

## OFFICERS REPORT: DELEGATED APPLICATIONS

REFERENCE: CPT/336/06/OUT

**Case Officer:** R Davis

**Date of Expiry of Application:** 25<sup>th</sup> August 2006

**Site Address:** Unit 30 & Land Rear of Brunel Road Manor Trading Estate

**Applicant's Name:** GKP Ground Works LTD

**Site Description:** This application relates to an irregular shaped located on the eastern side of Brunel Road approximately 70m north of its junction with Cartwright Road. It has a width of approximately 124m and a maximum depth of some 200m. The site is physically divided in two by a galvanised steel palisade fence running across it in a southwest/northeasterly direction. The northwestern part of the site lies within the Manor Trading Estate and is allocated for employment purposes. This part of the site is occupied by four main companies housed in a relatively low-rise pitched roof industrial unit surrounded by open storage and car parking areas.

The southeastern side of the site lies within the Green Belt and is undeveloped grassland. This is flanked to the east by woodland and by commercial uses to the south and is enclosed by high fencing.

The plans show that the total area of the application site is 2.3ha of which 1.62ha lies within the employment Area while some 0.68ha is allocated as Green Belt.

**Description of Proposed Development:** The application seeks acceptance in principle for the redevelopment of the site for employment purposes in two phases, and would incorporate the southeastern wedge of land that currently lies within the Green Belt. Phase 1 would include improvements to access roads and provide parking and a new building(s) for the existing tenants. This would then enable the existing building at the western side of the site to be refurbished in a second phased development of the site.

The indicative plans show two options for the new construction. Option 1 proposes the creation of a new two storey building of some 6900sq m of floor space laid out in a similar fashion and parallel to the existing one, while option two proposes the introduction of two smaller buildings with a combined floor space of 3000sq m laid out perpendicular to the existing structure.

The proposed refurbishment of the existing building in phase 2 would subdivide the structure into 8 separate smaller units.

The applicant proposes to offer the public access to a significant area of adjoining land under their ownership that would link the residential areas to the south of church Road to the public open space to the east of Woodside Cemetery.

**Relevant History:** The site was previously identified in the Consultation draft of the Local Plan as part of a much larger parcel of land for employment purposes. This was deleted in the deposit Local Plan and part of the site was designated as Green Belt.

**Local Plan Allocation:** The site is allocated partly for employment purposes and partly for Green Belt purposes. Part of the site is also recognised in the Castle Point Borough Habitat Survey and Wildlife Review prepared by EECOS in 2002 as forming part of a mosaic of semi-natural habitats that are likely to contribute significantly to the overall biodiversity of the Borough.

**Relevant Policies:** ED3, ED6, GB1, EC13, County Parking Standards

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### **Consultation Responses:**

Highway Authority – No Objection but recommends that the applicant enters into a Section 106 agreement with Essex County Council in relation to the implementation of a staff Travel Plan

EDF Energy – No objection

Legal Services – No objection

English Nature – Advises that the proposal is unlikely to adversely affect a site of Special Scientific Interest. However, the ecology report identified a number of protected species that may be present on, or in the vicinity of, the application site. Of particular note are Great Crested Newts, Badgers, native reptiles, and nesting birds. The grass land areas were also considered to be of value with respect to invertebrates. EN supports the report that further surveys should be undertaken at appropriate times of the year to more precisely assess their status on the site. Scrub clearance should be undertaken outside of the bird nesting season preceded by an inspection for active nests. Any future management of the wider grassland area should take account of the biodiversity value of the area and the suggestions provided in section 3.6 of the EECOS survey report.

Essex Wildlife Trust – Makes a holding objection. Despite the recommendations in the preliminary site assessment basic surveys for protected species have not been conducted.

Neighbours – Letters have been received from the following addresses in support of the application:

- 1 Winfields Pitsea Essex
- 36 Wood Common Hatfield Herts
- Manor Road: 227
- One unaddressed email
- Clifton Avenue: 130

Which make the following comments and observations:

- Will look better than anything else on the estate
- Wouldn't describe the land as a wildlife sanctuary
- Small factory units have been replaced by houses in last 24 years
- Opportunities to improve local work opportunities should be looked at very carefully
- Will provide many jobs
- Council should promote Manor Trading Estate

**Comments on Consultation Responses:** These comments are considered in the evaluation of the proposal.

**Evaluation of Proposal:** The application is in outline form only and seeks acceptance in principle for the redevelopment of an area of existing employment land and the release of an area of Green Belt land adjoining the site for employment purposes.

Policy ED3 is concerned with the protection of employment areas. It states that within the Manor Trading Estate applications for development falling within Classes B1 B2 or B8 of the Town and Country Planning (Use Classes) Order will be permitted, subject to compliance with any other relevant policy of the local Plan.

The refurbishment and subdivision of the existing building lies within an area for employment purposes as delineated in the Council's Adopted local Plan. Provided its future use would fall within the use classes referred to above there can be no objection in principle to its redevelopment.

Policy ED6 requires the provision of on-site vehicle parking and servicing in all employment proposals in accordance with the adopted vehicle parking standards of the Council.

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The plans (option 2) show that some 110 parking spaces would be provided. While detailed floor plans and proposed use of the buildings have not provided at this stage, some 3800sq m of existing floor space and 300sq m of proposed floor space are indicated as being provided on the application forms. It is anticipated that a mixture of warehouse, general industrial and office uses would follow. Given this arrangement a parking provision of a maximum of 136 parking spaces would need to be provided. The indicative plans show that some the provision of some 110 spaces, which is a shortfall of some 16 parking spaces from the maximum required. This is not considered to be significant given the possibility that actual requirement may be less and the Highway Authority has recommended that a Travel Plan be drawn up.

No objection is raised to the proposal under Policy ED6.

Policy GB1 states that within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change in use of land for purposes other than those identified in Government guidance. Any development which is permitted shall be of a scale, design and siting that the appearance of the Green Belt is not impaired.

The proposed use of the land and buildings that fall within the southeastern part of the site clearly do not fall within any of the accepted uses that are permissible within the Green Belt. Prima facie, therefore, the proposal should attract a recommendation of refusal.

However, the Planning Authority has a duty to determine whether any very special circumstances exist, which might justify a departure from normal Green Belt provisions. It is the practice of this Authority to define a very special circumstance as something which is unique or individual to the specific site or at the very least is incapable of frequent repetition.

The applicant has submitted a very comprehensive statement with the application setting out the reasons why he feels there are exceptional circumstances to justify the inclusion of this land within Manor Trading Estate and the provision of a new building(s) on this site.

Several of these circumstances refer to the benefits that would be accrued in terms of maximising the potential of the employment land in the Borough and the site's sustainable and accessible location.

It should be noted however that there is an area of land allocated for employment purposes to the south of Northwick Road on Canvey Island that will be available for use in the near future. While this site may have been reduced in size due to part of it being of national importance for its biodiversity, the remaining area of land will make a significant contribution to the employment needs of the Borough. This site also is well served by the Borough's road infrastructure. It is easily accessible by both residents living on Canvey and those living in Benfleet. No case has been made by the applicant that there is a strong need for additional employment land over and above the existing allocation within the Borough. There has recently been a number of planning applications for the redevelopment of sites within Manor Trading Estate and the lack of currently available units as an indicator of a need for employment provision on the Estate cannot therefore be given very much weight.

The applicant also states in the planning appraisal conclusion that the development is not considered to constitute an inappropriate or undesirable overspill into the Green Belt and that the orientation of the buildings is such that their impact on the Green Belt character of their setting would be reduced.

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This tacitly implies that the proposal would at least have some impact on the openness and character of the Green Belt. Following the Local Plan Inquiry the report of the Inspector recognised that development of this land for employment purposes would have an impact on the character and appearance of the Green Belt by concluding that there was no difficulty in (currently) separating the open land on this site from the developed trading estate to the west. Moreover, the land together with the land to the east was considered to form part of a continuous stretch of open land separating the settlements of Thundersley and new Thundersley and was therefore effective as Green Belt because of its freedom from development.

The Inspector considered that the maintenance of this 'fragile' sector of Green Belt was so important in maintaining the separation of the built-up urban areas that it should be confirmed as Green Belt and should not be set aside for employment purposes. The current proposal would be completely contrary to this adopted recommendation.

The applicant also states that the scheme would prolong the operation of four businesses and accommodate their expansion, securing the jobs of 100 locally employed staff and provide additional local employment opportunities. Whilst the need to retain local jobs is recognised, it is not considered that such provision needs to be made at the expense of the Green Belt and the strategy and environmental it functions it performs. It has already been pointed out above that there is employment land available elsewhere within the Borough. Every business that requires its site to be redeveloped is in a similar position to that of the applicant and this reason in itself is not therefore an individual or unique circumstance sufficient to justify overriding national Green Belt policy.

The applicant states that proposal would ensure the creation of a more clearly defined boundary edge and contribute to fulfilling local, regional and national aims of sustainable development.

The Green Belt line that cuts across the applicant's site is bound by a palisade fence. This is considered to constitute a clearly definable boundary, which the Local Plan Inspector recognised at the time of writing his report. It is not considered that there has been any material change in circumstances since.

In the opinion of the Planning Authority, the applicant has provided no evidence of very special circumstances to demonstrate why this form of development should exceptionally be allowed, and as such the proposal remains contrary to Policy GB1.

In addition to the suggested special circumstances the applicant proposes that a scheme of mitigation be adopted to mitigate the ecology issues and that an area of private land be given public access to provide a link between Church Road and the public open space to the north of the site.

Policy EC13 is concerned with the protection of wildlife and their habitats. It states that the Council will refuse development that is prejudicial to the interests of all wildlife and the retention and management of important habitats.

While the Local Plan Inspector considered that the wildlife conservation at this site was not a paramount consideration in determining whether it should be retained within the Green Belt, he concluded that by keeping the land open it would nevertheless allow its role as a significant habitat for rare plants and as a stepping stone for animals and birds to continue undisturbed.

It is acknowledged that a site management regime to reinvigorate the ecological qualities of the adjoining land, which is also owned by the applicant, has been proposed. However, no

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indication or undertaking has been given as to how or by whom such a management plan is to be funded or maintained in the future. It should also be noted that Essex Wildlife Trust has raised a holding objection to the proposal.

This is based on the fact that although the site is no longer designated as ~~NAS~~ wildlife site, it still has intrinsic nature conservation value in the local context, and despite the recommendations in the preliminary site assessment, basic surveys for protected species have not been conducted.

The Castle Point Habitat Survey and Wildlife Review undertaken in December 2002 clearly identified the application site as forming part of a large complex of horse paddocks, rough grassland, scrub, old hedgerows, small woodlands and rough tracks which collectively represent a very important wildlife resource. Whilst individually any one compartment would not qualify as a Wildlife site, collectively the effect is synergistic, creating a mosaic of semi-natural habitats that are likely to contribute significantly to the overall biodiversity of the borough.

The Council has clearly stated in the preceding text to this policy that it will take account of representations made by appropriate wildlife and conservation bodies.

Given the information contained in the Castle Point Habitat Survey and Wildlife Review and the recommendations made by Essex Wildlife Trust and English Nature that further surveys should be undertaken at appropriate times of the year, it is not considered possible at this stage to fully access the likely impact of the proposal on the wildlife interests of this important site. The proposal is therefore considered to be contrary to Policy EC13 of the Council's Adopted local plan.

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

### **Recommendation: Refusal**

1. The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan, where development of this nature is allowed only in the most exceptional circumstances. The proposal would result in an inappropriate form of development in the Green Belt, and if allowed would be likely to have an adverse impact on the character, visual appearance and strategic function of the Green Belt. The applicant has failed to demonstrate any special circumstances why the proposal might exceptionally be allowed and the proposal is therefore contrary to Policy C2 of the Essex and Southend Replacement Structure Plan and Policy GB1 of the Council's Adopted Local Plan.
2. Insufficient information has been provided in respect of surveys for protected species in order to fully assess the impact of the proposal on the ecology of the site and surrounding area. It is therefore considered that the proposal could be prejudicial to the interests of wildlife and habitat contrary to Policy EC13 of the Council's Adopted Local Plan.

*KS/aw  
27.08.06*

