site, we question whether this technique is appropriate. Although most of the reptiles were found around the hedgerow and only 40m of hedgerow is to be removed according to the reptile report, in desk studies reptiles have been found across Montgomery School Meadow. Where would the reptiles be displaced to, given that much of their foraging habitat on the site is to be developed?

We consider it essential that the applicant provides further justification of the approach currently proposed prior to the granting of planning permission. Adders, slow worms, grass snakes and common lizards are protected against killing and injuring under Schedule 9 of the Wildlife and

Countryside Act 1981 (as amended). It is our view that the applicant may be risking the injury or killing of reptiles without a suitable programme of mitigation. A translocation programme may be necessary in this case but we await further details of the proposed programme from the applicant.

Bats

Bat surveys should have started before sunset, not half an hour after. This is to make sure that any early flying species, such as noctule bats, are recorded during the survey. Further surveys are not necessary, but we would ask the applicant to consider earlier flying species that may have been missed during survey in the Ecological Addendum.

Overall the mitigation proposed for bats is sufficient, but the applicant must consider the effects of lighting in more detail. Lighting must be placed a distance away from roosts and foraging routes, and should be low and downward facing. This should be added as a condition of planning permission.

Badgers

The Environmental Statement is lacking sufficient detail on badgers. There is a brief paragraph noting that badgers and active badger setts were not found on site, but the report provides no evaluation of suitable habitat and possible foraging areas. Given that badgers are known to be close by, we would expect this to be included. Further information should be provided on this.

Breeding birds

The mitigation provided for breeding birds is sufficient in terms of the hedgerows, but although skylarks appear in the species list there is no mention of how the applicant intends to protect these ground nesting birds during the breeding season. This should also be submitted in the addendum.

Landscape

The Landscape section of the Environmental Statement clearly follows the Guidelines for Landscape and Visual Impact Assessment, providing appropriate view points and background information. The report has rightly focused on the key purpose in PPG2 relating to checking 'the unrestricted sprawl of large built up areas' and on the proposed release of the green belt. We consider the report to be right in its assertion that the A 130 provides the main boundary between the urban area to the east of the A 130 and the agricultural land to the west. Providing the Planning Authority does not propose to extend development to the west of the A130, the built up areas of Basildon and Castle Point should be suitably contained. This is of course provided that a suitable level of green infrastructure is included with the development.

Conclusions and Further Information

In summary, Natural England needs to receive the following information in order to withdraw its holding objection, and to withdraw its advice that an Appropriate Assessment will be required.

A report on green space provision, recreation and the SPA

An amended green space provision figure to offset the pressures above.

A reconsideration of the appropriate level of mitigation to be provided to offset the loss of the 3.99ha to be lost in the Local Wildlife Site (LWS) and the area of semi-improved grassland outside the LWS.

An invertebrate survey

Further information on badger habitat and foraging areas within and close to the site.

A mitigation plan for reptiles providing a strong argument as to why displacement is the preferred method.

Mitigation for skylarks

The requested further information on bats.

Due to potential impacts of development on a Site of Special Scientific Interest, if the application is amended with additional information Natural England should be re-consulted for a further 28 days under the provisions of the Countryside and Rights of Way Act.

Local Planning Authorities should note that under Section 281 of the Wildlife and Countryside Act 1981 (as amended), should the Council be minded to grant permission contrary to Natural England's advice you must ensure that a copy of the decision notice is given to us detailing the date and terms of the permission and how, if at all, you have taken account of our advice; and, the Local Authority does not permit operations to begin before 21 days after this notification is given to Natural England.

Consultation Response dated 01/02/2012

We refer to your e-mail consultation dated 11 January 2012.

Our Engagement with Planning Casework

Natural England does not engage in detail in all areas of development control and forward planning casework. We take a risk-based, proportionate approach; the decision whether to engage or not is based on many factors, including the significance of the case in terms of its impacts upon biodiversity and landscape values, the information available, and our experience of similar cases. Thus, such considerations may preclude Natural England's involvement in site-specific casework relating to Local Sites, or to legally protected or Biodiversity Action Plan priority species, or to landscape issues outside designated areas.

Previous Advice

Your Council will be aware that Natural England provided detailed advice on a previous outline planning application proposed for the same site (CPT/621/10/OUT). In our letter of 19 November 2010 (ref: FS/10060/COL), we lodged an objection based on the ecological evidence provided by the applicant. The basis of our objection was the lack of information relating to potential adverse impacts on Benfleet and Southend Marshes Special Protection Area (SPA) arising from increased recreational pressure and the lack of ecological survey evidence (in respect of protected species). We also expressed serious concerns regarding the loss/destruction of a Local Wildlife Site (Montgomery School Meadow).

Current Advice

Statutory Designated Sites

With respect to the natural environment, our primary purpose is to advise Castle Point Borough Council on the protection and enhancement of statutory designated sites. The closest statutory designated site to the proposal site is Benfleet and Southend Marshes SPA/Ramsar site.

Following our advice on the previous outline planning application (CPT/621/1 a/OUT), the applicant commissioned consultants FPCR to assess likely impact pathways and to demonstrate how potential adverse impacts (arising from increased recreational pressure) could be satisfactorily mitigated. The primary effective mitigation mechanism is through the provision of alternative green space as part of development proposals, thereby deflecting increased recreational pressure away from sensitive sites. Natural England has carefully reviewed the Habitat Regulations Assessment report (Appendix E, dated March 2011). At 2.7, the report cites that "...[for Benfleet and Southend Marshes]...Recreational activities are not a problem...". The Responsible Officer for the designated site, Neil Fuller, comments that this is an over-simplification of the reality of recreational pressures on the designated site. In our long-term experience there are potential problems with increased visitor numbers on many designated sites in the Thames Estuary which need to be effectively managed and/or mitigated through appropriate mechanisms, such as incorporation of and links to additional green infrastructure within development areas. We recognise that this is the approach being adopted with respect to this proposed development.

Regarding potential effects during the construction phase, we agree with the assessment at 3.1 that there are likely to be no adverse effects on the SPA/Ramsar/SSSI site, due to the proposal's size and extent and its separation from the designated site (over 3km distant).

Figure 2 of the report is helpful in identifying existing public open space within a 5km radius of the proposed development site, much of which lies between the proposed development site and the SPA/Ramsar site. Several points are made in the report about foot and road access problems to the SPA/Ramsar site and lack of public parking areas (3.11 onwards). While public accessibility and facilities may be less than ideal, nevertheless the fact remains that there are public rights of way running through the SPA/Ramsar site and that the public (including dog walkers) use them throughout the year.

With respect to the provision of alternative green space within the development footprint, we note and welcome the detailed calculations of the population expected (145 residents not already within the Borough are anticipated to migrate inwardly, having the potential to exert increased recreational pressure on the SPA). Having reviewed the affordable housing ratio and rationale of the Chelmer zero-net migration calculations, we accept this figure and the associated provision of an extra 1.16ha of alternative green space to offset adequately this anticipated increase in population.

Based on the guaranteed delivery of 1.7 4ha of directly accessible open space within the proposed development site, Natural England agrees with the overall conclusion of the report: namely, that sufficient new open green space is to be provided by the applicant to offset potential increase use of the SPA based on the number of new residents expected to migrate into the Borough for this proposed development. On the basis of the provision of 1.7 4ha of alternative green space, Natural England agrees with the statement that there will be no significant effect on the integrity of the European designated sites as a result of the proposed development. We therefore raise no objection in respect of potential adverse impacts on Benfleet & Southend Marshes SPA/Ramsar site/SSSI. Natural England is satisfied that there is no need for the applicant to prepare an Appropriate Assessment.

For avoidance of doubt, our acceptance that 1.7 4ha of green space will adequately offset potential recreational pressure on Benfleet & Southend Marshes SPA/Ramsar site does not infer any opinion by Natural England in regard of mitigation measures proposed for the adverse

impacts on Montgomery School Meadow Local Wildlife Site or protected species. The two matters are entirely separate issues.

Non-statutory Designated Sites

In line with our statement under the heading above "Our Engagement with Planning Casework", Natural England does not wish to comment on the direct impacts on the Local Wildlife Site, Montgomery School Meadow. We understand that Essex Wildlife Trust has lodged an objection to the proposals on the basis of the significant adverse impacts and inadequate mitigation measures for this non-statutory designated site (EWT letter dated 20 January 2012). We should make it clear that, should Natural England choose not to comment on any particular component of a planning application, (e.g. Local Wildlife Sites, protected or UK / local Biodiversity Action Plan (BAP) Species), this in no way undermines (nor should be construed as undermining) the position which may be adopted by other parties such as, in this case, Essex Wildlife Trust. We have previously advised the applicant's ecological consultant (FPCR) to contact Essex Wildlife Trust in respect of adverse impacts on Montgomery School Meadow.

Protected Species

In assessing impacts on protected species and the effectiveness of proposed mitigation measures, we refer Castle Point Borough Council (and the applicant) to Natural England's Standing Advice for protected species. Our standing advice for protected species provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It replaces the bespoke advice that Natural England has provided in the past to local authorities.

General

The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help Castle Point Borough Council to take proper account of the environmental value of this site in the decision making process. We respectfully remind Castle Point Borough Council of its duties in respect of biodiversity (Section 40 of the Natural Environment and Rural Communities Act 2006) and the protection and enhancement afforded to biodiversity and geodiversity in PPS9 and its associated guidance.

Further Advice

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by Castle Point Borough Council that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

Consultation Response dated 03/05/2011

Our comments on the additional information provided by FPCR and associated advice are given in the context of our letter of 19th November 2010 and discussion at our meeting on 11th January 2011. We appreciate the fact that the application has been temporarily withdrawn to allow Natural England and FPCR to discuss and address matters raised.

Benfleet and Southend Marshes SPA: Green Space/Recreation Report (March 2011, Rev A)

Natural England welcomes the production of this report in response to our "holding objection" of 19th November 2011, its purpose being to identify whether the proposed development, either alone or in- combination with other plans or projects, would be likely to have a significant effect on notified over- wintering bird species using the Benfleet and Southend Marshes SPA/Ramsar site as result of increased recreational pressures.

At 2.7, the report cites that "...[for Benfleet and Southend Marshes)...Recreational activities are not a problem...". The Responsible Officer for the designated site, Neil Fuller, comments that this is an over- simplification of the reality of recreational pressures on the designated site. In our long-term experience there are potential problems with increased visitor numbers on many designated sites in the Thames Estuary which need to be effectively managed and/or mitigated through appropriate mechanisms, such as incorporation of and links to additional green infrastructure within development areas. We recognise that this is precisely the approach being adopted with respect to this proposed development.

Regarding potential effects during the construction phase, we agree with the assessment at 3.1 that there are likely to be no adverse effects on the SPA/Ramsar/SSSI site, due to the proposal's size and extent and its separation from the designated site (over 3km distant).

Figure 2 of the report is particularly helpful in identifying existing public open space within a 5km radius of the proposed development site, much of which lies between the proposed development site and the SPA/Ramsar site. Several points are made in the report about foot and road access problems to the SPA/Ramsar site and lack of public parking areas (3.11 onwards). While public accessibility and facilities may be less than ideal, nevertheless the fact remains that there are public rights of way running through the SPA/Ramsar site and that the public (including dog walkers) use them throughout the year.

With respect to the provision of alternative green space within the development footprint, we note and welcome the detailed calculations of the population expected (145 residents not already within the Borough are anticipated to migrate inwardly, having the potential to exert increased recreational pressure on the SPA). Having reviewed the affordable housing ratio and rationale of the Chelmer zero- net migration calculations, we are willing to accept this figure and the associated provision of an extra 1.16ha of alternative green space to offset adequately this increase in population. The revised proposals now include 2.33ha of alternative green space (reported by FPCR as being reluctantly agreed by the applicant), this increased figure is welcomed by Natural England. A figure of 1.74ha of directly accessible open space is quoted at paragraph 3.15, which is at odds with the figure of 2.33ha. We seek clarification as to the reason for these two figures and confirmation that the higher figure is to be delivered?

Based on the guaranteed delivery of 2.33ha of alternative green space within the development, Natural England agrees with the overall conclusion of the report: namely, that sufficient new open green space is to be provided by the applicant to offset potential increase use of the SPA based on the number of new residents expected to migrate into the Borough for this proposed development. On the basis of the provision of 2.33ha of alternative green space, Natural England agrees with the statement that there will be no significant effect on the integrity of the European designated sites as a result of the proposed development.

Illustrative Master Plans (Rev D and E)

We note that the possibility of incorporating a swale system to discourage cats from using the area of open space has been discounted due to health & safety/engineering constraints (your

email of March 2011, subject: 3349 - Glebelands, Thundersley Swales). While this is disappointing for us, the rationale is accepted. On the plus side, we welcome the significant increase (29%) in the indicative area of Public Open Space on the Illustrative Masterplan (3349-P-03 Rev E). Interestingly, this reduced development layout does include a swale system together with positive ecological enhancements such as open grassland, additional native tree and shrub planting and reptile hibernacula. These habitat features within a wider corridor along the northern and western boundaries should provide benefits for species such as bats, badgers and reptiles.

Locally Designated Sites

The loss of Montgomery School Meadow Local Wildlife Site remains a significant concern for Natural England. This negative impact on biodiversity is a significant material consideration in any planning decision made by Castle Point Borough Council relating to this proposal. The fact remains that despite the site's inappropriate management (ploughing), it has the potential to be reinstated and sensitively managed. Notwithstanding its loss, we welcome the intention of the applicant to increase the extent of mitigation for harmful effects on the site (creation of approximately 2.0ha of species-rich grassland to compensate for the loss of the LWS). We advise that the applicant seek the views of Essex Wildlife Trust to gauge their views on the loss of Montgomery School Meadow Local Wildlife Site

Invertebrates

It is stated that due to the site's current unsympathetic management regime (heavily ploughed) there is limited potential for an interesting or notable invertebrate assemblage. In our letter of 19th November 2010, based on the premise that the Local Wildlife Site was in good condition (floristically rich and diverse), we advised that further invertebrate surveys should be carried out in 2011. In recognition of the site's poor condition, we reluctantly agree that further invertebrate surveys appear to be no longer appropriate.

Reptiles

Given that reptiles were only found in the hedgerows and associated grassland margins, we are willing to accept that the ongoing welfare of all reptile species can be properly addressed through the habitat enhancement measures proposed (e.g. new grassland areas, tree and shrub planting, hibernacula and swales to deter cat predation).

Bats

We expressed concerns that bat surveys were poorly timed and may have missed early flying species, such as noctules. We considered that the mitigation proposed for bats is sufficient. We asked that further information be provided with respect to lighting. We are pleased to note that wildlife corridors (west and north) will remain unlit (wherever possible) and where lighting is required (for public safety?), this will be shrouded and directional (e.g. use of low UV LED installations rather than HP sodium lamps).

Badgers

In response to our earlier request, we are pleased to see that detail of badger activity (e.g. evidence of active badger setts, foraging areas) has now been provided. Based on the lack of evidence of active badger setts on site and promised continuity of foraging areas (albeit on a slightly reduced scale) we accept that badgers are unlikely to be adversely affected. If this proposal is consented a further badger survey should be conducted if a significant delay to the start of the works is anticipated (i.e. greater than 2 years since the date of the last badger survey).

Breeding Birds

Natural England welcomes the use of current good practice to avoid impacts on breeding birds during site clearance works (timing prior to breeding season if possible, otherwise a watching brief by an experienced ornithologist to decide whether to delay works due to confirmed presence).

Essex Wildlife Trust

No response received.

Anglian Water

Assets

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

"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.

Wastewater Services

The foul drainage from this development is in the catchment of Benfleet Water Recycling Centre STW that at present has available capacity for these flows.

Foul Sewerage Network

Development will lead to an unacceptable risk of flooding downstream and the hydraulic modelling is being undertaken to identify mitigation. The FRA dated June 2014 overlaps with the pre-planning enquiry (PPE). The PPE identified that mitigation works would be required. Based on the outcome of the modelling, Flood Risk Assessment (FRA) needs updating as well. The drainage strategy for the site should cover the procurement of the improvement works. We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable.

We request that the agreed strategy is reflected in the planning approval

Suggested Planning Conditions

Foul Sewerage Network

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

Surface Water Disposal

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

Environment Agency

We have inspected the application, as submitted, and are raising a holding objection on flood risk grounds.

Our detailed comments on this objection are provided below, together with advice on foul water and sustainability, should our holding objection be overcome:

Surface Water Management

Our maps show the site lies in Flood Zone 1, which is the area of low flood risk (1 in 1000 year event). As the site exceeds 1 hectare, a Flood Risk Assessment (FRA) is required, in accordance with Footnote 20 of paragraph 103 of the National Planning Policy Framework (NPPF), that provides details of how surface water is to be managed on the site.

A Flood Risk Assessment (FRA) compiled by Waterman Transport & Development Limited, referenced CIV16 and dated June 2014, has been submitted in support of the application. However, this FRA does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7- 030-20140306. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and we are raising a holding objection to the application.

In particular, the submitted FRA fails to:

1. Satisfactorily detail a viable method of draining the surface water from the site. The FRA states that it is proposed to send surface water from Catchment 1 to watercourse and from Catchment 2 to Anglian Water surface water sewer.
 - a) The FRA fails to show that the watercourse has the capacity to be able to convey the proposed discharge rate and volume from the site or confirm the watercourse is continuous to a point where it meets a larger water body.
 - b) The FRA does not contain a written confirmation from Anglian Water that they will accept the discharge into the surface water sewer infrastructure at the agreed rate of 8.4 l/s.
2. Give consideration of climate change for calculations relating to the storage ponds.

Overcoming our objection

You can overcome our objection by submitting a revised FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

Production of an FRA will not in itself result in the removal of an objection. Further technical information on our objection is provided in Technical Appendix 1 to this letter.

Areas of Surface Water Flooding

Surface water flood mapping shows areas on site that are at risk of flooding from surface water arising from elsewhere. Applying a sequential approach to the site, which is a priority referred to in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference 10: 7-018-20140306, means that properties should be located away from these areas. Drawing number 200, dated July 2010, in Appendix B of the FRA, confirms that this has been considered and properties have been located away from these areas.

Proposed Surface Water Scheme

The FRA has calculated the Greenfield rate has been using the ICP SUDS mean annual flood, which is based on IH124 method. This calculation indicates the following rates (Appendix G): QBAR (1 in 2.33 year): 19.61/s Q30 (1 in 30 year): 44.51/s.

The FRA states that, 'Due to the topography of the site, it has been necessary to split the site into two catchments'. 'Each catchment utilises a pond to store excess water in, this would ensure all discharge from the site is maintained at the Greenfield runoff rate'

Catchment 1 proposes discharging to an existing culvert and WinDES MicroDrainage calculations have been provided in Appendix G. However, the submitted calculations fail to consider climate change. It is possible that there is enough freeboard within the storage capacity of the proposed ponds, although we would advise that calculations should be submitted with any revised FRA that include an allowance of 30% for climate change. The FRA has proposed a storage amount of 1082m³ for Catchment 1 and a discharge rate of 5 l/s.

Catchment 2 is proposed to discharge to Anglian Water surface water sewer at an approximate 1 in 30 year Greenfield runoff rate. The FRA states that the attenuation pond will need to provide a volume of storage of 896m³ to attenuate a 1 in 100 year storm event, using a restricted rate of 8.4 l/s and including 30% for climate change.

Flooding from Sewers

Section 2.13. of the FRA states that 'Correspondence with Anglian Water (Appendix E) confirms that they have records of sewer flooding in the vicinity of the site.

However, since the site is not currently developed, this has not occurred within the site boundary.' This needs to be considered in the FRA, as the proposal for Catchment 1 is to discharge to a watercourse. When considering whether capacity of the culvert and watercourses is appropriate, it is important to consider any decreases in capacity that may occur during a sewer flooding event. It is important that the developer does not increase the impacts of surface water flooding elsewhere and addresses existing surface water flooding as a potential source of flooding to the site.

Advice to LPA

Although the plans submitted do not show any area change from the planning application CPT/7/12/OUT, which was refused in April 2012, calculations submitted for this FRA are based on 7.49 ha as opposed to the old application which was for 7.54ha. The FRA shows a decrease in impermeable area for catchment 1 from 2.3 ha in the previous application to 1.49ha. Catchment 2 has a decrease in impermeable area from 1.46ha to 1.41 ha.

We also advise that the FRA does not include any details of potential arrangements for the future adoption and maintenance for the infrastructure proposed within the surface water drainage strategy. This is particularly important with regards to the culvert/watercourse and how this will be maintained, to ensure flow paths do not become blocked. Nor does it include information on whether any consideration has been given to the future maintenance of flow control structures or balancing ponds. This is particularly important given that the government has postponed the enactment of the sections of the Flood and Water Management Act 2010 relating to the formation of the SUDs approval Bodies (likely to be in 2015 at the earliest). You should be satisfied that arrangements are in place for the long term maintenance and management of the surface water management scheme.

Provided the holding objection can be overcome, the following advice on foul water and sustainability will also be relevant to the application.

Foul Water Disposal

The application form states that foul water is to be disposed of via the main sewer network. Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

Sustainability

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.

Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:

Overall sustainability:

a pre-assessment under the appropriate Code/BREEAM standard should be submitted with the application. We recommend that design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) are sought through planning conditions.

Resource efficiency:

a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment,

Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.

Net gains for nature:

opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.

Sustainable energy use:

the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.

These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108. Reference should also be made to the Climate Change section of the draft National Planning Practice Guidance, in particular: "Why is it important for planning to consider climate change?" and "Where can I find out more about climate change mitigation and adaptation?"

<http://planningguidance.planningportal.gov.uk/blog/guidance>

Additional guidance on considering climate change for this proposal is provided in an appendix at the end of this letter.

Technical Appendix 1 - Surface Water Management

An FRA for developments on sites of 1 hectare or greater, at outline planning stage should include details of 1 workable solution for managing surface water (even though the method may vary at detailed design stage).

a) An FRA submitted at outline stage, should demonstrate that if the intention is to discharge to surface water to a watercourse, then that waterbody should be capable of conveying the proposed discharge rate and volume. In Section 3.13 of the FRA, it states that 'it is proposed to drain this catchment to the existing culvert in the northwest corner of the site...' It is not clear from the drawing CIV SA 92 0001 A02, submitted in appendix H, as to whether this culvert is within the applicant's boundary. The drawing seems to imply connection to the culvert is outside of the site boundary line. Confirmation should be provided to show that either:

- i. The discharge point is within the applicants boundary; or
- ii. Confirmation from the third party, whose land the culvert is on, that they are agreeable to a connection being made.

The FRA fails to demonstrate how the culvert presently performs for the catchment that it currently drains and whether there is sufficient capacity for it to take the increase in flows over a range of flood events from the contributing catchments. The FRA fails to confirm that in the event of exceedence flows that surpass the critical duration rainfall event or if a blockage/failure occurs within the culvert, where these flows would go and how they will be managed. Developers have a responsibility to ensure that their developments do not have a negative impact on flood risk both on the site and to others.

Section 3.4 of the FRA states that the 'development has a series of ditches which run around the development. The most pronounced ditch is centrally located and flows through the northern part of the site in a northerly direction to a culvert under the A 130. A further ditch exists near the

southern area of the site and falls towards the west, connecting to a ditch which runs parallel to the A 130 but does not appear to connect to the A 130 culvert. Finally, a further ditch is located at the northern boundary of the site and appears to fall from west to east.' In Section 3.5, the FRA goes on to state that 'it may be possible to re-grade ditches and their direction of flows subject to further site investigations. Although the outfall for the ditches is unclear, it is anticipated that the existing outfall to the northwest would be most suitable'. Before this can be considered a viable solution, the connectivity of the watercourse through to main river must be established, and it must be shown that the culvert watercourse can cope with the proposed discharge increasing. It is important that the applicant shows that the culvert has sufficient capacity to take the proposed discharge. The FRA should contain sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to overland flow routing where required. Consideration of the function of these watercourses relative to their catchment areas needs to be considered, particularly if there are to be proposals to re-grade or alter the flows of these ditches.

b. For discharge to the Anglian Water surface water sewer to be considered a viable option, evidence must be submitted, in writing, that Anglian Water will accept the discharge at the agreed discharge rate. The email submitted is from 2011 and the surface water sewer may no longer have capacity to accept the discharge. It should also be confirmed in writing that Anglian Water are agreeable to the proposed rate of 8.4 l/s, and do not now require a rate equivalent to the 1 in 1 Greenfield run-off rate. It is important to note that Anglian Water, in their email dated 06 December 2011, advised that they will require evidence that disposal via other means cannot be achieved. The discharge of surface water from Catchment 2 of the development to the surface water sewer is therefore wholly dependent upon confirmation from Anglian Water, which is not evident from any recent correspondence included in the FRA. The Floods and Water Management Act became legislation in April 2010. It requires developers to include sustainable drainage, where practicable, in new developments. These should be built to standards which reduce flood risk and improve water quality. The use of sustainable drainage systems is being encouraged by removing the right to connect surface water run-off to public sewers. This is why it is important for you to ensure that Catchment 2 can be drained to the Anglian Water surface water sewer network.

Technical Appendix 2 - Sustainability

We suggest the following points are addressed by the applicant to limit the development's impact on the environment and ensure it is resilient to future climate change.

Water Efficiency

Over the next 20 years demand for water is set to increase substantially yet there is likely to be less water available due to a drier climate and tighter controls on abstraction. To address this new development should be designed to be as water efficient as possible. This will not only reduce water consumption but also reduce energy bills as approximately 24% of domestic energy consumption in the UK goes to heating water (DTI 2002).

Simple solutions such as dual-flush toilets, water-saving taps and showers, water butts and appliances with the highest water efficiency rating should all be included in the development. The use of greywater recycling and rainwater harvesting will achieve a higher efficiency for the development and should be installed wherever possible.

Any submitted scheme should include detailed information (capacities, consumption rates, etc) on proposed water saving measures. Where rainwater recycling or greywater recycling is

proposed, this should be indicated on site plans. Applicants are also advised to refer to the following for further guidance:

www.environment-agency.gov.uk/research/library/publications/33993.aspx

www.waterefficientbuildings.co.uk and www.waterwise.org.uk

Waste and Resource Management

The applicant is strongly advised to prepare a site waste strategy which takes account of the requirements of the Waste Framework Directive 2008/98/EC transposed into UK law as the Waste (England and Wales) Regulations 2011.

Compliance with Article 4, the Waste Hierarchy, is a legal obligation. Any site waste strategy should include aspirations for zero waste to landfill, the need for waste prevention, and recycling targets. The strategy should show that all possible measures will be taken to reduce construction and demolition waste produced during the course of the construction, and how this will be achieved, such as preventing the over-ordering of materials, reducing damage to materials before use by careful handling and segregating waste on site into separate skips. The strategy should be made available to all staff and contractors so they are aware of what is required.

Waste should be designed out during the property design phase to ensure that during the construction and during demolition at the end of life, minimal volumes of waste result. The developer should consider how they will incorporate recycled/recovered materials into the building programme, including the use of secondary and recycled aggregates, and re-use of anyone-site demolition waste.

The applicant should consider how the design of the development will incorporate facilities to allow for easy recycling by the residents. Careful thought should be given as to how recycling will be made easy for residents of multi-occupancy buildings and for the provision for recycling on the move. Facilities like these will increase recycling as well as reduce litter.

<http://www.wrap.org.uk>;

<http://www.tcpa.org.uk/pages/towards-zero-waste.html> .

Net Gains for Nature

Landscaping proposals should demonstrate that thought has been given to maximising potential ecological enhancement. Paragraph 9 of the NPPF sets out that planning should seek positive improvements and includes an aim to move from a net loss of biodiversity to achieving net gains for nature in line with the Natural Environment White Paper (2011). In determining planning applications Local Authorities are asked to conserve and enhance biodiversity and encourage opportunities to incorporate biodiversity in and around developments (para.118).

This presents an opportunity to provide multi-functional benefits - providing open space for residents, sustainable transport links, wildlife/ecological value, climate change resilience, improved water quality and flood risk management.

Green Infrastructure, defined as a network of new and existing multi-functional green space and features, such as ecological corridors or other appropriate planting, should therefore be considered as part of the development. Such measures can provide the range of benefits outlined above, including for example providing shade to the built environment to reduce overheating, and intercepting rainfall and reducing flood risk. But there is evidence that the inclusion of such features can also provide further economic benefits, such as encouraging inward investment,

increasing property values and increasing visitor spending in an area. More information on this, and Green Infrastructure in general, is available on the Natural England web page:

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/greeninfrastructure/default.aspx>

Incorporating green and/or brown roofs and walls can be a particularly effective measure. They provide valuable urban habitats, increased energy efficiency of buildings and attenuation of rain water. Research from the journal 'Environmental Science and Technology' claims that green walls deliver cleaner air at street level where most people are exposed to the highest pollution. They can also add to an attractive street scene if designed well - a good example of this is the Transport for London Green Wall near Blackfriars station.

Additional Useful Resources

In April 2012 we took on full responsibility for the governments Climate Ready support service which provides advice and support to businesses, the public sector and other organisations on adapting to climate change. The aim is to ensure businesses and services assess how they will be impacted by a changing climate so that they are both resilient and can thrive in the future. The Climate Ready pages of our website

(<http://www.environment-agency.gov.uk/research/137557.aspx>) provide information including guidance on carrying out impact assessments and evaluating adaptation strategies.

The UK Green Building Council has also published a series of documents to help Local Authorities and developers to understand sustainability issues. These documents are available on their website at:

<http://www.ukgbc.org/content/advice-planners-and-developers>.

The most recently published technical guidance to the Communities and Local Government's 'Code for Sustainable Homes' also provides useful guidance:

[http://www.planningportal.gov.uk/uploads/code for sustainable homes techguide.pdf](http://www.planningportal.gov.uk/uploads/code%20for%20sustainable%20homes%20techguide.pdf)

Police Architectural Liaison Officer

Essex Police do not object to this application but would raise issues in relation to security and crime in general.

The application now for 140 new homes will however designed, be subject to crime in the future. It's our intention to reduce the opportunities for crime as much as possible. The application mentions safety, sustainability and security but does not say how this will be achieved other than by locating windows on corners homes overlooking homes etc. These are good measures and we support them but there is no detail. The planning statement and D&A statement do not address these issues sufficiently.

Planning Statement -Achieving Sustainable Development

4.1.4 The Framework adopts the Brundtland definition of sustainable development of meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 7 highlights the economic, social and environmental elements of delivering sustainable development.

Paragraph 8 notes: These roles [economic, social and environmental] should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. These roles [economic, social and environmental] should not be undertaken in isolation, because they are mutually dependent”.

No they should not and that includes Crime. Sustainability and sustainable developments cannot be achieved if crime and anti-social behaviour flourish. To this end we request that the development be subject to a condition that all housing be certificated to Secured by Design standard. The social housing provision of 25% will be expected to achieve SBD certification should the 75% not would suggest there will be a lack of equality of standards. Planning requires equality. It is often forgotten that crime also has a carbon footprint; Secured by Design is a proven initiative that reduces opportunities for crime. www.securedbydesign.com. Essex Police do not think the developer does not want to build homes that are not safe but there are standards in construction so there appears to be no reason not to build to SBD proven standards. Essex Police Architectural Liaison Service will work with all developers to help them achieve SBD certification.

London Green Belt Council

No response received

County Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

No development shall take place until such time as the following have been completed:

1. Prior to commencement of the development the areas within the site clear of the highway for the purpose of loading / unloading / manoeuvring and parking of all vehicles including construction traffic and employees, shall be identified and retained at all times for that sole purpose in order for vehicles to enter and leave in forward gear, details to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to commencement of the development details of a wheel washing facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel washing facility shall be provided at the commencement of the development and maintained during the period of construction.

Reason: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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 to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Additional Note:

With reference to the above condition the applicants attention should be drawn to the recent alterations to householder “permitted development” in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run off and overloading of sewers.

4. Prior to commencement of the development a Construction Traffic Management Plan identifying a haul route for the delivery of large-scale plant and materials is agreed in advance with the LPA in consultation with the Highway Authority. The approved plan shall be implemented for the duration of the development hereby permitted.

Reason: In the interests of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

General Conditions:

5. All single garages should have a minimum internal measurement of 7m x 3m
All double garages should have a minimum internal measurement of 7m x 5.5m
All tandem garages should have minimum internal measurements of 12m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Any garage provided, with its vehicular door(s) facing the highway, shall be sited a minimum of 6m. from the highway boundary. (this condition to be used in all circumstances where a vehicular turning space is not required and applies to sites on existing county highways and estate roads of types 1-3 inclusive)

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

9. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that paths are constructed to an appropriate standard suitable for the passage of pedestrians in the interest of highway safety with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

Reason: To avoid the interference with visibility splays and lighting of the highway in the interest of highway safety in accordance Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 x All Essex Scratchcard tickets.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11

13. Prior to commencement of development a financial contribution of £40,000 towards implementation of improvements at bus stops in the vicinity of the site along A13 London Road and Rushbottom Lane to include where required the provision of high kerbs, shelters, timetables,

routeing information, improved lighting, ducting, telematics and all other related infrastructure in line with the ECC road passenger transport strategy.

Reason: in accordance with policy 2 (Planning Obligations) of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14. Prior to occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including provision of a Travel Plan Co-ordinator to give advice and to pay a £3,000 monitoring fee to ECC. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

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

15. Prior to commencement of development a £50,000 financial contribution to highway capacity and public realm improvements in the vicinity of the Tarpots junction of the A13 / High Road and Rushbottom Lane.

Reason: To make adequate provision within the highway for additional pedestrian and vehicular movements associated with the site as a result of the proposed development.

Informatives:

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 or by post to:

SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under 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.

The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007.

The requirements above should be imposed by way of negative planning condition or planning obligation as appropriate.

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.

Prior to occupation, the development shall be served by a system of operational street lighting which shall thereafter be maintained in good repair.

In all cases where spoil is unavoidably brought out onto the highway, the applicant / developer must be reminded of their responsibility to promptly remove such spoil at their own expense and to the satisfaction of the Highway Authority.

A size 3 turning head should be provided at the ends of the site before the emergency access. All other cul-de-sacs will require a type 3 turning head.

The method of closing the emergency access at the southern end of the development should still enable pedestrians and cyclists to still access the site and be robust enough to prevent abuse - details to be agreed.

Noise protection should be provided to the west of the site.

Full details of SUDS should be provided and agreed

County Archaeologist

The following recommendations are made

1. No development or preliminary groundworks can commence until a programme of archaeological work including trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
2. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
3. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

County Planner

No response received

UK Power Networks

No response received

Buglife

No response received

Legal Services

No response received

Street Scene refuse and recycling

No response received

Public Consultation

The application was advertised in the press, site notices were displayed near the site and individual letters were delivered to the following addresses:-

Glebelands – 2, 3, 5, 9, 10, 12, 18, 24, 30, 31, 32, 33, 34, 36, 38, 40
Sadlers – 2, 6, 12, 14, 16,
Bartley Road – 30, 67, 69,
Steeple Heights – 2, 4, 6, 8, 10, 11, 14, 16, 18, 20, 22
Ivy Road – 1, 5, 5a, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 42, 43, 45,
London Road – '33, Thirlmere', 'Gordon Villa', 1 Sadlers Villa, 2 Sadlers Villa
St Georges Walk – 3, 6,
Albert Road – 28,
Rushbottom Lane – 53, 89, 13, 135, 192, 230, Montgomerie Junior School, Montgomerie Infant School, Glenwood School,
Essex Way – 42,
Leaside – 3
Arundel Road – 30,
Rayleigh Road – 100,
Lower Church Road – 10, 17, 23,
Bouldrewood Road – 27, 33, 37, 49, 57
Watlington Road – 42
Woodside View – 4,
Sadlers – 2, 3, 4, 7, 8, 10, 18, 20, 22, 24,
Eversley Road – 79,
Birchwood – 12,
Homefields Avenue – 46,
The Willows – 14,
Mandeville Way – 15,
Seamore Avenue - 71
Paddock Way, Fenny Stratford. Milton Keynes – 4a
Roots Hall Drive – Flat 86, Prior Court.

In addition 46 previous correspondents were consulted electronically.

Responses to neighbour notification and the site notices were requested by 31st July 2014 and responses to the press notice were requested by 15th August 2014.

54 individual responses have been received from the following properties. Multiple representations are underlined.

Lower Church Road - 17, 23
Bartley Road 12, 30,
Glebelands - 9, 24, 30, 31, 33, 34, 36, 38,
Sadlers 6, 10, 12,
Homefields Avenue - 46
Rayleigh Road 100
Steeple Heights 6, Rushbottom Lane 123, 192, 230,
Essex Way 42
Ivy Road - 5a, 31, 42
St Georges Walk - 6
Mandeville Way 15
Watlington Road – 42
Southwell Road – 48
Shorefields - 8
Hamley Close – 11,
The Willows - 14
Cambridge Road - 110a
Beatrice Close, Hockley 5

In addition 13 electronic responses were received.

The representations raised the following planning considerations:

- Loss of Green Belt
- Rushbottom Lane/Glebelands unsuitable access
- increase in traffic, added congestion at junctions and consequent danger to pedestrians and pollution. Proposal will exacerbate existing situation
- local social and physical infrastructure inadequate to support proposal
- character of Glebelands will change from pleasant cul-de-sac to overloaded access road
- Emergency access route inadequate
- Proposal would result in greater use of footpaths through the Glebelands estate
- Development will damage residential environment
- Attenuation areas could be a danger to children
- not suitable location close to A130 road – noise/pollution/safety
- loss of natural drainage in an area which suffers high levels of surface water flooding
- attenuation ponds will not make up for the overburdened drainage system
- detrimental to wildlife and habitat
- Retained open areas will not compensate loss of habitat
- development of brownfield sites should be preferred
- Castle Point only needs need to maintain 5 year land supply – no justification for release from Green Belt
- additional on-street parking in the locality
- Proposed development is unsustainable
- increased risk of crime
- traffic survey not accurately conducted
- many housing developments in the area are not fully occupied, question the need for more housing

- would destroy ring of green around the local area
- landowners destroyed wildlife habitat
- loss of privacy
- increase in noise during construction phase
- dominant towards adjacent properties
- any Green Belt reduction would be significant step towards merging of Castle Point and Basildon
- disagree with the assertion that A130 is a more logical boundary for the Green Belt
- Mix of housing type inappropriate – more sheltered and affordable housing required close to amenities.
- There is no need for more houses
- Outcome of consultation on the new Local Plan is unknown and land is still designated as Green Belt.
- The proposal exceeds the provisions of the Local Plan
- Proposal has already been turned down at local level and at High Court.

There have also been 2 comments in support of the proposal, subject to the achievement of alternative access.

Evaluation of Proposal

For ease of reference the evaluation of the proposal has been divided into the following sub-sections:

- (a) prematurity
- (b) The acceptability of the principle of the development
- (c) The existence of very special circumstances
- (d) Flood Risk
- (e) Impact on Ecology
- (f) Impact on Archaeology.
- (g) Impact on infrastructure
- (h) Other policy issues and matters of detail.

(a) Prematurity

Paragraph: 014 Reference ID: 21b-014-20140306 of the National Planning Policy Guidance states that whilst emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:

- (i) 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
- (ii) the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made)

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

As Members will be aware, the Council's draft Core Strategy was withdrawn in September 2011. However at the same Council meeting the Council resolved to commence work forthwith on the preparation of a new Local Plan. A revised Local Development Scheme (LDS) was agreed by the Council's Cabinet in January 2012.

An issues consultation was carried out in Spring 2012 and the Council agreed a housing target of 200 dwellings per annum for the new Local Plan in December 2012.

In January 2014, the Council agreed to publish a draft new Local Plan for consultation purposes. The Consultation Plan identified the application site as a potential housing site.

The Council is currently considering the responses to the consultation plan and has established a Task and Finish group for this purpose. This group will meet throughout the end of 2014 and the early part of 2015.

Within the context of Government guidance and in the light of the Secretary of State's determination of the earlier appeals at 'The Glebelands' and in respect of development at Little Chalvedon Hall in Basildon, which is close to the application site, in which he made it clear that it was for the Local Planning Authority to identify sites to meet housing needs through the Local Plan process, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Local Plan. It is considered that the current proposal represents an attempt to circumvent the Local Plan process and, if allowed, it is considered that the release of this site for residential development could prejudice the ability of the Council to achieve a high level of sustainability in meeting its housing needs as well as undermine Government Guidance as set out in the NPPF at paragraph 83.

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

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

(b) The principle of development

The application site lies within an area allocated for Green Belt purposes in the adopted Local Plan, which remains the Development Plan for the Borough.

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.

Para 80 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.

Para 83 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. This stance was confirmed in the ministerial statement of September 2012 and more recently confirmed with regard to this specific site by the Secretary of State in his determination of the appeal against the decision of the Council to refuse permission for the provision of 165 dwellings and associated infrastructure on this site in 2013 and his determination of the appeal for some 800 dwellings on land at Little Chalvedon Hall in Basildon.

In Para 84, the Planning Authority is advised that when reviewing Green Belt boundaries account should be taken of the need to promote sustainable patterns of development.

Para 87 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

When considering planning applications for development in the Green Belt LPAs should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness, and that any other harm, is clearly outweighed by other considerations.

Para 89 states that the Planning Authority should regard all new buildings as inappropriate unless they are for one of a specified number of purposes.

Such purposes do not include large scale residential development.

As a consequence it can be concluded that residential development of the site constitutes inappropriate development in the Green Belt and is therefore unacceptable in principle.

The proposal should therefore attract a recommendation of refusal. However, the NPPF states that inappropriate development may be justified by the identification of very special circumstances. The Planning Authority must therefore consider whether such very special circumstances exist in this case. This examination will occur in section (iii) below.

A further issue in consideration of the acceptability of the principle of development on the site relates to concerns over the potential loss of agricultural land.

This site has previously been used for agricultural purposes and Local Plan Policy EC9 recognises that farming makes a significant contribution to the appearance and conservation of the countryside and states that development which would cause the sterilisation or fragmentation of commercial farmland will be refused.

Local Plan Policy EC10 states that development which would result in the loss of high quality agricultural land will be refused.

The site is generally made up of quite poor quality soils that do not generally fall within the government definition of high quality agricultural land.

Furthermore it should be noted that the proposal would not result in the fragmentation or sterilisation of commercial farmland and no objection is raised to it on this basis.

The development of the land would not therefore conflict with the objectives of Policies EC9 and EC10 of the current Local Plan.

(c) The existence of very special circumstances

Even though the proposal is considered to be contrary to Green Belt policy and therefore unacceptable in principle, it is incumbent upon the Planning Authority to consider whether any very special circumstances exist which would justify a departure from established policy.

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

The applicant has identified eight very special circumstances for consideration. These are:

- (i) That the site offers benefits in respect of meeting national objectives regarding sustainable development
- (ii) That there is a shortage of housing land and that land will need to be released from the Green Belt in order to satisfy the need for housing
- (iii) That there is a substantial need for affordable housing in the Borough.
- (iv) That the site represents one of the most appropriate and logical sites for release from the Green Belt
- (v) That the site has limited function in the separation of Thundersley and North Benfleet
- (vi) That the site is now allocated for residential purposes in the new Local Plan and
- (vii) That the proposal would enhance the character and appearance of the area.

Each shall be considered in turn:

(i) That the site offers benefits in respect of meeting national objectives regarding sustainable development.

The applicant seeks to promote the premise that the site can offer sustainability advantages and as such should be favourably considered, despite also accepting that the site does not benefit from the presumption in favour of sustainable development by virtue of footnote 9 to paragraph 14 of the NPPF.

As the site cannot benefit from the presumption in favour of sustainable development as a consequence of its allocation for Green Belt purposes, it is difficult to see how this consideration can constitute a very special circumstance which would justify the redefinition of the Green Belt boundary at this location and the development of the site for residential purposes.

Furthermore it is considered that sustainability advantages may also be available at other sites, and that the demonstration and confirmation of such advantages should be made in the context of the preparation of a new Local Plan. Such an approach would be consistent with Government advice and with the Secretary of State's findings in the determination of the previous appeal, both of which clearly state that any alteration to the Green Belt boundary should be in the context of a review of the Local Plan.

It is not therefore considered that the benefits in respect of meeting national objectives, as identified by the applicant represent the very special circumstances required to justify inappropriate development in the Green Belt.

In determining the previous appeal the Secretary of State found no sustainability arguments that persuaded him that the site could be released from the Green Belt at that time. The sustainability issues around this case have not altered since consideration of the previous appeal.

(ii) That there is a shortage of housing land and that land will need to be released from the Green Belt in order to satisfy the need for housing.

It is acknowledged that there is a shortage of housing land to meet short term housing needs. However, the NPPG clearly states at paragraph 034 Reference ID:3-034-20140306 that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development in the Green Belt. National Guidance is therefore clear that housing supply issues do not constitute very special circumstances.

In considering the previous appeal, and indeed in considering a proposal for the development of a site within the adjoining borough at Chalvedon Hall with some 800 dwellings, the Secretary of State acknowledged the limited availability of housing land, but did not seek to deviate from the guidance provided in the NPPG.

It is clear therefore that housing need does not outweigh harm to the Green Belt.

(iii) That there is a substantial need for affordable housing in the Borough.

It is acknowledged that in the past delivery of affordable housing in the Borough has been low. However, the applicant seeks to resolve the issues associated with the delivery of affordable housing through a proportional contribution alongside market housing. As such the applicant is treating the affordable housing need as component of overall housing delivery. The Planning Authority considers this an appropriate stance and as such paragraph 034 Reference ID:3-034-20140306 is of equal relevance. Housing need supply issues, including the supply of affordable housing, does not constitute a very special circumstance.

It is noted that in the previous application for a larger quantum of development, the applicant sought to make provision for 58 affordable housing units. Whilst the Secretary of State

acknowledged that such provision would represent a substantial benefit and contribute towards meeting the aims of saved policy H7, he did not consider that this benefit was substantial enough to justify the approval of inappropriate development in the Green Belt.

It should be noted that under the current scheme up to 35 affordable housing units would be provided. The level of benefit therefore accruing from this scheme is less than previously proposed and must consequently offer even less justification for inappropriate development in the Green Belt.

(iv) That the site represents one of the most appropriate and logical sites for release from the Green Belt.

The applicant suggests that releasing this site for housing and developing Benfleet out to the A130 would create a logical and defensible Green Belt boundary and that this provides a very special circumstance.

In support of this contention the applicant draws attention to the content of the 2012 Strategic Housing Land Availability Assessment.(SHLAA).

It is not clear why this particular SHLAA has been referred to as this document is now somewhat outdated, having been superseded by the 2013 SHLAA.

It should be noted that at the beginning of the 2013 SHLAA the following statement is made:

NOTE: THIS STUDY IS NOT A STATEMENT OF COUNCIL POLICY; RATHER IT IS A TECHNICAL DOCUMENT FOR CONSIDERATION IN THE PRODUCTION OF THE NEW LOCAL PLAN.

THE IDENTIFICATION OF A SITE IN THIS DOCUMENT DOES NOT INDICATE THAT CASTLE POINT BOROUGH COUNCIL FAVOURS OR GIVES CONSENT FOR ITS DEVELOPMENT. ALL SITES WILL REQUIRE PLANNING CONSENT, AND WILL BE ASSESSED AGAINST THE LOCAL DEVELOPMENT PLAN AT THE TIME AN APPLICATION IS MADE.

Limited reliance may therefore be placed on the content of the document.

Whilst it is not clear why the applicant is referring to an outdated SHLAA, the fact remains that this site has been retained in the published 2013 SHLAA update. There can therefore be no doubt that the site has been identified as a potential site suitable for housing, as part of the technical exercises required to inform the preparation of a new Local Plan. Such an exercise however conveys no consent or opinion on the likelihood of consent being granted. It is merely a statement of potential.

It is noted that the 2012 SHLAA makes comment on the Green Belt function of the site and the logic of the Green Belt boundary, however such comments do not comprise the policy of the Planning Authority and are simply comments to be considered in the consideration of all of the options within the context of a Local Plan Inquiry.

Notwithstanding the comments contained within the 2012 SHLAA, it is also a fact that the existing eastern boundary to the application site, which identifies the extent of the open land, is a defensible boundary and has been maintained for over fifty years. It should be noted that as

recently as 1997 an attempt was made to relocate the fence line to the west of the properties on Glebelands, Sadlers, Steeple Heights and Ivy Road in order to increase the rear gardens of those properties. Planning permission was refused as it was considered that the proposal would compromise the Green Belt boundary in this location. This decision was not challenged and in the view of the Planning Authority there is no reason to suppose that encroachment into this area of the Green Belt could not be prevented in the future.

Whilst the applicant's view that the A130 would create a better boundary is noted, it is the Planning Authority's view that the A130 simply provides the option for an alternative boundary. It is not considered that the potential for an alternative boundary represents a very special circumstance as that argument could be used in a number of situations where Green Belt allocations include land adjacent to a highway. It is therefore neither unique nor incapable of frequent repetition.

Further arguments put forward by the applicant suggest that the site is 'inward looking' and more closely related to the urban edge of Benfleet than farmland to the west.

It is the view of the Planning Authority that the application site shares a number of features with other areas of Green Belt within the Borough. It should be noted that with limited exception, the Green Belt allocation extends to the whole of the boundary of the Borough. As such the Green Belt may be construed to provide a buffer between the urban areas of the Borough and the adjoining local authority areas. To this extent, the majority of the Green Belt found along the boundaries of Castle Point could be argued to be 'inward looking'. As such this 'status' would not be a unique feature of the site, and could not be considered to be a very special circumstance.

The applicant also appears to suggest that the location of this area of Green Belt, adjacent to an urban edge has less value than larger areas of open land. The Planning Authority takes the view that the 'edge of urban area' location of the Green Belt in this location, does not decrease its value or ability to perform a Green Belt function; indeed it is considered that its peripheral location to the Borough demands that it be afforded greater protection in order to ensure that the Green Belt objectives of safeguarding the Green Belt from encroachment and preventing urban sprawl are achieved.

It is the role of the Local Plan process to determine the most appropriate and logical sites for release from the Green Belt. The Planning Authority is still considering all of the options available to it in the determination of the Green Belt boundary and has formally appointed a Task and Finish Group to assist in this work. Only when this process has been completed may the most appropriate and logical sites for release be determined. Prior to such consideration, identification of the application site as an appropriate and logical site for release would be premature and potentially harmful to the Council's ability to prepare a sustainable Local Plan. It is not considered that the applicant's assessment of the site as one of the most appropriate and logical sites for release from the Green Belt represents the very special circumstance required to justify inappropriate development in the Green Belt.

In support of this stance it is noted that there has been no material change in planning considerations around this site since the determination of the last appeal in which the Secretary of State could identify no very special circumstances to justify release of the site.

(v) That the site has limited function in the separation of Thundersley and North Benfleet.

The application site is located close to the western boundary of the Borough and it is the view of the Planning Authority that it assists in maintaining an area of open land between the developed areas of Castle Point and Basildon to the west. Whilst this break between urban areas is narrow and consequently vulnerable, the Secretary of State shared the Council's view that the retention of the Green Belt in this location would prevent the merging of settlements and that it consequently performed a valuable Green Belt function which would be harmed by the development of the site. Given the findings of the Secretary of State, it is not the view of the Planning Authority that the applicant's perceived limited functionality of the site constitutes a very special circumstance.

(vi) That the site is now allocated for residential purposes in the new Local Plan

The applicant is in error in making this statement. The approved Development Plan for Castle Point is comprised of the saved policies of the 1998 adopted Local Plan and this shows the site to be allocated for Green Belt purposes.

It is acknowledged that the site is identified as a potential housing site in the draft New Local Plan, however this does not constitute the Development Plan for the Borough.

Para 216 of the NPPF specifies the weight that may be attached to emerging plans and it is clear that consideration should be given to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF. Given that the draft New Local Plan is still being progressed for submission, it is at an early stage of preparation and that objections have been raised to the release of this site from the Green Belt as part of the Local Plan Consultation process, which have yet to be properly considered by the Authority, the weight that may be attributed to it is consequently limited.

Under the circumstances it is not considered that the provisions of the draft New Local Plan create the very special circumstances required to justify inappropriate development in the Green Belt.

(vii) That the proposal would enhance the character and appearance of the area.

The application site is comprised of open land. Whilst the land lacks the qualities of rolling countryside, being more constrained in nature, it is nevertheless, green, open and inoffensive in character and appearance and provides a green buffer between development and the A130. The proposal would see the site substantially altered in appearance through the provision of development. Whilst the character and appearance of the land would therefore be changed by the development, it is not self evident that this would result in an improvement in the character and appearance of the area, beauty being in the eye of the beholder.

The ability of a proposal to change the character and appearance of a piece of open land is considered to be a characteristic of any development and cannot there be said to be an attribute which is unique to this site or incapable of frequent repetition. It does to therefore provide the very special circumstances required to justify inappropriate development in the Green Belt.

Conclusion on very special circumstances

It is the view of the Planning Authority that the applicant has failed to identify any very special circumstances which would justify the release of this site from the Green Belt.

This view is consistent with that formed by the Planning Authority in respect of the previous application for the development of this site for residential purposes, a view which was supported by the Secretary of State in his decision to dismiss the subsequent appeal. (paragraph 27 of the Secretary of State's letter of the 26th June 2014).

(d) Flood Risk

The proposed development site is located within Flood Zone 1, the area with the lowest probability of flooding. As the site exceeds 1ha in area however, the applicant must prepare and submit a Flood Risk assessment in order to demonstrate how surface water is to be managed on the site.

The applicant has submitted such an assessment; however the Environment Agency (EA) has indicated that the basis of the report is flawed and does not therefore provide an appropriate basis for the assessment of flood risk on the site. As a consequence the EA has raised a holding objection to the proposal.

Whilst the objection of the EA is noted, it is not considered that the matters raised are insurmountable or present a robust reason for refusal.

It will however necessitate further discussion between the EA and the applicant in order to achieve a robust and permanently maintained surface water drainage system for the site.

It should be noted that in considering the earlier appeal, neither the Inspector, nor the Secretary of State considered flood risk to be an issue on which a reason for refusal could be justified.

(e) Impact on Ecology

It is clear that development of the site will have an impact on existing habitats and local ecology.

Local Plan Policy EC13 states that the Council will refuse development which is prejudicial to the interests of wildlife and their habitats.

Policy EC14 seeks to encourage the creation of new habitats and Policies EC22 and 23 seek to retain existing and encourage the planting of new trees.

The NPPF states at paragraph 109 that planning should protect the natural environment by minimising impacts on biodiversity and providing net gains where possible. Paragraph 118 states that if significant harm to biodiversity cannot be avoided, permission for development should be refused.

The policies of the Local Plan are consistent with this aim.

During consideration of the earlier proposal on this site it was reported that the north eastern part of the site comprised the Montgomery School Meadow Local Wildlife Site. This is identified as

species-rich grassland in the Castle Point Borough Habitat Survey and Wildlife Site Review (2007) and the citation reported that the site provided an excellent habitat for invertebrates and insects, particularly bumblebees and butterflies. At that time it was considered that the redevelopment of the site for residential purposes will result in the loss of the wildlife site.

During consideration of the application it was noted that the owner of the site had ploughed the land and that this had reduced its value as a grassland site. However, the Environmental Statement submitted with the application acknowledged the situation and noted that some portions of grassland remained, with the potential for the site to regenerate to its former condition as a wildlife site. The fact that the land has been ploughed was not therefore considered to be a significant factor in assessing the impacts of the proposal on the ecology of the area.

Within the confines of the application site Natural England (NE) raised concerns over the loss of the local wildlife site stating that the loss of this site, containing valued Biodiversity Action Plan (BAP) habitat should be regarded as a significant material consideration in respect of the decision of this Authority.

Natural England did not consider that the areas of grassland to be retained within the site adequately compensated for the loss of habitat occasioned by the development of the land and an objection was therefore raised to the proposal on that basis.

Natural England also raised concerns over the quality and range of information provided in respect of other wildlife features on the site. In particular concern was raised on the paucity of information provided in respect of badgers, invertebrates and ground nesting birds and the validity of displacement and mitigation measures, given the likely populations on the site and the removal of their foraging habitat. In the absence of adequate information from which to draw fully informed conclusions on the impact of the proposal on wildlife species it was not considered that the application may be recommended favourably.

Beyond the confines of the application site, Natural England had expressed concern that inadequate consideration has been given to the additional recreational pressure that would be placed on the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) which lies some 3.6km to the south east, as a result of the proposed development.

In considering the appeal the Inspector took the view, which was not disputed by the appellant or the Council, that there was little evidence to sustain the non statutory designation and that the retention of existing hedgerows and trees and the provision of some 2.65ha of multi use accessible green space would be adequate to maintain and enhance the biodiversity of the site and provide for the recreational needs of future residents (Paragraphs 275–281 of the Inspectors reasoning and conclusions).

The Secretary of State concurred with this view.

In the context of the current application which proposes a lesser quantum of development and a consequent increase in the level of open space provision, the applicant has submitted an ecological appraisal report. This identifies that the applicants have undertaken desk studies of the site and nearby statutory and non statutory sites and have undertaken walking and electronic surveys of the application site. A Habitats Regulation Assessment was also undertaken in order to

test the likely significant effects of the development on the Benfleet and Southend Marshes SSSI/Ramsar/SPA.

This report and assessment demonstrates that the site remains in a condition where it would not attract designation as a non statutory site and that development of the site for residential purposes would not have a significant adverse impact on the biodiversity of the site or indeed place significant recreational pressure on the nationally designated sites in the vicinity.

In the light of the findings of the ecological appraisal and the considerations of both the Inspector and the Secretary of State in their assessment of the impact of the previous proposal on the ecological value of the site, it is not considered that an objection to the proposal on the basis of adverse impact on biodiversity could be sustained in the current scheme which seeks to reduce the resident population on the site and achieve a larger area of open space an opportunity for biodiversity. (2.73ha).

It is however considered essential to ensure that all trees and hedgerows present on the site, are, as far as possible retained and that a scheme for the appropriate management, enhancement and maintenance of the ecology and open areas of the site, including the attenuation ponds, be submitted to and approved by the Planning Authority and thereafter implemented by the applicants or their successors in title.

In terms of the provision of open space for recreational purposes, the Inspector in paragraph 279 of his report and the Secretary of State in paragraph 17 of his letter dated 26th June 2104, considered that the provision of some 2.65ha of land was sufficient to offer opportunities for nature conservation, biodiversity enhancement and offsetting in relation to the Special Protection Area (SPA).

The current scheme seeks to provide some 2.73ha for such purposes. In light of the above comments no objection is raised to this aspect of the proposal.

(f) Impact on Archaeology

Policy EC38 of the adopted Local Plan states that if there is evidence that archaeological remains exist, the extent and importance of which is unknown, the Council will require developers to arrange for an archaeological field assessment to be carried out before the planning application can be determined in order to inform the planning decision.

The NPPF, at paragraphs 126 - 141 set out the Government's advice in respect of the protection of the historic environment and makes it clear that there is a presumption that where a site is known, or considered likely, to be of historical interest, the Council will require appropriate and adequate investigation of that site prior to the grant of any permission in order that the importance of the site may be assessed and appropriate mitigation and/or recording implemented.

Within the confines of the application site there are no recorded heritage assets, (scheduled monuments or listed buildings. conservation areas etc); however, there is the potential for currently unidentified archaeological remains to be disturbed and uncovered during the construction process. As such the County Archaeologist has recommended an archaeological programme of trial trenching. Conditions requiring such investigation can be appended to any grant of consent.

Subject to such a condition there is no objection to the proposal on the basis of Local Plan Policy EC38 or the provisions of the NPPF.

(g) Impact on infrastructure

Local Plan Policy CF1 states that where the infrastructure requirements generated by development cannot be met by existing provision, the Council will require developers to provide, prior to occupation of the development, appropriate highway and drainage improvements or appropriate improvements to social infrastructure.

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

Highways

The County Highways Engineer has stated that there is no highway objection to the proposal subject to conditions and the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport and a financial contribution of £40,000 towards implementation of improvements at bus stops in the vicinity of the site along A13 London Road and Rushbottom Lane to include where required the provision of high kerbs, shelters, timetables, routing information, improved lighting, ducting, telematics and all other related infrastructure in line with the ECC road passenger transport strategy.

Most of these items are considered to be reasonable requirements which it would be possible to accommodate through the imposition of conditions attached to any planning permission and a planning agreement. There is therefore no highway objection to the proposal on the basis of Policy CF1 of the current Local Plan.

It should be noted that in considering the earlier appeal, the Inspector concluded that traffic impacts arising from the development were not so significant as to warrant refusal of permission (Paragraph 282 of the Inspectors Reasoning and Conclusions).

The Secretary of State in his subsequent determination of the 26th June 2014 stated at paragraph 18 of his decision that he had no reason to doubt that the development (of 165 dwellings) could be accommodated without harm to highway safety and without unduly exacerbating the inconvenience or hazards suffered by local residents due to existing traffic levels.

In the light of these comments it is not considered that an objection to the current proposal for up to 140 dwellings on the basis of traffic for highway safety would be supported on appeal.

Education

The County Schools Organisation and Planning Officer has commented that whilst local primary and secondary schools have sufficient capacity for expected pupil product from the development, there is no day-care provision in St Georges Ward and the 3 pre-school providers are either full or close to capacity. There is therefore a need for additional early years and childcare provision to accommodate the population of this development.

With regard to primary and secondary provision in the area it is likely that there will be sufficient available places at local schools to serve the needs of the proposed developments.

If Members are minded to grant outline permission, the improvements to day-care and childcare facilities will need to form part of the Section 106 Agreement.

Alternatively, should permission be refused the absence of educational contribution should be considered as a reason for refusal under Policy CF1 of the adopted Local Plan.

Health

The residential development of the application site would result in a net increase in local population and concern has been expressed by local residents that existing health care facilities will not be able to accommodate such growth.

In responding the draft Local Plan, the NHS England: Essex Local Area team (NHSE) has confirmed that a deficiency in existing provision exists across the Borough and that further development would exacerbate the situation. Consequently new development will be required to make a contribution towards meeting the healthcare needs of occupiers of the proposed development.

The precise extent of the contribution will be dependent on the level of accommodation provided. Given the outline nature of the application currently under consideration it is not therefore possible at this stage to determine the level of contribution required. The need to make an appropriate contribution can however be included within any legal agreement attached to the grant of any consent.

The applicants have recognised the need to make such a contribution in the submitted S106 Heads of Terms.

As such the lack of healthcare facilities does not warrant refusal of consent.

Utilities

Many local residents have objected to the proposal on the basis of pressure on local utilities.

Surface and Foul water drainage

Anglian Water has commented that the foul drainage from this development is in the catchment of Benfleet Sewage Treatment Works. The Treatment Works are stated to have sufficient capacity to accommodate the proposed development.

Anglian Water considers that development of the site will lead to unacceptable flooding downstream but confirms that hydraulic modelling is being undertaken in order to identify appropriate mitigation. Under these circumstances it is not considered that the currently identified potential for flooding constitutes a robust objection to the proposal, it being clear from the comments of Anglian Water that remedy should be capable of being achieved.

Should consent be granted for the proposal a condition requiring the submission, approval and maintenance of an appropriate drainage strategy for the site may be appended.

Gas Supply

No response has been received to consultation from the relevant bodies. It is not therefore currently possible to comment on the adequacy or availability of gas supplies in this area.

(h) Other Policy issues and matters of detail

Design and Layout

Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals. Particular regard will be had 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.

Residential Design Guidance (RDG)

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.

The application is in outline form with all matters except access reserved for subsequent consideration and it is not therefore possible to apply the RDG to the proposal in any meaningful fashion. The applicants are advised however that should planning permission be granted for the proposed development compliance with all appropriate RDG will be expected.

Density

Local Plan Policy H9 seeks to ensure the optimum housing density is achieved on any site.

The NPPF no longer sets a national minimum density requirement but states that Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range.

Following the withdrawal of the draft Core Strategy, there is currently no policy basis for a minimum density of development to be achieved on the site.

The application proposes up to 140 dwellings which equates to some 29 dwellings per hectare. It is however proposed to vary the density of development across the site ranging from 8 – 40 dwellings per hectare. Within a suburban context this range of density of development is considered acceptable in principle.

Mix of development

Para 159 of the NPPF states that Planning Authorities should have a clear understanding of the mix of housing required to meet local needs and plan to meet those needs.

Local Plan Policy H10 states that the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements.

The application is in outline form only and the applicants have not indicated the specific mix of development proposed, stating only that the development will provide a broad mix of dwellings

and house types ranging from 1 – 5 bedroomed units. The mix will include affordable housing which will be arranged in ‘clusters’ across the site.

A more detailed assessment of the appropriate quantum of dwelling size and type will be expected to form part of any reserved matters application.

Landscaping

Local Plan Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible and loss of existing tree cover and hedgerows shall be kept to a minimum.

The indicative layout and submitted arboricultural report indicate significant opportunity for retention of existing trees on the site, the provision of open space and water features and the provision of new indigenous planting.

The general concepts contained in the indicative landscaping scheme are considered acceptable and no objection is therefore raised to the proposal under Policy EC22 of the adopted Local Plan.

Resource efficiency

RDG9 requires all development to incorporate measures for achieving high levels of water and energy efficiency and to demonstrate how the design, siting and layout has maximised the opportunities for solar gain, daylight penetration, and the reuse/recycling of water.

The applicant does not appear to have given consideration to these matters at this principle stage, however, the applicant should be aware that such consideration will be expected to be demonstrated at the reserved matters stage.

Climate Change

New development should be designed with a view to improving resilience and adapting to the effects of climate change. Opportunities should therefore be taken within any future reserved matters application to incorporate appropriate measures to secure this aim. Conditions to secure this can be attached to the grant of any consent.

Car Parking

Local Plan Policy T8 requires the provision of appropriate levels of off-street parking through the application of County parking standards. These require one space to be provided for one-bedroom properties and two spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they achieve internal dimensions of 3m by 7m. Parking spaces are required to be 2.9m wide and 5.5m deep. Forecourts to garages will be required to be 6m deep.

Unallocated visitor parking is required to be provided at a rate of one space per four dwellings.

As the application is in outline form the number and location of car parking provision is unknown at this stage. However, the applicant’s attention is drawn to the need to provide adequate parking in accordance with the adopted standards should outline permission be granted.

Noise

Noise can be a material consideration in the determination of planning applications and that the planning system has the task of guiding development to the most appropriate locations. Noise-sensitive development should not normally be permitted in areas which are - or are expected to become - subject to unacceptably high levels of noise.

The proposed development site is bordered on the western side by the A130 dual carriageway road which is a significant noise source in the area, as is confirmed by the submitted acoustic report. However the Report also concludes that double glazed windows would provide acceptable insulation against this level of noise, with ventilation provided by means of trickle vents, air bricks or wall vents. The LPA concurs with this view. Residential development in the area already extends up to the A130 for example at Hornbeams and it is not considered that this has resulted in the provision of an unsatisfactory residential environment. Furthermore, potential occupiers would be aware of the presence of the nearby dual carriageway and would be able to assess whether noise levels were acceptable to them before deciding to take up occupancy. Therefore, no objection is raised on the basis of noise.

It should be noted that in paragraph 292 of the Inspectors Reasons and Conclusions in respect of the earlier appeal, the Inspector concluded that whilst the noise climate at the development site was not ideal, noise levels were not so severe as to warrant refusal of permission.

Pollution/Air Quality

The applicant has submitted an Air Quality Assessment that indicates that with site specific mitigation in place, there will be negligible impact on adjoining residents during the construction phase of the development. A condition may be attached to the grant of any consent to ensure that appropriate mitigating controls are put in place.

There is however no comment on the potential impact of pollution from traffic on the adjoining A130 on future occupants of the proposed development. It is considered that this matter needs to be considered as part of any reserved matters submissions.

Residential amenity

The Council will expect development during site clearance and construction to be carried out to ensure that there are no adverse impacts to the local environment or residential amenity. During the construction phase construction traffic can have a significant impact on existing residents through noise, disturbance and the deposition of mud and debris from the site onto local highways. To this end, as part of the construction waste management plan, provision should be made for the effective cleaning of the wheels and undersides of vehicles leaving the site to ensure that material is not deposited onto local roads.

The developer should also identify the routes that construction traffic will take to and from the site, for approval by the Planning Authority in consultation with the Highway Authority.

If Members were minded to grant consent for the proposal it is recommended that a condition be imposed requiring the submission of details of routes for construction traffic and the wheel washing facilities to be provided. Subject to such a condition, no objection is raised on the basis of adverse impact on amenity.

Conclusion

The proposal represents inappropriate development in the Green Belt in respect of which the applicant has failed to advance any very special circumstances which might justify a departure from Green Belt policy. The proposal is therefore contrary to Government guidance as contained in the NPPF.

In addition within the context of Government guidance and the letter of the Secretary of State dated 26th June 2014, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Local Plan process.

An objection is therefore raised to the proposal on the basis of prematurity.

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

My Recommendation is Refusal for the following reasons

1 The site is allocated as Green Belt where National Planning Policy as set out in National Planning Policy Framework states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.

2 Within the context of Government guidance and in the light of the Secretary of State's decision of the 26th June 2013, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan. The allocation of land for development on the basis of individual applications would lead to poorly planned growth and would fail to deliver housing in a managed way. To achieve sustainable growth within the borough the decision on which sites to allocate for development should be taken at a strategic level as part of the Local Plan process, which this application seeks to circumvent.

Informatives

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

ITEM 2

Application Number:	14/0255/FUL
Address:	74 Essex Way South Benfleet Essex SS7 1LT (Boyce Ward)
Description of Development:	Demolish existing dwelling and existing outbuilding and construct a new 4 bedroomed dwelling and new pitched roofed garage to the rear.
Applicant:	C.O.H Properties
Case Officer	Mrs Ishita Sheth

Summary

The application seeks to demolish the existing dwelling on the site and provide a replacement four bedroomed house with a detached garage to the rear.

The existing dwelling on the site, known as “The Moorings”, is on the Local List of Buildings of Architectural or Historic Interest within Appendix 11 of the Adopted Local Plan.

Advice on the proposed development was therefore sought from the Historic Buildings Adviser who has commented that the building is in a poor condition and that despite the assertions of local residents that the building is the best part of some 200 years old, the visible fabric of the cottage indicates that it dates from the early 20th century or later. The roof tiles are concrete, the small chimney in the kitchen is of fletton bricks, the floor joists and rafters are all narrow section and machine sawn and the dwelling is entirely covered with cement render externally. These alterations are believed to have taken place as part of a thorough ‘Arts and Crafts’ restoration in the 20th Century. The Historic Buildings Adviser does not therefore consider the cottage to be of sufficient interest to be included on the statutory list of buildings of architectural or historic importance.

Taking into consideration the advice of the Historic Buildings Adviser and the poor condition of the existing dwelling, it is not considered that a refusal on the basis of loss of a locally listed building could be successfully sustained on appeal.

However, it is considered that any replacement dwelling should identify with the existing character created by the group of dwellings to the east of the application site Nos. 76-92 Essex Way and the existing dwelling. The proposed replacement dwelling is of a poor design and fails to achieve a satisfactory form of development sympathetic to this character of the area.

Furthermore, the proposed dwelling fails to provide adequate setting for this large and bulky dwelling in this prominent corner location.

It is considered that proposal fails to comply with the applicable Local Plan Policies and the Government Guidance as contained in the NPPF. The proposal is therefore recommended for REFUSAL.

Site Visit

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

Introduction

The site is located on the southern side of Essex Way at the junction with Grosvenor Road. It is a fairly regular shaped site having a maximum width of some 13.65m and a maximum depth of some 41.0m.

A detached dwelling which was originally a bungalow, with later additions comprising of an 'outshot', dormer windows, front porch, and front bay window, occupies the site. The existing dwelling on the site is a locally listed building of architectural or historic interest for the following reason:

'Mentioned on the Tithe map of 1840, thought to have been part of the original workhouse for the parish of South Benfleet, the greater part of the house was demolished approximately thirty years ago.' (circa 1968).

To the north of the application dwelling are mainly semi-detached bungalows, to the west is a mix of modern detached houses and chalets and to the south are detached chalets.

To the east is a terrace of late Victorian cottages (Nos. 76-82 Essex Way), Forge Cottage (No. 84 Essex Way) and a further terrace of timber clad cottages (Nos. 86-92 Essex Way), which are all cited on the Local List of Buildings of Architectural and Historic Interest. These dwellings together with the application site serve to retain some of the character of old Benfleet.

The Proposal

It is proposed to demolish the existing dwelling and erect a detached hipped roofed house having a maximum depth of some 11.9m, a maximum width of some 10.1m and a maximum height of some 8.4m.

The proposed dwelling would have the provision of a lounge, kitchen/diner, utility room, a W.C, entrance hallway, study and a day room at ground floor level and four bedrooms, a bathroom and an en-suite at first floor level.

The proposal also seeks to demolish the existing outbuilding and provide a new pitched roofed garage to the rear of the dwelling along the southern boundary, having access off Grosvenor Road. The proposed hipped roofed garage would measure some 6.3m by 4m and have a maximum height of some 4m.

Two new crossovers are also proposed; one off Essex Way and one off Grosvenor Road.

Supplementary Documentation

No additional information has been submitted by the applicant.

Planning History

None

Local Plan Allocation

Residential/Locally Listed Building

Relevant Policies and Government Guidance

National:

National Planning Policy Framework (NPPF)

Paras: 7, 64, 135

Local Plan:

EC2	Design
EC37	Local List of Buildings
H17	Design and Layout
T8	Car Parking Standards
T2	Intensification of Access Use
Essex Car Parking Provision – C3	

Residential Design Guidance:

RDG1	Plot Size
RDG2	Space Around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG12	Parking and Access

Consultation

Highway Authority

Essex County Council as the highway authority wishes to raise objection to the proposal.

The proposal would lead to the creation of an access on a stretch of Secondary Distributor highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

The property already benefits from a vehicle access for on plot car parking/garage at the rear accessed by way of Grosvenor Road, a lower category road as approved. This overall access solution is considered to be the appropriate and safest method of serving the development site.

Therefore, the proposal is contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes:

I. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. Application for the necessary works should be made to Essex Highways, Colchester Road, Springfield, Chelmsford, Essex CM2 5PU, tel: 0845 603 7631, e-mail: development.management@essexhighways.org

II. The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011. III. This recommendation supersedes all previous response from the HA following further consultation.

County Historic Buildings Adviser

Far from being the oldest house in South Benfleet, the cottage dates from the first half of the 19th century. It was one of a row of humble dwellings, the rest of which have not survived. A comparable house, now extended with a gable to the street, can be seen at Forge Cottage, no.84. As such, no. 74 is a rare survival. However, much of the original fabric, and indeed its original appearance, has been replaced or disguised by a thorough restoration in an Arts and Crafts style. This is not without interest and has made it a picturesque feature of Essex Way. Its fabric today however is in poor condition though apparently weather tight.

The cottage is not of sufficient interest to be included on the statutory list of buildings of architectural or historic importance.

However, recommends that a replacement dwelling that acknowledged the style and scale of the cottage rather than what is proposed would be more acceptable.

Public Consultation

No comments received.

Comments on Consultation Responses

All relevant issues are discussed in the evaluation of the proposal.

Evaluation of Proposal

Paragraph 135 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in the determination of any planning application. In considering applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EC37 states that proposals which would adversely affect, to a significant degree, the character or setting of any building contained within the local list of buildings of architectural or historic interest will be refused.

Policy EC2 details that a high standard of design is expected in respect of new buildings and extensions and alterations to existing buildings. In particular regard is to be had to the scale,

density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings.

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

RDG4 states that development on corner plots should be designed to turn corners. All new or replacement dwellings on corner plots, and extensions or alterations to such dwellings, should provide active frontages to all elevations that face the public realm.

The proposal involves the demolition of an existing locally listed building to provide a new detached four bedroomed house. Advice has been sought from the Historic Buildings Adviser, who has stated that the physical evidence suggests that the cottage dates from the early 20th century or later; with a significant the 'Arts and Crafts' restoration and extension taking place early in the 20th Century. The Historic Buildings Adviser does not consider the existing dwelling on the application site to be of sufficient interest to be included on the statutory list of buildings of architectural or historic importance. However, he does make a point that it is a rare survival, not without interest and a picturesque feature of Essex Way.

Whilst the loss of this locally listed and picturesque building is regrettable and would diminish the character and appearance of this part of Benfleet, the Historic Buildings Adviser has stated that the existing property is in poor condition. Consequently retention of the building would require substantial work, which would further reduce its historical context and would achieve only limited accommodation, the property currently having only one bedroom. Under the circumstances; it is not considered that refusal of permission for the demolition of the property and its replacement with a new dwelling could be sustained on appeal. No objection is therefore raised to the principle of a new dwelling on this site.

It is however considered that any new dwelling on the site respect and reflect the style and scale and character of the dwelling to be replaced and the dwellings to the east which provide its historic context. Such development would then be contribute positively towards achieving the primary objective of Policy EC37

The application seeks to provide a bulky and somewhat characterless modern dwelling on the site, of limited architectural value. The proposed dwelling is not sympathetic to the character of this part of Essex Way and would represent the provision of an obtrusive and unduly prominent feature in the street scene which would detract from the character and appearance of the area. An objection is therefore raised to the proposal under Policies EC2 and EC37 of the Council's Adopted Local Plan.

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

RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. In forms of development where there is no clear pattern of development the space around the dwelling should be proportionate to the size of the dwelling.

The application site is a corner plot at the junction of Essex Way and Grosvenor Road. The general pattern of development on such corner plots maintain spaces to their front and return frontages, creating openness and views for such locations. This arrangement creates a good setting for these dwellings and the junction itself.

The proposed dwelling seeks to provide a distance of some 1m to both the eastern and western boundaries. Whilst this level of isolation would be acceptable to the western boundary, concerns are raised in respect of this level of isolation along the return frontage/eastern boundary. Whilst it is recognised that the historic buildings to the east exhibit very limited or absent isolation spaces, this is a consequence of a historical legacy which is not reflected in more modern development in the area. It should be noted that both No. 74 and 92 Essex Way were constructed before the provision of Grosvenor Road which was created from land originally within the curtilages of these properties.

It should also be noted that the existing dwellings are of less scale and mass than the proposed dwelling.

It is not considered that the replication of the minimal isolation space achieved for the existing dwellings would create an appropriate setting for the dwelling and the junction; especially taking into consideration that the proposed dwelling is large in scale and extends across most of the frontage in this prominent corner location.

The limited isolation space achieved, coupled with the mass and scale of the proposed replacement dwelling creates a feature of mean and cramped appearance and a poor setting for the dwelling. An objection is therefore raised under Policy EC2 of the adopted Local Plan and RDG2 of the Residential Design Guidance.

This approach is supported by Government guidance as contained in NPPF which attaches great importance to the design of the built environment stating that it is indivisible from good planning and should contribute to making places better for people. High quality design should be sought and all developments should add to the overall quality of the area.

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

The proposed dwelling would not extend forward of the front wall of the neighbouring dwelling to the west No. 68 Essex Way and as such would not result in disruption to the building line in this part of Essex Way. No objection is therefore raised to proposal on this basis.

In respect of the return building line in Grosvenor Road, the proposed dwelling would be located forward of this building line. It is noted that the existing dwelling is already located forward of this building line. However, the existing dwelling is of a limited scale compared to the substantial mass and scale of the proposed dwelling and has a limited impact on the building line to Grosvenor Road, particularly when viewed from the south.

It is considered that the proposed dwelling, by reason of its mass and prominent location in advance of the building line established by the dwellings on Grosvenor Road would appear as a

prominent and obtrusive feature in the streetscene resulting in detriment to the character and appearance of the area. An objection is therefore raised to the proposal on this basis.

Policy RDG3 also states that proposals which would result in excessive overshadowing or overdominance will be refused.

The proposed dwelling would extend by some 0.1m beyond the rear wall of the neighbouring dwelling to the west No. 68 Essex Way. It is not considered that such a minimal projection would result in undue dominance or overshadowing to this neighbouring dwelling.

Other dwellings are considered to be too remote to be affected.

No objection is therefore raised to the proposal under RDG3.

RDG4 of the adopted Local Plan requires all new development to provide active frontages to all elevations which face the public realm. The primary elevation fronts Essex Way and the side elevation, fronting Grosvenor Road is perforated only by secondary and utility windows and a door which make no contribution to the character and appearance of the dwelling when viewed from the east. It is the view of the Planning Authority that the proposed dwelling fails to achieve an active frontage to Grosvenor Road and consequently fails to satisfactorily 'turn the corner'. An objection is therefore also raised in respect of the design of the proposed dwelling under RDG4 of the Residential Design Guidance.

Policy RDG5 states that primary windows should be located on the principal elevations of dwellings; these include flank walls on corner dwellings. All windows should be designed and be of a size which provides for adequate natural light and ventilation to enter the room they serve.

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

The primary windows of the proposed dwelling are located in the front and rear elevations and are of adequate size. No objection is therefore raised to the proposed windows on this basis.

The windows in the northern and eastern elevations at first floor level would overlook the highway and public land and no concerns are raised in respect of these windows.

The proposed windows in the rear elevation would achieve a distance of some 19m to the rear boundary and would therefore be in compliance to the Policy.

No objection is therefore raised under RDG5 of the Residential Design Guidance.

RDG6 requires all residential development involving individual dwellings to be provided with at least 15m² of amenity space per habitable room. In accordance to this policy, the proposal will require a provision of an amenity area of some 120m².

The proposal seeks to provide an amenity area of some 175m² to the rear of the dwelling. No objection is therefore raised in respect of the proposal under RDG6 of the Residential Design Guidance.

Policy T8 requires adopted parking standards to be taken into account. In this case, the current standards are the Essex Planning Officers' Association vehicle parking standards.

Policy RDG12 states that all forms of parking must not dominate the public realm. All parking provision should be sited so as not to have an adverse impact on visual or residential amenity.

The proposed dwelling seeks to provide four bedrooms at first floor level and the proposed study and the day room at ground floor level have the potential to be converted to bedrooms; bringing the total number of bedrooms to 6. The dwelling therefore requires the provision of 2 car parking spaces. The proposal seeks to provide a detached garage to the rear of the proposed dwelling along the rear boundary having internal dimensions of some 5.7m by 3.6m. It is noted that the garage is of an inadequate depth. However, it should be noted that a garage of 3m by 7m is required to also accommodate some storage space and space for white goods. In this case, the proposed dwelling has a utility room which could serve the purpose of a storage area and under the circumstances; it is considered that the proposed garage would be adequate to accommodate a car parking space. A further car parking space can be accommodated to the front of the proposed garage. No objection is therefore raised to the proposal in respect of car parking provision subject to a condition requiring the provision of the proposed crossover off Grosvenor Road.

The proposal also seeks to provide access off Essex Way with the provision of a crossover.

Policy T2 is concerned with the intensification of access use. It states that when considering applications that would affect the use of existing accesses or the creation of new accesses onto any classified road, the Council will consult the Highway Authority and will take the advice received into account when determining applications for planning permission.

The Highway Authority has recommended that the proposal be refused; as the proposal seeks to create an additional access point on a busy stretch of classified road/secondary distributor, the principal purposes of which is to facilitate the free and uninterrupted passage of vehicles between urban centres. The formation of a further crossing on this stretch of road, and the slowing and turning of vehicles associated with it would introduce a further point of conflict and interference with the passage of through traffic to the detriment of highway safety and traffic flows, contrary to Policy T2 of the Council's Adopted Local Plan.

It is noted that the other properties in the vicinity have access onto Essex Way. However, the Highway Authority has also commented that the site currently has parking facilities at the rear of the property and has vehicular access from Grosvenor Road, an unclassified road, which is more suitable for accommodating the vehicular movements associated with residential dwellings. An access from Essex Way is therefore unnecessary and detrimental to traffic flows, highway safety and efficiency, contrary to the Policy.

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

Paragraph 7 of the NPPF requires good design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". Paragraph 64 of the NPPF further confirms this position and states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area".

The proposal is considered to represent poor design and fails to take the opportunity in improving the character or quality of the area. An objection is therefore raised to the proposal under Government guidance as contained within the NPPF.

Conclusion

The two main issues emerging from the proposed development are the loss of a locally listed building and the design and setting of the proposed new dwelling.

In respect of the loss of a locally listed building; taking into consideration the advice of the Historic Buildings Adviser and the poor condition of the existing dwelling, it is not considered that a refusal on the basis of loss of a locally listed building could be successfully sustained on appeal.

However, the proposed replacement dwelling is of a poor design and fails to achieve a satisfactory form of development sympathetic to the character of the area. Furthermore, the proposal fails to provide adequate setting for this large and bulky dwelling on this prominent corner location.

It is considered that proposal fails to comply with the relevant provisions of the Local Plan and Government Guidance as contained in the NPPF.

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

My Recommendation is Refusal for the following reasons:

1 The proposed dwelling, by reason of its poor design, cramped and mean setting and unsympathetic scale and character, represents an unsatisfactory form of development, contrary to Policies EC2 and EC37 of the Council's Adopted Local Plan, RDG4 of the Residential Design Guidance and National Guidance as contained in the NPPF.

2 The proposal, by virtue of the size of the dwelling, coupled with inadequate setting serves to emphasise the very mean and cramped nature of the development. As such the proposal would have a significant adverse impact on the character and appearance of the street scene, contrary to Policy EC2 and EC37 of the Council's Adopted Local Plan, RDG4 of the Residential Design Guidance and Government guidance as stated in the National Planning Policy Framework.

3 The proposed dwelling by virtue of its proximity to the eastern boundary, coupled with its substantial mass and height would result in a proposal which would be obtrusive and overdominant in this location and would represent a poor and unsympathetic form of development, contrary to Policy EC2 of the adopted Local Plan, RDG3 of the Residential Design Guidance and Government guidance as stated in the National Planning Policy Framework.

4 The proposal would result in the formation of an additional access point on a busy stretch of classified road, the principal purposes of which is to facilitate the free and uninterrupted passage of vehicles between urban centres. The formation of a further crossing on this stretch of road, and the slowing and turning of vehicles associated with it, would introduce a further point of conflict and interference with the passage of through traffic and pedestrians, to the detriment of highway safety and traffic flows, contrary to Policy T2 of the Council's Adopted Local Plan.

5 A vehicular access already exists for this property from an unclassified road, which is proposed to be retained. This access is more suitable for accommodating the vehicular movement associated with residential dwellings. The provision of an access from Essex Way which is a classified road is therefore unnecessary and detrimental to traffic flows and highway safety and efficiency, contrary to Policies EC2 and T2 of the Council's Adopted Local Plan.

Informative

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.