

Planning Statement

Full planning application for the construction of 46 dwellings with open space, landscaping, access and associated infrastructure

Land off Hart Road, Thundersley

Prepared on behalf of Legal & General Affordable Homes

November 2021

Site Name:		Land of Hart Road, Thundersley
Client Name:		Legal & General Affordable Homes
Type of Report:		Planning Statement
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Date:		December 2021

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Strutt & Parker to support a full planning application ('the Application') for the erection of 46 dwellings with open space, playspace, landscaping, access and associated infrastructure ('the Proposed Development') at Land off Hart Road, Thundersley ('the Site'), on behalf of Legal & General Affordable Homes.
- 1.2 Legal & General Affordable Homes' vision is for everyone to have a great quality, environmentally sustainable and affordable home from which to build better futures. Its mission is to become the leading developer and operator of affordable homes in the UK by investing long-term capital at scale and significantly increasing the supply, design quality and choice of affordable homes. Since being established in 2018 it has built up a pipeline of over 4,500 homes and are on target to deliver 3,000 affordable homes a year by 2023.
- 1.3 Legal & General Affordable Homes is driven by its focus to make a real difference to the affordable housing sector by means of innovation and has an ambition that all its homes will be net zero carbon in operation by 2030. Legal & General Affordable Homes is a customer service proposition delivering a great resident experience and works closely with 14 management providers around the country to ensure this happens.
- 1.4 The following technical reports and plans accompany this planning application:

Document	Consultant
Planning Statement	Strutt & Parker
Design and Access Statement	Ashby Design Ltd
Statement of Community Involvement	BECG
Transport Statement	Andrew Moseley Associates
Flood Risk Assessment	Hydrock Consultants Limited
SuDS Water Quantity and Quality Proforma	Hydrock Consultants Limited
Archaeological Desk-Based Assessment (including consideration of heritage matters)	Archaeology South-East
Ecological Impact Assessment	Open Spaces
Preliminary Ecological Appraisal	Brooks Ecological

Biodiversity Management Plan	Open Spaces
Construction and Environmental Management plan	Open Spaces
Invasive Species Management Plan	Ebsford Environmental Ltd
Soft Landscape Plan	Open Spaces
Hard Landscape Plan	Open Spaces
Specification for Soft Landscape Works and 10 Year Management Plan	Open Spaces
Phase 1 Geo-Environmental Report	ARP Geotechnical Ltd
Phase 2 Geo-Environmental Report	ARP Geotechnical Ltd
Construction Management Plan	Andrew Moseley Associates
Arboricultural Impact Assessment	Open Spaces
Tree Protection Plan	Open Spaces
Preliminary Levels	Hydrock Consultants Limited
Drainage Strategy	Hydrock Consultants Limited
Plans	
519_19_FUL_PL10.00_Plots 1-2, 10-11, 21-22 & 40-41 - Proposed Plans – HTB	
519_19_FUL_PL10.01_Plots 1-2, 10-11, 21-22 & 40-41- Proposed Elevations - HTB	
519_19_FUL_PL20.00_Plots 3-6, 17-20, 26-29, 30-35 & 42-43 - Proposed Plans - HTA	
519_19_FUL_PL20.01_Plots 3-6, 19-20, 28-29, 32-33 & 42-43 - Proposed Elevations - HTA	
519_19_FUL_PL20.02_Plots 17-18, 26-27, 30-31 & 34-35 - Proposed Elevations - HTA	
519_19_FUL_PL30.00_Plots 7-9 - Proposed Plans - HTA & HTB	
519_19_FUL_PL30.01_Plots 7-9 - Proposed Elevations 1 of 2 - HTA & HTB	
519_19_FUL_PL30.02_Plots 7-9 - Proposed Elevations 2 of 2 - HTA & HTB	
519_19_FUL_PL40.00_Plots 12-14 & 23-25 - Proposed Plans - HTA & HTB	
519_19_FUL_PL40.01_Plots 12-14 & 23-25 - Proposed Elevations 1 of 2 - HTA & HTB	
519_19_FUL_PL40.02_Plots 12-14 & 23-25 - Proposed Elevations 2 of 2 - HTA & HTB	
519_19_FUL_PL50.00_Plots 15-16 & 38-39 - Proposed Plans - HTB	
519_19_FUL_PL50.01_Plots 15-16 & 38-39 - Proposed Elevations - HTB	
519_19_FUL_PL60.00_Plots 36 & 37 - Proposed Plans - HTB	
519_19_FUL_PL60.01_Plots 36 & 37 - Proposed Elevations - HTB	
519_19_FUL_PL70.00_Plots 44-46 - Proposed Plans - HTA & HTB	
519_19_FUL_PL70.01_Plots 44-46 - Proposed Elevations 1 of 2 - HTA & HTB	
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519_19_FUL_PL500.00 Typical Refuse & Cycle Storage Details	

519_19_FUL_PL1000 Site Location Plan
519_19_FUL_PL1001 Existing Site Plan (Topo Survey)
519_19_FUL_PL1002 Constraints and Opportunities Plan
519_19_FUL_PL1003 Proposed Block Plan
519_19_FUL_PL1004 Proposed Site Layout Plan
519_19_FUL_PL1005 Proposed Access Strategy Plan
519_19_FUL_PL1006 Proposed Dwelling Types Plan
519_19_FUL_PL1007 Materials & Boundary Treatments Plan
519_19_FUL_PL2001_Proposed Street Scenes
519_19_FUL_PL2002_Illustrative Contextual Massing Visuals
519_19_FUL_PL2003_Illustrative Contextual Massing Visuals
519_19_FUL_PL2004_Illustrative Contextual Massing Visuals
519_19_FUL_PL2005_CGI Visuals
519_19_FUL_PL2006_CGI Visuals
519_19_FUL_PL2007_CGI Visuals
Accommodation Schedule

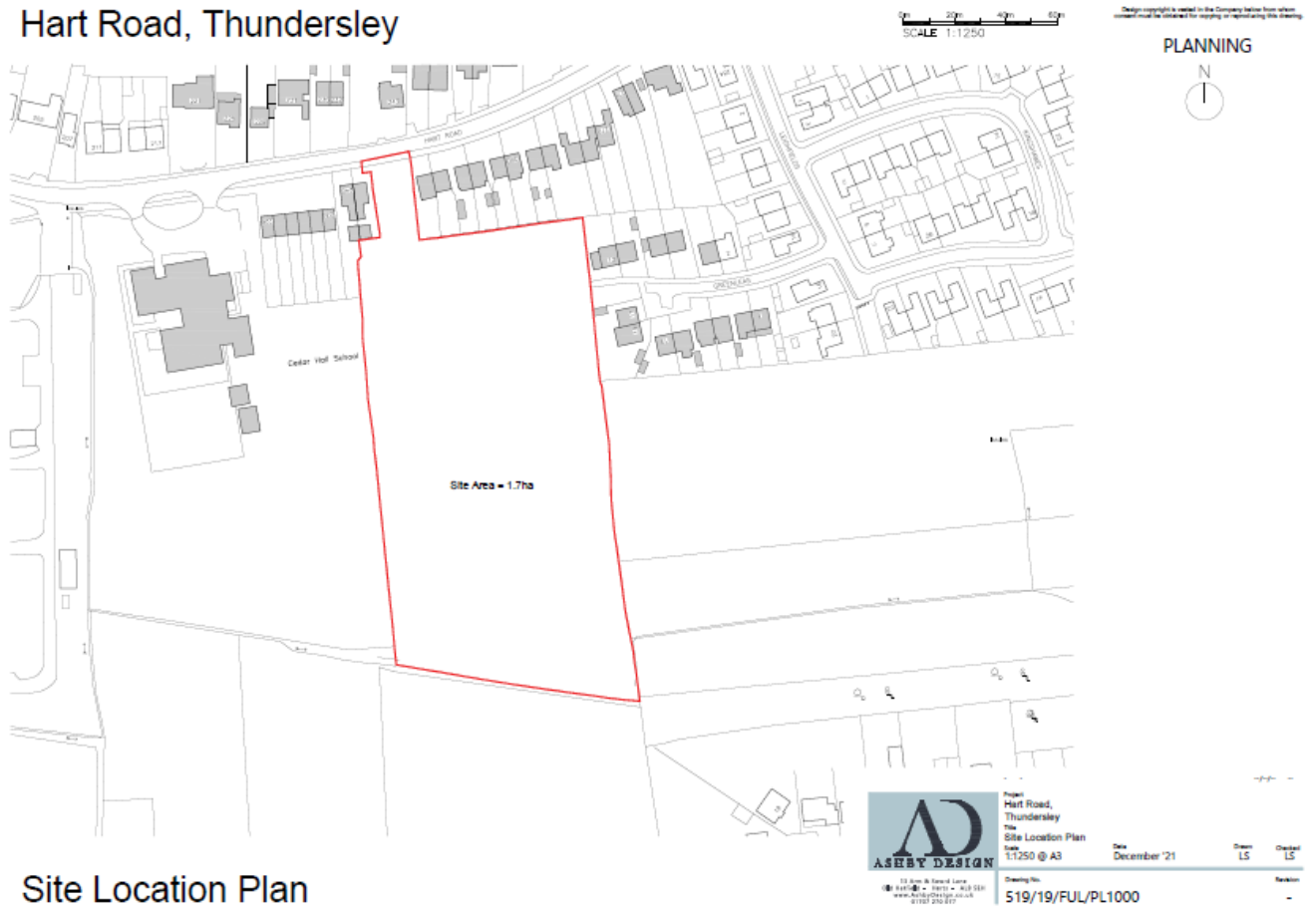
- 1.5 The purpose of this Statement is to provide an overview of the Site and its surroundings; the proposals and relevant planning policy; and an assessment of the Proposed Development against the Development Plan and other material planning considerations.

2.0 The Site and Surrounding Area

- 2.1 The Site measures approximately 1.7 ha and predominantly greenfield, located to the rear of existing residential development along Hart Road.
- 2.2 The northern part of the Site contains an existing dwelling and equestrian use, including stables and a ménage towards the northern boundary, adjacent to the existing residential uses. The remainder of the Site comprises predominantly rough grassland.
- 2.3 The Site's southern, eastern and western boundaries are demarcated by trees and hedgerows, which provide a significant degree of containment. An open drainage ditch also runs along the southern boundary.
- 2.4 In terms of topography, the Site is situated on a relatively gentle, south-facing slope dropping from 71.6m AOD at the northern entrance point, to 67m AOD at the southern boundary.
- 2.5 Existing vehicular access is provided from the north, via Hart Road.
- 2.6 To the north and east of the Site is existing residential development; to the west is Cedar Hall Primary School. To the south is an open field, beyond which lies further residential development located off and long The Chase. As such, the Site's surrounds is very much characterised by residential development.
- 2.7 No TPOs are present within the Site. The southern element of the Site is designated a Local Wildlife Site (LoWS). However, ecological assessment work has confirmed that the Site does not merit such designation, with the majority of the element of the Site falling within the LoWS comprising species poor grassland. This is discussed further within this Statement.
- 2.8 The Site does not contain any designated heritage assets and is not in any proximity to any. It is not located within, or within the vicinity of, a Conservation Area.
- 2.9 The Site is entirely within Flood Zone 1 – land least at risk of flooding from tidal or fluvial sources.

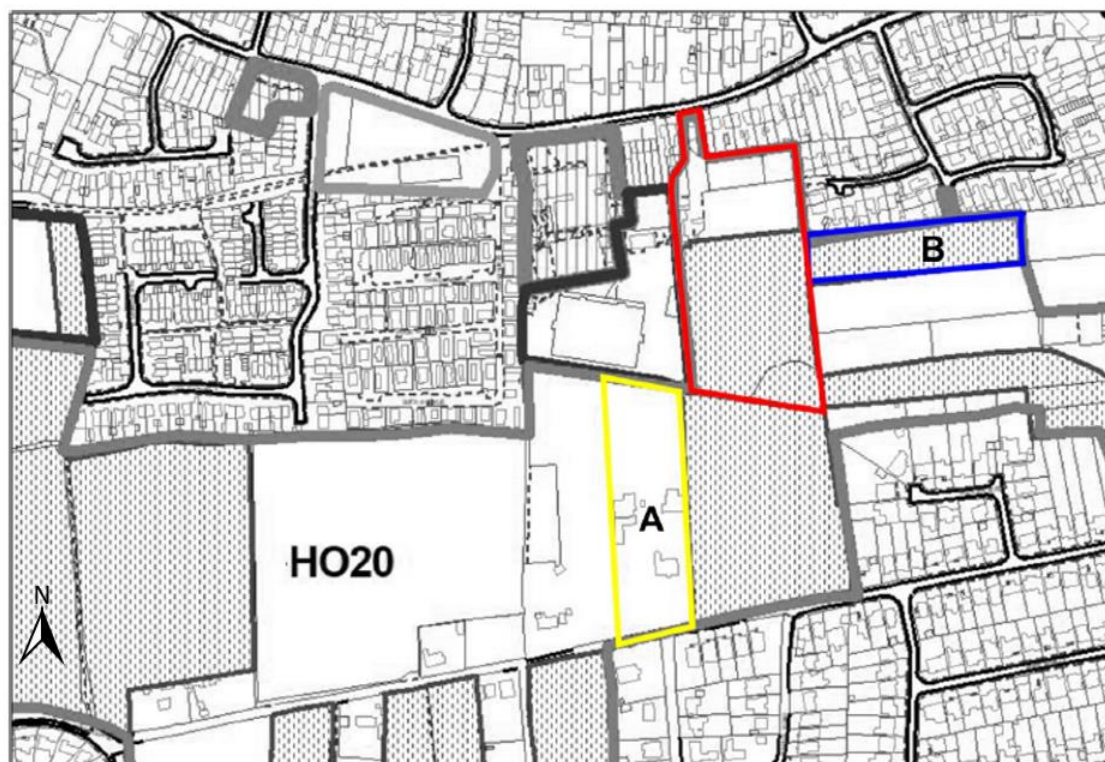
- 2.10 The Site is located within the Green Belt as per the current adopted Development Plan, but adjoins the settlement boundary of the town of Thundersley, one of the larger settlements within Castle Point Borough and which is home to a range of services and facilities.
- 2.11 The surrounding landscape is dominated by residential development interspersed with blocks of woodland and small pockets of pasture. In terms of the local vernacular, existing development within the locality comprises a variety of architectural styles and use of materials; and a mix of predominantly one and two-storey dwellings, with some three-storey development.
- 2.12 In addition to existing, surrounding residential development, land to the south-west of the Site benefits from an extant permission for 19 dwellings (reference 19/0549/FUL) including one, two and three-storey development.
- 2.13 The Site is located within proximity to a range of facilities including primary schools; secondary schools; nursery school; doctors; public house; community hall; restaurants.
- 2.14 Figure 1 below shows the Site's location, and Figure 2 the Site within its wider context, including in relation to the extant permission (reference 19/0549/FUL) for residential development, to the south-west of the Site.

Hart Road, Thundersley



Site Location Plan

Figure 1 – Site Location Plan



- A** Application site 19/0549/FUL (approved)
- B** Application site 20/0671/OUT

Figure 2 – Site in context (based on extract from Design and Access Statement)

Planning History of the Site

- 2.15 There is no relevant planning application history in respect of the Site. However, there is relevant history in respect of the Site and the plan-making process.
- 2.16 The Site is on land designated as Green Belt in the Castle Point Local Plan 1998, but immediately adjoins the settlement boundary and land outside of the Green Belt.
- 2.17 The Council is currently in the process of preparing a new Local Plan.
- 2.18 As part of the preparation of a new Local Plan, a Draft Local Plan was published in 2014 which proposed the Site be safeguarded for the purposes of meeting housing needs beyond 2031.
- 2.19 The Officer's report to Council on 15 January 2014 in respect of the Draft Local Plan stated:

"Due to the disconnection with the wider Green Belt...it is difficult to justify a Green Belt allocation [for the site], although this is currently shown."

- 2.20 Within the same report the justification for delaying development of the Site was questioned, where it was stated:

"The site could potentially be safeguarded for housing development beyond 2031; however given that this site is deliverable it would be difficult in planning terms to justify a delay to development on this site."

- 2.21 The proposed allocation for safeguarded land was not carried forward into the iteration of the Local Plan submitted for examination, although the reasons why not are clear, and the Site was not proposed to be allocated in the version of the new Local Plan submitted for examination in 2016.
- 2.22 The new Local Plan 2016 submitted for examination did not propose allocation of the Site for residential development, but nor did it seek to meet objectively assessed housing needs in full.

- 2.23 On the 25 August 2016 the Council submitted its new Local Plan 2016 along with supporting documents to the Secretary of State for Communities and Local Government for independent Examination. The Local Plan submitted for examination did propose to deliver significantly fewer homes than established need.
- 2.24 A Duty to Co-operate hearing session was held on 12 December 2016. This hearing session dealt solely with Duty to Co-operate matters and involved representatives from the five other planning authorities within the South Essex sub-region. Following this hearing session the Inspector issued his Report on 10 January 2017, through which he concluded the Duty to Co-operate had not been complied with and recommended non-adoption of the New Local Plan under Section 20(7A) of the Planning & Compulsory Purchase Act 2004 (as amended). The Council consequently made the decision to withdraw the new Local Plan 2016 on 29 March 2017.
- 2.25 The Council subsequently embarked on the preparation of a revised version of the new Local Plan, culminating in a Pre-Submission (Regulation 19) Local Plan published for consultation on 16 December 2019. This iteration of the emerging Local Plan ('the eLP') proposes the Site be allocated for residential development as part of allocation HO20.
- 2.26 The submitted version of the eLP also proposes the southern part of the Site be allocated as a Local Wildlife Site.
- 2.27 Proposed Policy HO20 of the eLP states that the allocation of 28ha of land (of which the Site forms a part) should deliver up to 340 dwellings by 2033, and that it is expected that a masterplan approach will be taken to the site to ensure that development is *"attractively designed, contributing to environmental quality, and that enough infrastructure is provided to support growth in this location"*.
- 2.28 Proposed Policy HO20 further states that development of the allocation should result in a net gain in biodiversity, and the provision of greenways through the site, linking to the existing network of green infrastructure.
- 2.29 The Pre-Submission Local Plan 2019 was submitted for examination on 2 October 2020. Examination hearing sessions took place in 2021.

- 2.30 The Council received the Examination Inspector's Post Hearings Letter (document reference INSP/06) on 29 September 2021. This confirmed that, subject to main modifications, the eLP was likely to be capable of being found sound and legally compliant. The letter invited the Council to produce a consolidated list of main modifications, which will ultimately need to be consulted upon.
- 2.31 The Post Hearings Letter also confirmed that, in short, the removal of the Site from the Green Belt and allocation for residential development as part of Policy HO20 was sound in principle. The key main modification required and highlighted in the letter was a need to increase the number of dwellings supported by Policy HO20 for the allocation from 340 to 'around' 430 homes.
- 2.32 As part of the new Local Plan evidence base, the Site's suitability, availability and achievability for residential development was assessed through by the Council and reported in the Strategic Housing Land Availability Assessment (SHLAA) 2018 Update. The Site (reference S0078) was found to be suitable (subject to mitigation), available and achievable for residential development. The SHLAA 2018 estimated the capacity of the Site to be 35 dwellings.
- 2.33 Another key part of the emerging Local Plan evidence base insofar as concerns the Site and its potential development was the Council's Green Belt Review 2019, Part 2 of which considered the proposed HO20 allocation and its contribution to the purposes of the Green Belt.
- 2.34 The Green Belt Review 2019 did not assess sites against Purpose 4 (to preserve the setting and special character of historic towns), as – as it explains – there are no settlements in the Borough which are considered to be historic in nature for the purposes of the application of this Green Belt Purpose. Nor did it consider sites against Purpose 5 (assist in urban regeneration, by encouraging the recycling of derelict and other urban land) as all Green Belt performs this function to the same degree. Furthermore, it is pertinent to note that this purpose is only of relevance where development needs can be met in full through the recycling of derelict and other urban land, without the need for any Green Belt release. This is not the case in respect of Castle Point Borough, where it is evident that Green Belt alterations are necessary in order to meet development needs.

- 2.35 In relation to Purposes 1, 2 and 3 of the Green Belt, the Council's Green Belt Review 2019 concluded that proposed allocation HO20 made a moderate contribution, no contribution and a moderate contribution to these purposes, respectively. The findings of the Green Belt Review 2019 and their relevance in respect of this Site and Application are discussed further within Section 5 of this Statement.
- 2.36 The relevance of the plan-making history of the Site in relation to this Application is considered within Section 5 of this Statement.

3.0 The Proposed Development

- 3.1 The Proposed Development comprises 46 affordable dwellings encompassing a mix of two and three bedroom, affordable rent and shared ownership homes, as follows:

Dwelling Tenure / Size	Number of dwellings
Affordable Rent	
2-bed house	9
3-bed house	3
Shared ownership	
2-bed house	17
3-bed house	16

- 3.2 The homes to be allocated as affordable through S106 are proposed to be split 50 % affordable rent and 50 % shared ownership, achieving a total S106 provision of 12 (6 affordable rent and 6 shared ownership) affordable homes.
- 3.3 The remaining affordable homes will fall outside of the requirements of the S106 and are to be delivered as 'net additional' affordable homes. Legal & General Affordable Homes are proposing to deliver 7 of the net additional affordable homes as affordable rent and 27 as shared ownership.
- 3.4 The net additional homes are being provided in lieu of homes for private sale and are supported by grant funding from Homes England to assist in the delivery of the significant number of additional affordable homes proposed. Moreover, Legal & General Affordable Homes consider that Land at 248 Hart Road is an ideal location within the borough for shared ownership homes, being higher density and conveniently located to access local amenities and employment opportunities, facilities/ services and transport links therein.

	Planning Policy / S106 AR	Net Additional AR (non-S106)	Planning Policy / S106 SO	Net Additional SO (non-S106)	Totals
2 Bed House	3	6	3	14	26
3 Bed House	3	1	3	13	20
Total	6	7	6	27	46

- 3.5 Alongside the proposed residential development, the Proposed Development includes a scheme of soft landscaping, incorporating amenity areas and sustainable drainage systems. This includes playspace provision (with a focus on natural type playground); wildflower meadow; areas of native tree and shrub planting; and attenuation basin.
- 3.6 The proposed vehicular route into the Site is to be lined with new tree planting. The proposed dwellings are set away from the eastern, western and southern boundaries to retain and enhance existing landscaped features. The Proposed Development's soft landscaping is interspersed with the built form to provide an attractive setting which retains or enhance many of the Site's existing green features, including trees and hedges along Site boundaries. Such landscaping not only provides visual amenity, but also ecological enhancements. In particular, the attenuation basin and "tiny forest" to the south of the Site is proposed to be designed to be of significant ecological benefit.
- 3.7 The Proposed Development incorporates non-vehicular links to the south of the Site, enabling future connectivity for pedestrians / cyclists in the event land to the south were to be developed.
- 3.8 In addition to vehicular access to the north via Hart Road (which, as discussed later within this Statement, is sufficient to serve the Proposed Development) the Proposed Development allows for potential future additional vehicular access with land to the east, in the event that were to be developed.
- 3.9 Turning to the more detail aspects of the proposed residential development, the proposed homes are two-storey, arranged as semi-detached and terraced dwellings with private defensible space facing the street.
- 3.10 Their proposed orientation has been carefully considered to respect the existing context and neighbouring amenity, and positioned to frame spaces with primary frontage and parallel to routes with a consistent building line. The proposed dwellings back on to existing housing along Hart Road, to provide sufficient separation and maintain residents' privacy.
- 3.11 Areas of open space are proposed within the Site that help to break up and soften the development, as well as providing amenity space.

- 3.12 The proposed road network has been designed to create a more definitive road hierarchy, with the use of varying road types (e.g. streets, shared surface streets, shared private drives, etc.) and surface materials helps to improve legibility and create visual interest throughout the Site.
- 3.13 Proposed car parking is typically positioned between the dwellings or along the frontage within the curtilage of the property. All dwellings are proposed to be accompanied by 2 parking spaces, and the Proposed Development also incorporates 12 visitor parking spaces – equivalent to 0.25 visitor spaces per dwellings.
- 3.14 The proposed housing would be built to current AD: Part M standards, and feature generous internal space standards in accordance with National Described Space Standards. They will be built to high environmental standards, and are anticipated to meet EPC 'A' rating.
- 3.15 Windows of the proposed dwellings have been aligned with the entrance doors to give a sense of light and space. The services intake is placed close to the boundary to facilitate easy connection to site-wide services.
- 3.16 The rear gardens of the proposed dwellings have street access to allow cycles to be stored in sheds, and garden waste to be brought to the front of the house for collection where applicable. The proposed two-bed dwelling all have rear gardens of at least 60m²; the proposed three-bedroom dwellings, at least 75m².
- 3.17 The Design and Access Statement submitted as part of the Application provide further details of the Proposed Development.

Planning Obligations

- 3.18 Draft Heads of Terms for a Section 106 Agreement are proposed which provide commitment to, open space and management, and necessary contribution towards infrastructure. These matters will be confirmed following responses from Essex County Council and other stakeholders, and will be subject to agreement with Castle Point Borough Council.
- 3.19 Heads of terms are proposed to include:

- Financial contributions towards highways, to the extent necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- Financial contribution towards healthcare provision, in the form of contribution to a new primary care centre, to the extent necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- Provision of Travel Packs for new residents of the Site.
- A financial contribution towards educational facilities for primary school, early years and childcare and secondary school provision should this be necessary (amount to be agreed following confirmation from Essex County).
- Provision of Open Space and Management Plan/SUDS Maintenance Plan.
- Provision of on-site children's play equipment.
- Contribution to indoor sports facilities.
- Contribution to improved bus facilities.
- Contributions towards Recreation Avoidance and Mitigation Strategy (RAMS).

Pre-Application engagement

- 3.20 The Proposed Development has been informed by pre-application engagement, including through the Council's pre-application advice service.
- 3.21 A request for pre-application advice (reference 21/0814/MAJPRE) was submitted to the Council on 12 May 2021 for a scheme of 47 dwellings comprising houses and flats. A pre-application meeting with an officer of the Council took place on 8 September 2021, and written feedback was provided by the Council on the same day.
- 3.22 Key changes to the Proposed Development following pre-application advice included the removal of the proposed flatted accommodation to ensure that development does not exceed two storeys; and, through the revised layout, a reduction in the number of dwellings proposed from 47 to 46.
- 3.23 In addition to pre-application engagement with the Council, there was also pre-application consultation with the wider community. A Statement of Community Involvement (SCI) accompanies this Application and explains the pre-application community engagement that has been undertaken to inform the Proposed Development.

- 3.24 As set out in the SCI a newsletter was prepared and distributed to households in the area around the Site and a virtual exhibition was held. The newsletter contained information about the Proposed Development, the Applicant, how to access the virtual exhibition, and how to respond to the consultation (including a reply card and pre-paid envelope). It also included the telephone number of the freephone information line of the Applicant, and advised how to access paper copies of the consultation and exhibition material for residents who did not have access to the internet.
- 3.25 The newsletter was sent to 1,065 households around the Site.
- 3.26 The virtual public exhibition was hosted via a dedicated project website, which provided information about the Proposed Development to the local community and explained how they could provide feedback and ask questions.
- 3.27 Along with the virtual public exhibition, the website included information about the Applicant, how to contact the project team, and an online form to provide comments, ask questions and leave feedback on the proposals.
- 3.28 154 responses were received to the consultation via the website, and 40 via reply cards.
- 3.29 The main concerns raised included the following:
- Concerns regarding capacity of infrastructure to accommodate the Proposed Development;
 - Concerns with loss of Green Belt;
 - Concerns regarding impact on traffic on Hart Road;
 - Concerns regarding impact on local wildlife;
 - Concerns regarding impact on water pressure and flooding;
 - The area needs more affordable homes
- 3.30 Regarding concerns over infrastructure capacity, this is discussed in detail within Section 5, but in short it should be recognised that the Council has already considered the potential impact of development of this site on infrastructure through its eLP. The Proposed Development will be accompanied by contributions to infrastructure where required to mitigate its impacts.

3.31 In relation to loss of Green Belt, this issue is again discussed further within Section 5 of this Statement, but in summary it is important to recognise that:

- The Site comprises a fraction of the Borough's total Green Belt (c.0.07%);
- The Site has been assessed by the Council as making a limited contribution to the purposes of the Green Belt, and meriting removal from the Green Belt to help meet housing needs, through the eLP;
- The eLP Examination Inspector's Post Hearing Letter confirms that the Site's proposed removal from the Green Belt as part of allocation HO20 and in order to meet housing needs is sound;
- There are considered to be very special circumstances justifying development of this Green Belt land, as detailed within Section 5 of this Statement.

3.32 Regarding concerns expressed on the Proposed Development's impact on Hart Road, it is pertinent to note that the Proposed Development is accompanied by Transport Statement, through which the impacts on Hart Road have been analysed. The Transport Statement forecasts the Proposed Development will generate 7 arrivals and 11 departures during the AM peak; and 11 arrivals and 9 departures during the PM peak. This equates to approximately one additional vehicle on the local highway network every three minutes during peak times. Evidently, the Proposed Development would have a nominal impact on traffic levels on Hart Road.

3.33 In respect of impacts on wildlife, the Proposed Development incorporates measures to enhance the ecological value of the Site. The Ecological Impact Assessment submitted as part of this Application identifies that the Proposed Development would result in biodiversity net gain: a net gain in Habitat Units of 2.94%; and a net gain in Hedgerow Units of 96.51%. The current ecological value of the majority of the Site is very limited, and far from being of harm, the Proposed Development would have a positive impact.

3.34 The Application also includes a Flood Risk Assessment, which confirms that the Proposed Development will not increase the risk of flooding either within the Site or elsewhere.

3.35 In terms of comments in support of the Proposed Development, issues raised included:

- The area needs more affordable homes;

- It is important for homes provided to be genuinely affordable for local people, and support for the development if that is the case;
- Affordable housing should be made available for people already living in the area, or who have strong family links.

3.36 It is recognised that the need for affordable homes in Castle Point Borough is acute. This is discussed further within Section 5 of this Statement.

3.37 The rents for dwellings within the Proposed Development will be set below Local Housing Allowance caps to ensure they are genuinely affordable to local people.

4.0 Planning Policy

4.1 This section sets out the planning policy context for the development and explains how the proposed development relates to the Development Plan alongside other important material considerations including national planning policy.

4.2 There are a number of local planning policies relevant to this application. These are listed below and described in more detail in Section 5, which provides an analysis of compliance against the key policies in relation to the proposals.

Adopted Local Policy

4.3 The adopted Development Plan for Castle Point Borough includes saved policies within the Castle Point Local Plan (1998) (LP).

4.4 The LP significantly predates national policy contained within the NPPF, and indeed is substantially older than even the first NPPF (published 2012). The NPPF makes clear that policies within a Development Plan are not automatically out-of-date simply because they predate the NPPF (paragraph 219). Rather, due weight should be given to them according to their degree of consistency with the NPPF (the closer the policies in the Development Plan to the policies in the NPPF, the greater the weight that they may be given).

4.5 The following LP policies are relevant to the Proposed Development:

- EC2: Design

- EC3: Residential amenity
- EC4: Pollution
- EC13: Protection of wildlife and their habitats
- EC14: Creation of new wildlife habitats
- EC22: Retention of trees, woodlands and hedgerows
- H7: Affordable Housing
- H9: New housing densities
- H10: Mix of development
- T8: Car parking
- RE4: Provision of children's playspace and parks
- CF1: Social and physical infrastructure and new developments
- CF14: Surface water disposal

- 4.6 Before considering LP policies, it is pertinent to note that whilst Policy GB1 of the LP (which concerned control of development in the Green Belt) was not saved, the Site nevertheless remains in the Green Belt as per the Development Plan. Policy GB1 had set out the types of development that would be supported in principle in the Green Belt, including agriculture, mineral extraction, essential facilities for outdoor sport and outdoor recreation, cemeteries, or other uses of land which preserve the openness and do not conflict with the purposes, of the Green Belt. This broadly accorded with current national Green Belt policy, as set out in the NPPF.
- 4.7 Policy GB1 also stated that permission for other forms of development not listed will only be granted in very special circumstances. Again, this accorded with current national policy as per the NPPF.
- 4.8 In accordance with the NPPF, and notwithstanding that GB1 is no longer extant, it will be necessary to identify very special circumstances that justify grant of permission for the Proposed Development, as per the NPPF.
- 4.9 Another LP policy which is also considered to merit highlighting despite having not been saved is Policy H1. This made clear that the LP made provision to meet housing needs of the Borough as set out in the now defunct Essex Structure Plan, and only up to the year 2001, i.e. the Green Belt boundaries in the current Development Plan are predicated on meeting out-of-date development needs and only meeting needs up to 2001.

- 4.10 Turning to relevant extant policies within the LP, Policy EC2 requires development to be of a high standard of design, and of a scale, density, siting, design, layout and use of materials that is appropriate to its setting and the character of the area in which it is sited. It requires the appearance of proposed developments to be enhanced by appropriate hard and soft landscaping; and for the proposed development to ensure that all modes of movement are safe and convenient.
- 4.11 Policy EC3 seeks to protect amenity of existing residents, stating that development proposals which would have a significant adverse impact on residential amenity of the surrounding area by virtue of traffic, noise, fumes or other forms of disturbance will be refused.
- 4.12 Policy EC4 states that development which would have a significant adverse impact on health, the natural environment, or general amenity due to noise, dust, vibration, light or heat will be resisted.
- 4.13 Policy EC13 seeks to protect wildlife and its habitats, by resisting development that would prejudice the interests of either.
- 4.14 Policy EC14 seeks to positively encourage creation of new wildlife habitats in conjunction with new developments.
- 4.15 Policy EC22 seeks to limit loss of any existing trees, woodland or hedgerows as part of new developments.
- 4.16 Policy H7 states that the Council will, where appropriate, seek to negotiate a proportion of affordable housing for rent, shared ownership or outright sale. It states that affordable housing will be sought *“where appropriate to the scale of development schemes”* and that the number of affordable homes to be provided will be dependent on the size of the site, its location and whether there are any substantial costs associated with necessary infrastructure to support development of the site.
- 4.17 Supporting text accompanying Policy H7 states that the preferred location for affordable homes is within close proximity to facilities such as shops, public transport networks, educational facilities and health facilities. It states that it would be unreasonable to require affordable housing provision on sites below a certain size due to viability issues, and refers to circular 13/96, which indicated it would be inappropriate to seek any

affordable housing within developments of fewer than 40 dwellings, or on sites of less than 1.5 ha. The supporting text also states the Council will seek to negotiate up to 20% affordable housing on large sites, where appropriate.

- 4.18 Policy H9 of the LP states that density of development should ensure the development will not be harmful to the character of the site or its surroundings; should facilities a layout that is both functional and attractive; and facilitate development which accords with all appropriate policies within the LP.
- 4.19 Supporting text to Policy H7 explains there is a need to make best use of land identified as suitable for housing, given the need to protect the Green Belt from development.
- 4.20 Policy H10 requires provision of an appropriate range of housing within residential developments, in order to satisfy a variety of housing requirements. Supporting text suggested that a growing need for smaller dwellings was anticipated.
- 4.21 Policy H17 refers to adopted design guidelines contained within appendices 4 and 12 of the LP, and states that the Council will have regard to these when assessing residential development proposals. Subsequently, the Council adopted Residential Design Guidance as a Supplementary Planning Document in 2012. This superseded Appendix 12 of the LP.
- 4.22 Policy T8 requires the provision of appropriate levels of on-site car parking in accordance with the current car parking standards. These are set out in the Essex Planning Officers Vehicle Parking Standards 2009. In respect of residential development, the following parking provision is suggested (all minimums):

Use	Vehicle	Cycle
1-bed dwelling	1 space per dwelling	1 secure covered space per dwelling. None if garage or secure area is provided within curtilage of Dwelling.
2+ bed dwelling	2 spaces per dwelling	
Visitor / unallocated	0.25 spaces per dwelling (unallocated) (rounded up	If no garage or secure area is provided within curtilage of dwelling then 1 covered

	to the nearest whole number)	and secure space per dwelling in a communal area for residents plus 1 space per 8 dwellings for visitors.
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- 4.23 Policy RE4 supports the creation of new children’s playspaces and parks alongside new development, in areas where there is an identified need and where possible and appropriate.
- 4.24 Policy CF1 requires appropriate contributions / improvements to social and physical infrastructure required to serve developments, where the infrastructure requirements generated by development cannot be met by existing provision.
- 4.25 Policy CF14 requires development to appropriately address surface water disposal.

Emerging Local Plan

- 4.26 As noted in relation to the Planning History section of this statement, Castle Point Borough Council is at an advanced stage in the preparation of a new Local Plan, and the eLP proposes the Site be removed from the Green Belt and allocated for residential development as part of Policy HO20.
- 4.27 The submitted version of the eLP states that the allocation of 28ha of land through Policy HO20 (of which the Site forms a part) should deliver up to 340 dwellings by 2033, and that it is expected that a masterplan approach will be taken to the site to ensure that development is *“attractively designed, contributing to environmental quality, and that enough infrastructure is provided to support growth in this location”*.
- 4.28 Proposed Policy HO20 further states that development of the allocation should result in a net gain in biodiversity, and the provision of greenways through the site, linking to the existing network of green infrastructure.
- 4.29 Separately, Policy HO4 of the submitted eLP seeks to up to 40% affordable housing on sites such as the Site. As such, for a development of 46 dwellings (as per the Proposed Development) the Council would normally only be able to expect, at most, 19 affordable homes.

- 4.30 As per paragraph 48 of the NPPF, weight may be given to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight they may be given)
- 4.31 In the case of the eLP, the Examination has yet to be concluded and weight to be afforded to the policies within it must be tempered accordingly.
- 4.32 However, whilst the Examination has yet to conclude, the Council received the Examination Inspector's Post Hearings Letter (document reference INSP/06) on 29 September 2021.
- 4.33 This confirmed that, subject to main modifications, the eLP was likely to be capable of being found sound and legally compliant.
- 4.34 As noted within Section 2 of this Statement, the letter invited the Council to produce a consolidated list of main modifications, which will ultimately need to be consulted upon. However, in terms of key, in-principle matters, the Examination Inspector's letter confirmed that, in short, the removal of the Site from the Green Belt and allocation for residential development as part of Policy HO20 was sound in principle, subject to increasing the number of new homes supported in the allocation from 340 to 'around' 430.
- 4.35 In such circumstances, clearly the proposed allocation of the Site – and in particular its removal from the Green Belt – through the eLP can be afforded significant weight.
- 4.36 There are nevertheless outstanding objections relating to matters of detail, including:
- The requirement for the Site to form part of a masterplan for the wider allocation; and
 - The proposed Local Wildlife Site allocation concerning the southern part of the Site.

- 4.37 Further to the Inspector's Post Hearings Letter, the Council has published a schedule of proposed main modifications. These go beyond matters on which the Inspector's Post Hearings Letter concluded, and into much detailed aspects of the eLP.
- 4.38 The published main modifications incorporate a reworded Policy HO20. This includes proposal to amend the quantum of development supported on the allocation from 340 to around 412 homes – broadly, but not entirely, consistent with the Examination Inspector's advice.
- 4.39 It also includes matters not expressly addressed in the Inspector's Post Hearing Letter, but intended to resolve issues of soundness identified to date through the Examination. The requirement for a masterplan remains to date, but main modifications propose a timeframe in which the masterplan will be prepared; as well as policy text explaining how a decision-maker should respond to planning applications within the allocation made ahead of the masterplan. In respect of this latter point, the main modifications propose the following:

“Any applications received in advance of the master plan must incorporate the requirements of part 3 [which sets out the objectives of the masterplan] of this policy and must not undermine the comprehensive development of the wider allocated site”.

- 4.40 The main modifications propose the following objectives for the HO20 masterplan:
- a) Urban design which echoes the principles of the Arcadia approach as defined in Appendix 2, to create an attractive, green, parkland environment, integrated into the existing landscape;
 - b) An approach to wildlife that results in a measurable net gain in biodiversity;
 - c) The retention of existing Public Rights of Way through the site, and the provision of greenways through the site, linking to the existing network of green infrastructure;
 - d) The provision of open space and where appropriate, playing fields within the site consistent with the requirement of policy HS3, delivering additional accessible

natural green space to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;

- e) An approach to playing pitch provision which fully compensates for any losses arising on site or in an accessible location nearby, and provides for any additional need arising from growth at the site, in consultation with Sport England and the relevant sport governing bodies;
- f) Main vehicular access to the south of the Chase from Kiln Road, and land to the north of the Chase from Runnymede Chase or Rayleigh Road;
- g) Coordinated access to the development areas within the site without the creation of a motorised vehicular through route. As appropriate, the need for highways improvements, including to unmade sections of highway within the site will be secured to enable access to new development;
- h) Active travel connections through the site linking through the new development to the USP College and Council Offices and adjoining leisure uses off Kiln Road;
- i) The provision of a new stand-alone 26 place Pre-school, and the provision of a building to accommodate 1,000sqm of space for healthcare services. This may be provided in-kind, or through the provision of land comprising 0.058ha for the pre-school and 0.3ha for the healthcare building, with proportionate financial contributions towards the delivery of the facilities;
- j) Sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties; and
- k) The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility infrastructure identified on site.

4.41 The weight to be attached to the proposed main modifications will need to be tempered, given that these will still need to be subject to consultation, and the Examination Inspector will need to conclude on both whether these main modifications are necessary to ensure the eLP is sound (a prerequisite of any main modifications to a Plan at this stage) and that they themselves ensure a sound Plan.

National Planning Policy Framework

- 4.42 The NPPF (2021) is an important material consideration in the determination of planning applications. There are certain key elements within the NPPF that are relevant to the determination of this application.
- 4.43 From the outset the NPPF sets out that the purpose of the planning system is to contribute to the objective of sustainable development (paragraph 7), with this clarified under three objectives: economic, social and environmental (paragraph 8).
- 4.44 The NPPF sets out a presumption in favour of sustainable development at paragraph 11, which for decision taking means:
- “c) Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” (NPPF, paragraph 11 c and d)*
- 4.45 The NPPF seeks to significantly boost the supply of homes, with paragraph 60 stating it is important that a sufficient amount and variety of land can come forward where it is needed. To assist in meeting this objective, paragraph 74 requires Councils to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against local housing need (calculated using the Standard Method), where the strategic policies are more than five years old, as they are in this case
- 4.46 Section 9 of the NPPF seeks to promote sustainable transport, in part through developing sites which are, or can be, sustainable and offer a range of transport modes.

- 4.47 Paragraph 119 of the NPPF calls for planning to promote an effective use of land in meeting the need for homes and other uses, and at paragraph 120d) states that development of under-utilised land and buildings should be supported, especially where it would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 4.48 The Site lies within the Green Belt. The NPPF states that the Government attached great importance to Green Belts, of which the Site – at the time of writing – still forms a part.
- 4.49 The NPPF (paragraph 138) sets out the five purposes of the Green Belt, as follows:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.50 The Site is part previously developed land, with the northern part containing an existing dwelling. At paragraph 149, the NPPF lists exceptions to the development of new buildings in the Green Belt being considered inappropriate. These include, *inter alia*,
- the limited infilling or the partial redevelopment of previously developed land (whether redundant or in continuing use) which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority;
 - limited affordable housing for local community needs under policies set out in the development plan.
- 4.51 In the case of the Proposed Development, it is not considered that it constitutes limited infilling. In addition, whilst the Site does contain some previously developed land, it is predominantly Green Belt. Nevertheless, the NPPF makes clear at paragraph 149 that there is some flexibility regarding the redevelopment of Green Belt land and impact on openness when it comes to housing provision, and in particular affordable housing.

- 4.52 As set out earlier, the current Development Plan, and specifically the Castle Point Local Plan 1998, is very dated having been adopted over 23 years ago.
- 4.53 The NPPF makes clear that policies are not automatically rendered out-of-date simply because they predate latest national policy. However, the most relevant policies to proposals for housing development – including the allocation of sites and the extent of settlement boundaries –were predicated on meeting a housing needs figure that is not only based on a now defunct Structure Plan requirement, but one that only covered the period until 2001. Clearly these policies are out-of-date.
- 4.54 Furthermore, the Borough is currently unable to demonstrate a five-year housing land supply. As such, and as per the NPPF, the relevant housing delivery policies are by definition out-of-date.
- 4.55 In such circumstances, the ‘tilted balance’ in favour of residential development is engaged, as per paragraph 11d) of the NPPF. In such circumstances, planning permissions should be granted unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. However, footnote 6 of the NPPF confirms that Green Belt is a policy within the NPPF that protects areas and provides a clear refusal for refusing a proposed development.
- 4.56 Accordingly, irrespective of the five-year housing land supply position, the proposed development of the Site is by definition inappropriate development in the Green Belt. As such, for the development to be acceptable the NPPF requires (paragraph 147) that very special circumstances be demonstrated. At paragraph 148 the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.57 The issue of very special circumstances in relation to the Proposed Development is considered in Section 5 of this statement.

5.0 Planning Assessment

Principle of Development

- 5.1 Planning applications are required to be determined in accordance with the statutory Development Plan, unless material considerations suggest otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.2 The Site lies within the Green Belt, as per the current Development Plan. The Development Plan does not contain policies which expressly state how to respond to development proposals that lie within the Green Belt. However, when read in conjunction with the NPPF – and paragraphs 147 and 148 – it is evident that the principle of the Proposed Development should be considered acceptable if very special circumstances can be demonstrated.

Very Special Circumstances

- 5.3 In determining whether very special circumstances apply that justify the Proposed Development, it is necessary to consider its potential harm to the Green Belt by reason of inappropriateness, as well as any other harm; and the benefits of the Proposed Development and whether these would clearly outweigh any such harm.
- 5.4 ‘Very special circumstances’ is not defined in national policy or guidance. There is, however, case law which assists in the consideration of this issue, as discussed further below.
- 5.5 In overview, and for the reasons set out in detail below, it is considered that the following are the very special circumstances that justify the Proposed Development for affordable housing:
- The Site’s evident lack of contribution to the purposes of the Green Belt, as confirmed by the Council’s Green Belt Review.

- The Site's suitability for residential development (i.e. its lack of harm if it were to be developed for housing) as confirmed through the Council's assessment of the Site as part of the SHLAA 2018 Update.
- The lack of harm caused by the Proposed Development to matters other than Green Belt.
- The eLP Examination Inspector's Post Hearing Letter very much indicating that not only is the proposed removal of the Site and its allocation for development sound but the wider allocation of which it forms part is suitable to accommodate more homes than the submitted eLP had anticipated.
- The Borough's extreme housing land supply shortage (which is vastly short of the five-year requirement) and poor recent housing delivery record, and the Proposed Development's contribution to addressing this.
- The significant affordable housing need in the Borough and the inability of either the emerging Local Plan or the current Local Plan to meet this in full, together with the contribution the proposed development would make to meeting this need beyond that of a typical development of a site in the Borough (i.e. the Proposed Development represents a rare opportunity to deliver 100% affordable housing on a site). This is considered to constitute a significant benefit of the Proposed Development.
- The inability to meet development needs in the Borough without development on some land currently designated as Green Belt.

5.6 The below are considered in turn, as well as other recent relevant appeal decisions.

The Site's lack of contribution to the purposes of the Green Belt

5.7 The Site's current contribution to the Green Belt is also relevant to the issue of whether there are very special circumstances which justify its development.

5.8 In this regard, the fact that the Council's Local Plan evidence base, in particular the Green Belt Review, support the removal of the Site from the Green Belt is particularly pertinent.

- 5.9 Part 2 of the Green Belt Review 2019 considered the proposed HO20 allocation and its contribution to the purposes of the Green Belt. This concluded that the land proposed to be allocated only made a moderate contribution to Purpose 1 (to check the unrestricted sprawl of large built-up areas) and Purpose 3 (to assist in safeguarding the countryside from encroachment) of the Green Belt; and no contribution to Purpose 2 (to prevent neighbouring towns merging into one another).
- 5.10 Furthermore, the Green Belt Review is based on an assessment of a wider parcel. When one looks at the Site specifically, it is clear the Site benefits from a significant degree of containment, with existing development to the north, south, east and west.
- 5.11 In addition, the Site is disconnected from the wider Green Belt (as the Council has already recognised).
- 5.12 As such, its contribution to the purposes of the Green Belt is even less than the wider area the Local Plan proposes to allocate for development.
- 5.13 Even if one were to disregard all of the above, it should be recognised that as a site measuring 1.7 ha, the Site represents a miniscule proportion of the Borough's total Green Belt. DLUHC reports that the total area of Green Belt in the Borough is 2,500 ha. The Site represents c.0.07% of this area. Even if every site proposed to be allocated in the eLP were to be approved for residential development ahead of adoption of the eLP under very special circumstances (an unlikely scenario), this would still only result in the loss of a small percentage of the Green Belt – and in a manner that least harms the purposes of the Green Belt, as confirmed by the eLP evidence base.
- 5.14 Figures 3 and 4 below have been extracted from the Council's published Proposed Green Belt Changes in the Pre-Submission Local Plan 2019 Maps (February 2019), and illustrate the extent of the Green Belt before and after the eLP adoption, respectively. The Site boundary has been overlaid onto these maps in the below figures. It is clear that the Site makes up only a fraction of the Borough's Green Belt, and even if the Green Belt boundary were to be amended as per the eLP in full, the vast majority of the Green Belt would remain.



Figure 3 – The Site and existing Green Belt

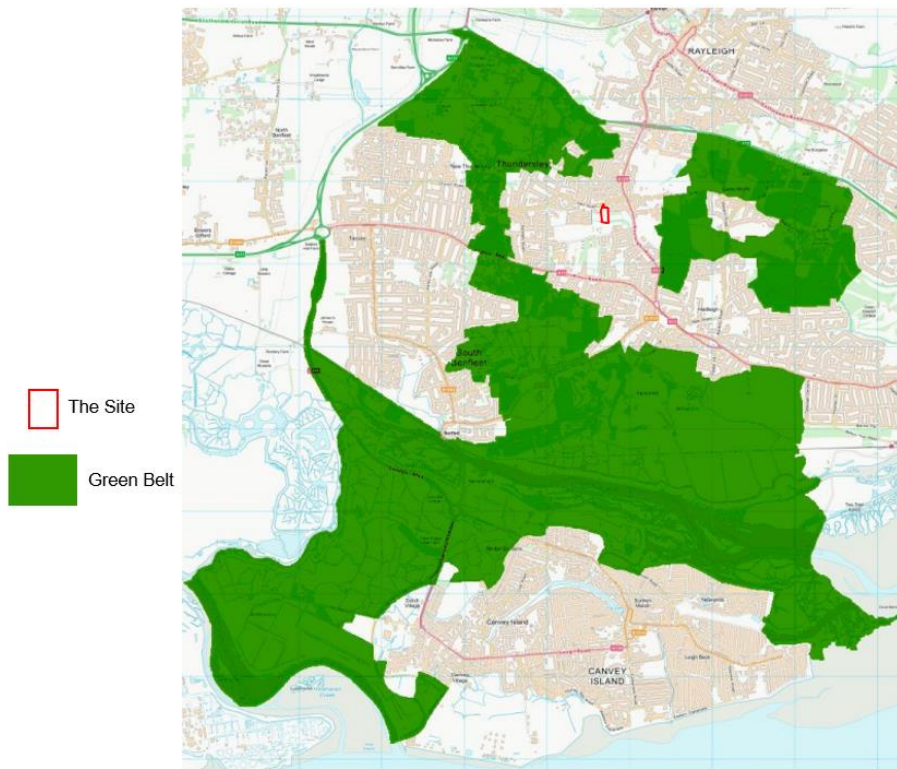


Figure 4 – The Site and the eLP proposed Green Belt

- 5.15 The actual degree of harm proposed development would cause to the purposes of the Green Belt was confirmed as being a relevant factor in determining whether very special circumstances apply in the determination of a recent appeal for a site within the Borough. In allowing an appeal for residential development in the Green Belt at Land at London Road, west of Rhoda Road North, Thundersley ('the Rhoda Road appeal')¹ the Inspector found that:

"Whilst attaching substantial weight to [harm resulting from the inappropriateness of the proposed housing, and with loss of openness], the actual degree of Green Belt harm arising from this proposal is mitigated by a number of factors. The site has development to three sides and represents a relatively small indent of open Green Belt into a built-up area. The site is furthermore screened by thick vegetation on its undeveloped sides and this, along with the adjacent large block of Ancient Woodland, provides a reduction in the degree of loss of visual openness to the Green Belt".
(paragraph 9)

- 5.16 The Council's Local Plan evidence base suggests the site is suitable for residential development and should be released from the Green Belt.
- 5.17 As noted, the eLP proposes the Site form part of the HO20 residential allocation.
- 5.18 As part of the eLP evidence base, the Site's suitability, availability and achievability for residential development was assessed through by the Council and reported in the Strategic Housing Land Availability Assessment (SHLAA) 2018 Update. The Site (reference S0078) was found to be suitable (subject to mitigation), available and achievable for residential development.
- 5.19 Another key part of the Local Plan evidence base insofar as concerns the Site and its potential development was the Council's Green Belt Review 2019. As already discussed, this supports the removal of the Site from the Green Belt.

The lack of harm caused by the Proposed Development to matters other than Green Belt

- 5.20 The Application is accompanied by a suite of technical studies that confirm a lack of harm to other, non-Green Belt considerations. These address matters such as

¹ Appeal Ref: APP/M1520/W/20/3246788

ecology, heritage, flood risk, highways, and trees, and are addressed later within this section of the Statement.

- 5.21 In addition, and again as discussed later within this section, the Proposed Development would not have an undue impact on matter such as infrastructure, residential amenity or landscape.

The advanced nature of the eLP

- 5.22 The Examination Inspector's Post Hearing Letter makes clear that the removal of the Site from the Green Belt and its allocation for residential development is considered sound, (i.e. its removal from the Green Belt and allocation for residential development is justified, consistent with national policy, effective, and assists in ensuring the eLP is positively prepared). The Post Hearing Letter also confirms the wider HO20 allocation of which the Site forms part is suitable to accommodate more homes than the submitted eLP had anticipated.
- 5.23 In such circumstances, and having regard to paragraph 48 of the NPPF, it is considered that the Site's removal from the Green Belt and allocation for residential development in the eLP can be afforded significant weight.

Housing land supply

- 5.24 Case law has confirmed that a housing land supply shortfall can constitute very special circumstances that justifies otherwise inappropriate development in the Green Belt. See for example, *R (Lee Valley Regional Park Authority) v Broxbourne Borough Council* [2015] EWHC 185 (Admin) ('Lee Valley').
- 5.25 It is relevant to note that the *Lee Valley* judgment was made in the context of a Written Ministerial Statement stating that unmet need was unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
- 5.26 Subsequently, appeal decisions² have recognised that this Written Ministerial Statement predates the NPPF and provision has not been translated into the latest NPPF. In addition, the associated guidance has been removed from the PPG. On this

² See for example Appeal Ref: APP/C2741/W/19/3227359 North of Boroughbridge Road, South of Millfield Lane, York

basis, the Inspector in appeal decision reference APP/C2741/W/19/3227359 (dated 23 October 2019), concluded the 2015 Written Ministerial Statement carries little weight.

- 5.27 In the case of Castle Point Borough, the housing shortage is severe – uncommonly so. From analysis of the Council's Local Plan Examination Topic Paper: Castle Point Local Plan Housing Supply Position and Housing Trajectory at October 2020 it appears that, at most, the Council has a supply of deliverable sites (as defined by the NPPF) capable of delivering 464 net additional dwellings between 2020-2025. The five-year housing requirement is currently 2,130 dwellings. As such, the Borough currently has a 1.09-year housing land supply. The actual position may be worse still, as it is not possible from the Local Plan Topic Paper to differentiate between the contribution relied on from sites with detailed permission and those with only outline consent.
- 5.28 The position in respect of housing delivery is similarly disconcerting. The Castle Point Borough Housing Delivery Test 2020 measurement was just 48% (i.e. in the years 2017-2020, only 48% of the total housing requirement has been met). This is the eighth worst housing delivery test performance in the country.
- 5.29 Looking at the housing land supply and housing delivery positions, the Borough is clearly in an exceptionally poor position in relation to meeting housing needs.
- 5.30 Given the severity of the housing land supply shortage and record of housing under-delivery, there is a strong case to suggest that this contributes significantly to there being very special circumstances that justifies residential development in the Green Belt.

Affordable housing

- 5.31 The need for specialist forms of housing, and the inability of the current or emerging Local Plan to meet this, has been confirmed as being capable of contribution towards very special circumstances that justify development in the Green Belt³. In the case of Castle Point Borough, there is an acute shortage of affordable housing.
- 5.32 The Strategic Housing Market Assessment Addendum 2017 identified a net annual affordable housing need of 353 dwellings. The Pre-Submission Local Plan 2019

³ Appeal Ref: APP/H2265/W/18/3202040 Land to the rear of 237-259 London Road, West Malling, Kent

proposes to deliver 352 net additional dwellings per annum in total. The Pre-Submission Local Plan 2019 evidently will not meet affordable housing needs in full, and it is seemingly unfeasible for it to be modified such that it could. As with the overall housing needs position, the affordable housing shortfall in supply and seemingly insurmountable challenge to meet the need in full are exceptional. In this context, it is considered that the proposed development of the Site to provide 100% of dwellings as affordable housing represents a significant benefit of the proposed development, and one that contributes towards very special circumstances.

- 5.33 The Development Plan states the Council will seek to negotiate up to 20% affordable housing on a development such as that proposed here. The Development Plan would be expected to deliver a maximum of 9 or 10 affordable dwellings in the case of the Proposed Development. The eLP proposes a requirement to deliver up to 40% affordable housing on all future residential developments in the part of the Borough in which the Site is located. Assuming full weight is attributed to this policy, it would normally be expected that the Site would deliver 18 or 19 affordable dwellings, at most. The provision of 46 affordable dwellings obviously makes a significantly greater contribution to meeting this specific need, and represents a significant benefit to the local community.
- 5.34 The Proposed Development is being proposed by Legal & General Affordable Homes, whose objective is to tackle the severe shortage of affordable housing in the UK by providing safe, secure and quality homes from which households can build their future. Legal & General Affordable Homes has a track record of delivering affordable housing. Having regard to this, the Council can have confidence that the Site will be delivered for affordable housing.

The requirement to alter the Green Belt in order to meet housing needs

- 5.35 Delivery of housing within the Borough is evidently severely constrained by Green Belt, which covers the vast majority of the administrative area not already developed.
- 5.36 The submitted eLP's evidence base clearly demonstrates that only a fraction of the Borough's housing needs can be met without removing some land from the Green Belt.

- 5.37 It is clear that there are exceptional circumstances present in the case of Castle Point that justify alterations to the Green Belt boundary through the eLP, as per NPPF paragraph 136. The Examination Inspector's Post Hearing Letter makes this clear.
- 5.38 Case law⁴ has established that the inability to sustainably meet development needs without alternations to the Green Belt boundary can form part of the exceptional circumstances that justify the removal of land from the Green Belt through the preparation of a new Local Plan.
- 5.39 The fact that some Green Belt will need to be removed is relevant to whether very special circumstances in consideration of proposals for specific sites. Indeed, this was expressly confirmed in the case of the Rhoda Road appeal (discussed earlier within Section 5), at paragraph 34 of this appeal decision.

Environmental performance, quality and speed of delivery of the Proposed Development

- 5.40 The Proposed Development comprises modular homes that will be delivered rapidly, helping to ensure the Site makes a quick contribution towards meeting the current acute housing shortage. The modular homes are constructed off-site, helping to minimise disturbance to the neighbours of the Site during the implementation of the development.
- 5.41 The proposed dwellings are to be built to a high standard of environmental performance. Every home is expected to achieve an EPC 'A' rating and will be built using off-site modular manufacturing methods that will lock in thermally efficient homes that benefit from high levels of acoustic performance, enhanced indoor air quality, and generous living space standards that exceed NDSS guidance.
- 5.42 Whilst it is recognised that these factors, taken alone, would be unlikely to constitute very special circumstances that justify development in the Green Belt, it is nevertheless considered to add weight to the argument in favour of the Proposed Development.

Other recent appeal decisions and the consideration of very special circumstances

⁴ *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078 (Admin)

5.43 On 14 June 2021, an appeal for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (outline, all matters reserved except access) at Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath ('the Colney Heath appeal') was allowed⁵. The appeal site was located part in St Albans City & District, part in Welwyn Hatfield, and was an existing, open agricultural field located on the edge of the settlement of Colney Heath. It was allocated as Green Belt in the existing Development Plan.

5.44 Key points from the Colney Heath appeal decision include:

- The appeal site had no current residential allocation, nor did it have a proposed allocation in any emerging Local Plan.
- Housing land supply was stated as 2.4 years St Albans and 2.58 years for Welwyn Hatfield. The Inspector's comments with regards to this level of shortfall state that the "*position is a bleak one and the shortfall in both local authorities is considerable and significant.*"
- The Development Plans were of considerable age: St Albans 1994 Local Plan and Welwyn Hatfield District Plan 2005.
- Substantial weight was given to benefit of market housing provision.
- Affordable shortfall of affordable when compared with requirements in the SHMA was given substantial weight.
- Harm to Green Belt openness was given substantial weight against the granting of permission, but the Inspector found a lack of harm in relation to *purposes* of the Green Belt.
- The Inspector noted that "*there is clear distinction between the appeal site and its separation from the countryside beyond to the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development*".
- The Inspector went on to conclude there would be a "*localised effect on the Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside.*"

5.45 A number of the above are very relevant in relation to the Proposed Development. As in the case of the Colney Heath appeal proposal, Castle Point Borough has a significant housing shortage and an acute affordable housing need; and the existing

⁵ Appeal Ref: APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926

Development Plan is substantially out-of-date insofar as concerns its ability to address this need.

- 5.46 As with the appeal site in the Colney Heath appeal, the Site's character is influenced by the surrounding residential development, it makes a limited contribution to the purposes of the Green Belt and would not entail significant encroachment into the countryside.
- 5.47 The Colney Heath appeal proposal did not offer the substantial benefit of providing 100% affordable housing, nor did it constitute a site that had been proposed for removal from the Green Belt through an emerging Local Plan that had been through Examination. Yet, the appeal decision confirms there were still very special circumstances that justified the Colney Heath proposal. Having regard to this, it is clear that there are very special circumstances that justify the Proposed Development.
- 5.48 A further, recent, example is provided by the appeal decision in respect of land south of Heath Lane, Codicote⁶ ('the Codicote appeal') (decision date 28 September 2021).
- 5.49 As with the Colney Heath appeal, in this case a key issue was the local significant housing shortage. Whilst the Codicote appeal proposal also facilitated school expansion (to which the Inspector found significant weight should be attached), the Inspector attached "*very substantial weight to the critically needed housing benefits of the scheme*".
- 5.50 In the case of the Codicote appeal, the appeal site was proposed to be allocated through the Local Planning Authority's emerging Local Plan. The Council had expressed concerns through the appeal that, if the development were to be approved ahead of the adoption of its emerging Local Plan, this could result in a loss of public confidence.
- 5.51 In considering this matter, the Appeal Inspector noted there was no alternative solution to meeting needs before him; that Counsel instructed by the Local Planning Authority in advance of its decision expressly advised the Council that there was no prohibition on the granting of planning permission for residential development in the Green Belt ahead of adoption of the emerging Local Plan, provided there were very special

⁶ Appeal Ref: APP/X1925/W/21/3273701

circumstances; and that failure to deliver and further delay in the long-standing expectations of the emerging Local Plan could potentially lead to confidence in the planning system being undermined.

5.52 The Appeal Inspector concluded very special circumstances justified the Codicote appeal proposal.

5.53 Again, as with the Colney Heath appeal, the Codicote appeal outcome very much suggests that very special circumstances also apply in relation to the Proposed Development of this Site.

5.54 Pre-application advice provided by the Council (reference 21/0814/MAJPRE) cited an appeal decision for proposed development on adjoining land (Land to the rear of 301 Rayleigh Road, Thundersley, reference APP/M1520/W/19/3240145) ('the Rayleigh Road appeal') for 19 affordable housing units. The appeal site was located in the Green Belt, and is on land proposed to be removed from the Green Belt through the eLP in order to help meet housing needs. The appeal also proposed 100% affordable housing. As such, there are similarities between the appeal proposal and the Proposed Development of the Site. The appeal was dismissed, with the Inspector concluding that harm to the Green Belt was not outweighed by, what the Inspector considered to be, limited benefits of the provision of 19 additional dwellings.

5.55 It is important to recognise there are a number of key differences between the dismissed appeal proposal and the Proposed Development of the Site.

5.56 Firstly, the eLP was at a far less advanced stage at the time the appeal was determined than it is now. In relation to the eLP, the Appeal Inspector concluded:

"The emerging Local Plan is still at an early stage in its development, consultation on a pre-submission draft having finished in February 2020 with responses still being analysed." (paragraph 12).

5.57 Subsequently, the eLP has been submitted; Examination hearing sessions have taken place; the Examination Inspector has issued post-hearing advice confirming the eLP to be, in principle, sound; and main modifications have been proposed to the eLP. It is clear that the eLP is far more advanced than at the time the Rayleigh Road appeal was determined. It is particularly relevant that the eLP's proposed removal of Green Belt, including this Site, have subsequently been examined and the Examination Inspector has endorsed the eLP's approach.

5.58 Secondly, in considering the benefits of the Rayleigh Road appeal, the Inspector suggested the appeal proposal of 19 dwellings would only help alleviate the lack of housing supply “*in a small way*”, and considered the appeal proposal’s benefit in this regard to be “*of some limited weight*”. It is not clear at what quantum the weight to be afforded to the benefit of housing provision could be considered more substantial. However, it is relevant to note the case of another recent appeal decision for a site within the Borough – the Rhoda road appeal discussed earlier. In this appeal decision, the Appeal Inspector concluded a proposed development of 22 dwellings’ contribution towards meeting the Borough’s acute housing shortage attracted “*substantial weight*”, noting that the NPPF recognises the benefits that small and medium sized sites can make to meeting housing needs.

5.59 The importance of the small and medium sized sites to meeting housing needs, as recognised by national policy, was further underlined in a recent appeal decision for a site within Uttlesford District (an area in which there is also a housing shortage, albeit not as severe as in Castle Point Borough). In considering the appeal (reference APP/C1570/W/20/3242024) for 22 dwellings, the Inspector concluded:

“The addition of up to 22 houses proposed by the development would make a contribution towards addressing this shortfall on a site that is available in the short term. Whilst the contribution would be modest in the context of the overall shortfall, the Council’s argument that it would not therefore be meaningful is not a credible position to take” (paragraph 49).

5.60 Having regard to these recent appeal decision, it is clear that the Proposed Development contribution to meeting housing needs (46 dwellings) must be considered a meaningful contribution, and one that should be afforded significant weight.

5.61 Thirdly, in dismissing the Rayleigh Road appeal, the Appeal Inspector gave the proposed provision of affordable housing only limited weight, but for the reason that no legal agreement or unilateral undertaking had been submitted with the appeal:

*“There is no legal agreement or unilateral undertaking submitted with the appeal that would secure this benefit as part of the current proposal, and this is not a matter that could be satisfactorily addressed through the imposition of a condition. **For that reason**, I only give limited weight to this particular benefit of the scheme”* (emphasis added).

- 5.62 In the case of this Application, and as confirmed within Section 3 of this Statement, all proposed dwellings are proposed to be secured as affordable housing through S106.

Overview of very special circumstances

- 5.63 It is considered it is evident there are very special circumstances which justify the grant of planning permission for the proposed residential development of this Site, as per paragraph 147 and 148 of the NPPF.
- 5.64 There are a multitude of factors that apply in this case. These include those confirmed through case law and S78 appeal decisions as being capable of constituting very special circumstances. Indeed, recent appeals have confirmed there can be very special circumstances justifying development in the Green Belt in circumstances similar to this Application, even without the further benefit of being proposed to be removed from the Green Belt and allocated through an emerging Local Plan which had reached an advanced stage; and without providing the further and substantial benefit of providing 100% affordable homes.

Prematurity

- 5.65 It is recognised that, as the Application is made ahead of adoption of the eLP, the question as to whether it is premature may arise.
- 5.66 When one considers how prematurity is defined for the purposes of planning, it is manifestly clear that the Proposed Development cannot be considered premature.
- 5.67 The NPPF (paragraph 49) states arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both of the following apply:
- 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 plan; and
 - The emerging plan is at an advanced stage but is not yet formally part of the Development Plan

- 5.68 Whilst the second point applies in this instance, as the eLP is at an advanced stage; the first plainly cannot – the Proposed Development very much accords with the emerging strategy, and in no way could undermine this strategy. On the contrary, it directly supports the emerging strategy. As part of the eLP that Proposed Development forms part of a strategy which seeks to make a significant contribution to meeting housing needs; ensuring a planned approach to development; and ensuring the vast majority of the Green Belt remains undeveloped and is not subject to risk of ad hoc developments being allowed on appeal (as recent appeal decisions have made clear will be the case in the event that Local Planning Authorities do not ensure an up-to-date Local Plan is in place).

Integration with the wider HO20 allocation

- 5.69 Whilst the Inspector's Post Hearings Letter very much suggests that the removal of land proposed to be allocated through HO20 from the Green Belt to enable its development for housing is sound, it does not provide a definitive conclusion on the requirement for a masterplan to be prepared for the allocation. In addition, whilst main modifications have been published through which the requirement to prepare a masterplan has been retained, and which set out the circumstances in which an application ahead of a masterplan will be considered acceptable, such main modifications have yet to be consulted upon and have yet to be found necessary and sound by the Examination Inspector.
- 5.70 Nevertheless, these proposed main modifications are considered to have some weight at this time in the consideration of this Application.
- 5.71 Opportunities to integrate with the wider allocation for the various parcels that comprise HO20 will inevitably vary. In the case of the Site, it is relevant to note that it is located on the northern edge of the allocation, towards the eastern side of the allocation. There is existing development which lies outside of HO20 to the west, east and north. To the south of the Site is a brook, and this area is also of ecological value. The Site benefits from its own, existing vehicular access which is suitable to serve the modest development proposed.
- 5.72 In addition, land to the south-west of the Site already benefits from planning permission for residential development through application reference 19/0549/FUL. This

application granted detailed consent for 19 dwellings and thus established the detailed layout of the residential development, access, etc.

- 5.73 The development approved through 19/0549/FUL is largely self-contained, and does not appear to allow for potential integration with adjoining land. The detailed approval includes a detailed landscape strategy, which incorporates an area of open space on the northern part of the site, but one which is bordered by a combination of railings, trees and hedgerows. There is limited opportunity to form any connection between the Site and the land subject to planning permission 19/0549/FUL, and certainly no feasibility of a vehicular connections.
- 5.74 The extant detailed consent 19/0549/FUL provides a constraint to the potential integration of the Site with the wider eLP HO20 allocation.
- 5.75 Nevertheless, there are still opportunities to ensure non-vehicular connections between the Site and land to the south, enabling integration of the Site with any future development of land to the south. The Proposed Development incorporates this.
- 5.76 In terms of vehicular access, the Site is served by an existing access of Hart Road. Whilst opportunities to extend this beyond the Site are limited, there is still a possibility of this access also serving land to the east which also forms part of HO20. Again, the Proposed Development allows for this potential future vehicular link.
- 5.77 The Proposed Development has been designed to work and be entirely suitable without relying on any potential future development beyond the Site boundary, but at the same time incorporates measures to ensure future integration insofar as possible given the geographical characteristics of the Site and the extant permission to the south-west. In short, the Proposed Development has been designed to account for both a situation in which the masterplanned development of HO20 were to come forward, and a scenario in which it does not.
- 5.78 In terms of other proposed objectives of Policy HO20, the following aspects of the Proposed Development are considered of particular relevance:
- The Proposed Development is of a high quality design and layout that will make a positive contribution to the character of the area [more from DAS]
 - The Proposed Development will result in biodiversity net gain;
 - The Proposed Development will not result in a loss of any Public Rights of Way;

- The Proposed Development incorporates open space, delivering additional accessible green space for local residents and helping to reduce likely recreational disturbance on ecological areas that are sensitive to such activity.
- The Site is not considered suitable for formal playing pitches due to its limited size and topography. Instead, financial contributions towards such provision off-site are proposed;
- The Site is served by suitable vehicular access, which can provide access to a discrete element of the allocation if required. As discussed, opportunities for wider highway interconnectivity are severely limited;
- The potential for future non-vehicular connections to adjoining land if it were to be developed are incorporated into the Proposed Development;
- The Site is not considered suitable for accommodating a pre-school or healthcare centre proposed for the wider allocation, given its limited size and limited opportunities to provide vehicular and non-vehicular connections with the rest of HO20. In addition, it is questionable whether the Site would meet the criteria for educational facilities set by Essex County Council⁷. Instead, the Proposed Development can be accompanied by appropriate contributions towards off-site provision.
- The Proposed Development incorporates sustainable drainage measures and ensure the risk of flooding on-site or elsewhere is not increased, as discussed later within this section of this Statement.

5.79 Having regard to all of the above, it is evident that the Proposed Development would not undermine the comprehensive development of the wider proposed allocated site HO20, in the event that the eLP were to be progressed to adoption and HO20 were to come forward in its entirety.

Design and Layout

5.80 Details of the approach taken to determining the design and layout of the Proposed Development are set out in the Design and Access Statement submitted as part of the Application.

5.81 The proposed layout has sought to proactively and positively respond to landscape and ecology considerations, provide potential integration with the surrounding area in the

⁷ Essex County Council Developers' Guide to Infrastructure Contributions Appendix C

event that wider development of proposed allocation HO20 were to be realised, and ensure the residential amenity of existing residents is respected.

- 5.82 The Proposed Development comprises streets that are navigable and pedestrian friendly through design and orientation of the development, together with the provision of a scheme of hard and soft landscaping.
- 5.83 A key consideration in the design and layout has been the Council's Residential Design Guidance Supplementary Planning Document ('the RDG').
- 5.84 Plot sizes reflect those within the locality (as per RDG1).
- 5.85 RDG5 states that, to protect residents' privacy, all development over ground floor level should provide a minimum of 9m between the rear facing windows of a dwelling and the boundary. In general, this would suggest that 18m back to back distance between dwellings would be the minimum. The Proposed Development complies with this.
- 5.86 RDG6 suggests private amenity space for individual dwellings should be provided at 15sqm per habitable room, with a minimum of 50sqm for dwellings with three habitable rooms or less. The Proposed Development provides amenity areas which meet this guidance.
- 5.87 RDG7 states the roofs of development should not be overly dominant compared to the rest of the building, and dormers should not be overly dominant in the roof. RDG8 advises the design of all development should result in well-proportioned and balanced properties. The Proposed Development is considered to be a high quality design, with well-balanced and proportioned dwellings.
- 5.88 RDG9 seeks the achievement of energy and water efficient development. The Proposed Development is considered to very much meet this guidance, and is expected to achieve an EPC 'A' rating.
- 5.89 RDG10 calls for public and private space to be clearly defined, and for the means of enclosure to not be overly dominant. Again, this has been incorporated in the Proposed Development, and there is clear differentiation between public and private space.
- 5.90 The Proposed Development incorporates a scheme of hard and soft landscaping, as advised by RDG11.

- 5.91 Parking is provided in accordance with Essex Planning Officers Vehicle Parking Standards and predominantly in the form of in-curtilage parking. It is therefore considered to be provided at an appropriate level and it has been designed to ensure it is not overly dominant, as advised by RDG12.
- 5.92 Appropriate storage for refuse and recycling is incorporated into the Proposed Development, as called for by RDG13.
- 5.93 The Proposed Development is considered to be of a high quality design that would have a positive impact on the character of the area, either alone or in combination with a potential future development of the wider area.

Landscape and Visual Impact

- 5.94 The Site is not subject to any landscape-related designations, i.e. it is not recognised as having any specific landscape value in either the LP or eLP.
- 5.95 The Site is located within the South Essex Coastal Towns Landscape Character Area as per the Essex Landscape Character Assessment (2003). This landscape character area was found to have a low sensitivity to development for small urban extensions (under 5 ha), albeit this applied to much larger area in which the Site sits.
- 5.96 The landscape is very much influenced by surrounding development to the north, south, east and west of the Site.
- 5.97 Impacts on the landscape are considered to be very localised and restricted to the Site itself.
- 5.98 Views into the Site are extremely limited, particularly from any publicly accessible points. The Site is substantially screened from Hart Road by existing development, and landscaping along the Site's boundaries further screen it. Development on the Site would be seen in the context of existing, surrounding development.

Access and Highways

- 5.99 The Application is accompanied by a Transport Statement, which considers the Site's accessibility from a vehicular and non-vehicular perspective, and the Proposed Development's impact on the highway network.

- 5.100 The Site is an accessible location with access to sustainable transport modes. The Transport Statement incorporate a review of accessibility of existing facilities from the Site by non-car modes. The existing pedestrian facilities within the vicinity of the Site were found to be of a high quality, and the local road network conducive to cycling. Benfleet Railway Station is accessible from the Site by cycle, car or public transport. The Transport Statement identified 6 bus stops within 400m walking distance of the Site and accessible via existing footways, all of which are equipped with timetabling information and QR codes providing links to live timetabling information. From these bus stops, a range of neighbouring centres can be accessed, including Southend, Chelmsford, Rayleigh and Canvey.
- 5.101 The Transport Statement confirms the suitability, including safety, of the proposed vehicular access into the Site.
- 5.102 The Transport Statement suggests the Proposed Development has the potential to generate 18 and 20 additional two-way vehicle movements during the AM and PM peak periods, respectively. This equates to approximately one additional vehicle every 3 minutes during the peak periods, which would have a near imperceptible impact on traffic levels.
- 5.103 The Transport Statement concluded the Proposed Development would not result in a severe impact on highway capacity or safety, and as such accords with the NPPF in this regard.

Landscaping and Trees

- 5.104 The Proposed Development has sought to ensure retention of important landscape features and trees, where possible, along with their enhancement.
- 5.105 The Application is accompanied by an Arboricultural Impact Assessment (AIA). This considers existing trees on the Site, and the Proposed Development impact on them; as well as setting out recommended tree protection measures.
- 5.106 The AIA confirms the Proposed Development will not result in the loss of any Category A (high quality and value) trees; and just 4 Category B trees (moderate quality and value). The number of trees required to be removed as part of the Proposed Development is

limited, and the majority are Category C (low quality or value) or U (less than 10 years old).

- 5.107 The Proposed Development includes a landscaping scheme, incorporating planting of additional trees and hedgerows.
- 5.108 As set out within the Soft Landscape Plan which accompanies the Application, the Proposed Development includes proposed planting, amenity grass, long meadow grass, flowering lawn, hedgerows and densely planted woodland ('tiny forest').
- 5.109 Having regard to the above, the Proposed Development is considered to accord with the Policy EC22 of the LP.

Ecology

- 5.110 As confirmed through the Ecological Impact Assessment, the majority of the Site comprises poor-quality modified grassland, with some habitats of value around the Site edges.
- 5.111 The majority of the Site is of low ecological value, including land which is currently designated as a Local Wildlife Site. Although areas within the Local Wildlife Site will be developed, these have been assessed as being grassland of low ecological value, with habitats of higher value such as hedgerows are being retained, enhanced and added to
- 5.112 The element of the Site designated as part of the Local Wildlife Site CPT23 is separate and detached from the much larger parcel of land which comprise the majority of CPT23. There is no evidence within the Local Wildlife Sites Review 2019 to justify the Site's inclusion nor indeed any evidence that the Site has been assessed at all. Furthermore, there is no evidence that the site was considered through a previous Local Wildlife Site review undertaken in 2012.
- 5.113 As the Ecological Impact Assessment confirms, the element of the Site designated as a Local Wildlife Site no longer meets the criteria for selection, and if reviewed would likely be deselected.
- 5.114

- 5.115 Nevertheless, there are elements of the Site with ecological potential. Areas of ecological value on the Site are limited to the boundary hedges and ditch towards the southern boundary. Though not species rich or appearing to support any notable species, the ditch at the southern end of the Site has been identified as the most ecologically important part of the Site.
- 5.116 The key ecological opportunity for the Site has been identified as provision of a strip of wildflower grassland and enhanced scrub to buffer the southern ditch. This will also help maintain and enhance connectivity between separated parts of the Local Wildlife Site. In addition, ecological appraisal work recommended maintaining and enhancing existing hedgerows along the Site's boundaries. In particular, the western boundary is in poor conditions and it was recommended it requires 'gapping up' to improve its ecological value.
- 5.117 Recommended ecological enhancements are incorporated into the Proposed Development. A scheme of landscaping and Biodiversity Management Plan accompany the Proposed Development and form part of this Application.
- 5.118 The Proposed Development has been assessed and found that it will achieve biodiversity net gain in Habitat Units of 2.94%; and a net gain in Hedgerow Units of 96.51%.
- 5.119 The Proposed Development will evidently have a positive ecological impact, and is considered to comply with policies EC13 and EC14 of the LP.

Flood Risk and Drainage

- 5.120 The Site is located within Flood Zone 1 – land least at risk of flooding from tidal or fluvial sources.
- 5.121 Whilst the Site lies within Flood Zone 1, a Flood Risk Assessment has been undertaken given its size.
- 5.122 The Flood Risk Assessment considered the Site and Proposed Development in relation to fluvial, tidal, surface water, groundwater and infrastructure failure flooding.
- 5.123 The Flood Risk Assessment undertaken in support of the Application confirms the Proposed Development will not result in any increase in flood risk, either within the Site or beyond.

5.124 The Flood Risk Assessment concluded that the Proposed Development:

- Is suitable in the location proposed (from a flood risk perspective);
- Will be adequately flood resistant and resilient;
- Will not increase flood risk elsewhere as a result of the proposed development through the loss of floodplain storage or impedance of flood flows;
- Will put in place measures to ensure surface water is appropriately managed;

5.125 The Flood Risk Assessment concluded, based on the above, the Application meets the flood risk requirements of the NPPF.

Archaeology and Heritage

5.126 There are no designated heritage assets within the Site, or in proximity to it. The Site is not locate within or in proximity to any Conservation Area.

5.127 The nearest Listed Building is over 600m to the east of the Site, with modern development lying between it and the Proposed Development.

5.128 The Proposed Development is not considered to have the potential to directly impact on any designated heritage assets or their settings.

5.129 The Application is supported by an Archaeological Desk-Based Assessment prepared by Archaeology South-East. This found that the Site is generally considered to have low potential for archaeological remains. An historic boundary of minor significance marking the edge of the roadside waste (now the area of residential development along the roadside) was identified, but is considered of low significance.

5.130 The Archaeological Desk-Based Assessment recommended archaeological trial trenching prior to development of the Site, to better determine the presence or absence of archaeological remains.

Noise

5.131 The potential noise-sensitive receptors relating to the Application include existing residential dwellings adjoining the Site, the adjacent Cedar Hall Primary School, and future occupants of the Proposed Development itself.

- 5.132 The main existing source of noise is the highway network, and vehicular movements along these.
- 5.133 The Proposed Development comprises residential development within an area where there is already existing residential development. It is, in itself, unlikely to give rise to any additional noise being generated itself, and as such is not considered to have potential to have any material impact on any existing receptors.
- 5.134 The changes in sound levels resulting from the Proposed Development include potential additional number of vehicular movements on the highway network and the construction process. As the Transport Statement submitted alongside this application demonstrates, the additional increase in traffic projected to be generated by the Proposed Development is nominal. It certainly cannot be considered of a level likely to generate any significant additional noise.
- 5.135 In terms of potential, temporary short-term noise impacts as a result of construction, it should be noted that the modular homes proposed are constructed off-site. This therefore substantially reduces the disturbance to neighbours when compared to a typical residential development. In addition, a Construction Environmental Management Plan accompanies the Application, and includes measures to be taken to further ensure the control of noise during development.
- 5.136 As such, the Proposed Development is not considered to generate any concerns, directly or indirectly, vis-à-vis the generation of noise and impact on existing receptors.
- 5.137 In terms of noise impacts on future occupiers, the Proposed Development is set back from the main nearby source of noise – Hart Road. Hart Road is subject to a 30mph speed limit and is lined with existing residential development. There is nothing to suggest that further development along Hart Road would be unsuitable due to noise impacts on residents, and, in any case, the Proposed Development is set back from Hart Road and substantially shielded from any noise along Hart Road by existing housing.

Lighting

- 5.138 Street lighting will be provided alongside development of the Site. The nature of such lighting will be dependent on a detailed scheme to following planning permission, to be approved by the Local Planning Authority.

- 5.139 The approach to street lighting will ensure an appropriate balance between providing adequately lighting of areas, whilst minimising light pollution and light spill; and ensuring there is no undue ecological harm.

Energy and Sustainability

- 5.140 As noted earlier within this Statement, the proposed dwellings will to EPC 'A' standards – the most energy efficient homes. Not only does this have obvious environmental benefits, but the additional benefit of lower fuel bills for future occupiers.

- 5.141 There are a range of other measures incorporated into the Proposed Development to enhance its environmental sustainability, including:

- Incorporation of electric and ultra-low emission vehicle charging points to all off-street parking spaces and consideration of additional charging points for other parking areas.
- Use of effective orientation and layout to maximise solar-passive strategies, particularly where PVs are to be incorporated (Size and layout of PVs to be confirmed at detail design stage).
- Use of appropriate glazing and window styles for climate (e.g. low U-value; high solar heat gain coefficient in cold climates and low in warmer climates);
- Integrated energy management controls and information systems within individual units, highlighting energy efficiency.
- Reduction of consumption of water and its waste, through the use of conservation measures such as flow restrictors fitted to all taps, dual flush cisterns and a preference for showers over baths.

- 5.142 Further details are set out in the accompanying Design and Access Statement.

Social and Physical Infrastructure

- 5.143 The Site is proposed to be allocated for development in the eLP, and the impact on infrastructure of its development for housing has been considered by the Council through the plan-making process.

- 5.144 The Council's Infrastructure Delivery Plan 2020 considered the impact of proposed allocation HO20 on various infrastructure, and confirms that impacts can be mitigated.
- 5.145 Contributions are anticipated to be required from the development towards education, healthcare, public transport, sports facilities and highways. The Council's Infrastructure Delivery Plan 2020 estimated that the cost per dwellings of delivering the infrastructure required to support HO20 is £16,894. However, it should be recognised that this was predicated on HO20 delivering 340 dwellings, whereas it is currently proposed to deliver 'around' 412 homes.
- 5.146 It is also relevant to note that the eLP evidence base would have understandably assumed a typical housing mix being provided on developments, i.e. the majority of new homes to be provided as market housing and the impacts of this, including assuming that developments would include accommodation for people anticipated to move into the Borough. However, in the case of the Proposed Development, given the nature of the housing, it is anticipated that the new homes will be taken up by people already living in the Borough. This will of course potentially lessen any impact on local social infrastructure, as the Proposed Development would not be result in people living and utilising infrastructure in the area who would not otherwise have been. Nevertheless, it is recognised that the Proposed Development will have to be accompanied by measures to ensure that it does not result in an undue impact on infrastructure provision.
- 5.147 The Council's pre-application advice provided estimated contributions required to mitigate the impact of the Proposed Development on social and physical infrastructure, and precise contributions required will be determined through the planning application process in consultation with stakeholders. Irrespective of such detailed matters, it is clear that infrastructure impacts can be appropriately mitigated, and impact on infrastructure is not a barrier to the Proposed Development.
- 5.148 The contributions towards infrastructure ensure the Proposed Development complies with Policy CF1 of the Local Plan.

Neighbours' amenity

- 5.149 The Proposed Development comprises residential development, and is therefore fundamentally compatible, in principle, with existing, neighbouring residential uses.

5.150 The Proposed Development has been set at appropriate distances from existing development to avoid potential overlooking or other concerns regarding impact on amenity. The impact of the Proposed Development on existing dwellings, which also benefit from long residential gardens, will be further minimised through the provision of additional landscaping along the northern site boundary.

5.151 Further details regarding how the Proposed Development has been designed to avoid undue impact on neighbours' amenity is set out within the Design and Access Statement.

Conclusion

5.152 The Proposed Development would result in significant benefits, and only limited harm.

5.153 The principle harm of the Proposed Development is that it is, by definition, inappropriate development in the Green Belt. Technical assessment work undertaken has confirmed the lack of harm other than relating to the Green Belt.

5.154 As confirmed through appeal decisions, it is necessary to consider not only harm by definition, but also actual harm to the purposes of the Green Belt. In this respect it is particularly notable that evidence base prepared in respect of the eLP has confirmed that the Site only makes a limited contribution to the purposes of the Green Belt, and its removal from the Green Belt is appropriate. This evidence base has been examined by the eLP Examination Inspector and found to be robust, as evidenced by the Examination Inspector's conclusion that the Site's removal from the Green Belt, as well as its allocation for residential development is sound, is sound (i.e. its removal from the Green Belt to help meet housing needs is *inter alia* justified and consistent with national policy). This point is valid and relevant to the determination of this Application irrespective of whether the eLP were to ultimately be adopted.

5.155 It is also of particular relevance that without the development of some land within the Borough designated as Green Belt in the 1998 LP, only a fraction of the Borough's housing needs could be met. As confirmed through appeal decisions, this is another factor that can contribute to very special circumstances justifying development of the Green Belt to help meet housing needs.

5.156 Whilst the harm resulting from the Proposed Development is limited, the benefits are significant.

- 5.157 The most significant benefits are considered to be the provision of housing to meet an acute housing shortage and help address a substantial shortfall in supply; and, more exceptionally, the delivery of a development in which all dwellings are to be provided as affordable homes. This latter is particularly significant as it not only helps address a specific issue within the Borough (with the proportion of overall housing need comprising affordable homes within Castle Point being exceptionally high), but is also something that is very rare and almost exceptional to this proposal – the Council could normally expect only a proportion of residential development to be provided as affordable housing, if any at all.
- 5.158 Other benefits include the ecological enhancements that the Proposed Development will achieve; the delivery of homes in a highly sustainable location (one which forms a logical extension to the existing settlement, avoids projecting into the open countryside, and will provide homes well-related and accessible to a range of facilities and services); the provision of homes quickly, with limited disturbance to neighbours, and built to a high environmental standard; and the provision of open space, play space and green links on land over which there is currently no public access.
- 5.159 Overall, it is considered that the Proposed Development represents a clear case of very special circumstances that justifies the approval of this Application.

6.0 Overview and Conclusion

- 6.1 The Proposed Development comprises provision of 46 affordable homes within an area in which there is acute shortage of such accommodation, limited opportunities to address this need, and on a Site which the Council's evidence base produced as part of its plan-making process has confirmed is suitable for housing.
- 6.2 The Proposed Development has been carefully formulated having regard to the constraints and opportunities presented by the Site, and in respond to feedback from the Council and other stakeholders received at the pre-application stage.
- 6.3 In considering the planning balance, the sole principle harm of the Proposed Development is that it is, by definition, inappropriate development in the Green Belt. The lack of other harm is confirmed by technical assessment work that supports the Application.
- 6.4 Whilst weight must be afforded to the harm, by definition, to the Green Belt, it must also be considered in the context of the actual harm to the purposes of the Green Belt. In the case of the Proposed Development, such actual harm is clearly limited.
- 6.5 In contrast to the limited harm, there are an array of benefits of the Proposed Development. The most significant are considered to be the provision of housing to meet an acute housing shortage and help address a substantial shortfall in supply; and, more exceptionally, the delivery of a development in which all dwellings are to be provided as affordable homes. The Proposed Development would result in a far greater number of affordable homes being provided on the Site than either the emerging or the existing Development Plan requires, and represents a substantial benefit of the proposals.
- 6.6 The Site is clearly a sustainable location for residential development, as confirmed through the eLP evidence base; and represents a logical extension to the existing settlement without encroaching into open countryside and within an area from which an array of services and facilities are readily accessible.
- 6.7 Other benefits of the Application include ecological enhancements; the creation of new accessible open space, place space and green links in a site over which there is currently no public access; and the delivery of a high quality development quickly, with limited disturbance to neighbours, and to a high environmental standard.

- 6.8 Recent appeal decisions confirm that the circumstances of this Application very much constitute very special circumstances for allowing development in the Green Belt. Indeed, it is considered that the provision of 100% affordable homes through this development and the confirmation that the Site forms part of a sound allocation for residential development through the eLP Examination mean that there is a much stronger case for very special circumstance in respect of this Application than in some that have been allowed on appeal.
- 6.9 It is considered that the Application clearly demonstrates that the Proposed Development would result in benefits which would significant outweigh any harm.
- 6.10 Having regard to all of the above, is respectfully requested that Castle Point Borough Council approve the Application.