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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 6th December 2016 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Taylor, Varker, Mrs Wass and Wood.

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Steve Rogers – Head of Regeneration and Neighbourhoods
Fiona Wilson – Head of Legal Services
Rob Davis – Planning Development and Enforcement Manager

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 1st November 2016 is attached.

4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

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DEVELOPMENT CONTROL COMMITTEE

1st NOVEMBER 2016

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Mrs Wass, Wood and Canvey Island Town Councillor Greig.

Councillors also attended Howard, Ladzrie and Riley.

Apologies for absence were received from Councillors Varker and N. Watson.

16. MEMBERS' INTERESTS

Councillor King declared a Disclosable Pecuniary Interest in Agenda Item No. 4(c) and left the Chamber during its consideration.

Councillor Howard declared a Disclosable Pecuniary Interest in Agenda Item No. 4(c) and left the Chamber during its consideration.

17. MINUTES

The Minutes of the meeting held on 4th October 2016 were taken as read and signed as correct.

(Members made reference to the Minutes of Council meetings generally and whether they should be agreed subject to the webcast; however this was not a matter for consideration by the Committee and it was suggested it was dealt with outside the meeting.)

18. DEPOSITED PLANS

- (a) **16/0512/FUL – CONCORD RANGERS FOOTBALL CLUB, THAMES ROAD, CANVEY ISLAND, ESSEX, SS8 OHP (CANVEY ISLAND WEST WARD) – THE INSTALLATION OF A 17.5M MONOPOLE WITH 6 ANTENNAS, 2 MICROWAVE DISHES AND 3 EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT – TELEFONICA UK LIMITED**

The application sought permission to erect a telecommunications base station on part of the land occupied by the Concord Rangers Football Club. A previous report prepared for the Committee meeting in September had been withdrawn prior to the meeting so that officers could seek clarification on the applicant's use of the lattice mast at the Canvey Island Gas Terminal. In light of on-going negotiations for the use of the mast between Vodafone and Telefonica the need for a new mast

had not been justified and it was therefore recommended that the proposal be refused.

The application was presented to the Committee because the site was within the control or ownership of the Borough Council.

During discussion Members expressed their concern that approval of the mast would result in proliferation of telecommunication masts in the area. Following discussion it was:-

Resolved – That the application be refused for the following reason:

The applicant has failed to demonstrate that the existing telecommunications mast used for its network delivery is unavailable for continued use and should be discounted. If approved, the provision of a new mast would therefore result in the unnecessary proliferation of telecommunication masts contrary to Policy CF16 of the Council's Adopted Local Plan and government guidance as contained in the National Planning Policy Framework.

(b). 16/0651/FUL – 241 THUNDERSLEY PARK ROAD, BENFLEET, ESSEX, SS7 1AJ (BOYCE WARD) – REAR DORMER AND ALTERATIONS TO FENESTRATION – MR JOHN HARRINGTON

The proposal was for the formation of a rear dormer and minor alterations to fenestration on the front and rear elevations. It was an improvement in design terms on the previously approved scheme and would not have any detrimental impact on the openness of the Green Belt. Whilst it would be contrary to Green Belt policy in the Council's Adopted Local Plan it was considered that the proposal was acceptable under Green Belt Policy GB4 in the emerging New Local Plan. The proposal was therefore recommended for approval.

The application was presented to Committee in order for Members to consider the potential harm of the development in respect of Green Belt Policy and the emerging New Local Plan.

During discussion Members generally concurred with the Planning Officer's recommendation that the application be approved as it was considered that the proposed extension was reasonable and would not cause any material harm to the surrounding area. Following discussion it was:-

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

(c). 15/0293/RES – LAND OPPOSITE MORRISONS, NORTHWICK ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – USE OF LAND FOR CLASS B1, B2 AND B8 PURPOSES, HOTEL AND MOTOR DEALERSHIP WITH ACCESS ROAD, CAR PARKING SERVICING AREAS AND

LANDSCAPING (SUBMISSION OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION CPT/678/97/OUT/REN GRANTED 20TH APRIL 2005)

(Councillors King and Howard left the Chamber whilst the Committee considered this item).

The proposed development was consistent with the provisions of the Adopted Local Plan and New Local Plan and secured employment opportunities in an area where there was a known demand for well serviced, modern employment units and where development of the site for such purposes had been long anticipated.

The scheme submitted was not entirely consistent with the provisions of the original Design Brief; however, it was acknowledged that the Brief had been prepared some time ago and the circumstances surrounding the site had moved on. It was not considered that where the scheme diverged from the provisions of the original Design Brief, the harm caused by such divergence was so significant as to justify the refusal of planning consent.

Significant effort had been made to ensure that the proposed development had minimal impact on the biodiversity of the site and measures to secure biodiversity enhancement within the site were significant and robust. The proposed access, appearance, layout, landscaping and scale were, subject to appropriate conditions, considered satisfactory.

The Planning Officer reported that the proposal was therefore recommended for approval subject to the applicant entering into a S106 agreement to secure the appropriate long term management of the landscaped areas and appropriate conditions.

Mr Wickham, the agent for the applicant, spoke in support of the application.

During debate some Members expressed their support for the application. It was considered to be a very good scheme that would provide employment opportunities in the area for local people and would have minimal impact on the biodiversity of the site. Furthermore the provision of a hotel was welcomed as it would bring more visitors into the area and nearby hotels were often at capacity.

Other Members felt that the hotel was of a poor design and was not in keeping with the surrounding area. Concern was expressed that the development could have a detrimental impact both on the wildlife on the site and the Canvey Wick Site of Special Scientific Interest which was adjacent to the site. A Member suggested that Councillor Blackwell be included in any discussions with the applicant regarding the development due to his extensive knowledge of wildlife.

During discussion a Member raised concern regarding the lack of response and the lack of detailed comments from a number of statutory consultees.

In response to questions from the Committee the Planning Officer explained that the long term management of the site, including maintenance landscaped areas

and trees, hours of works etc. would be part of a Long Term Management Plan. A request for an electric car charging point at the site would be passed onto the applicant. Appropriate parking provision for the new buildings would be arranged on the application site, in accordance with the Council's maximum car parking standards; in the unlikely event of any overspill parking occurring, this could be accommodated in either Northwick Road or nearby retail parks. It was not considered that this would have any adverse impact on the surrounding area including Northwick Road.

Following debate it was:-

Resolved – That subject to the completion of a satisfactory Section 106 Agreement covering the long term management of the landscaped areas, the Head of Regeneration and Neighbourhoods be authorised to grant permission, in consultation with the Chairman, Vice Chairman and Councillor Blackwell and subject to the conditions as set out in the Planning Officer's report.

(Councillors Anderson and Blackwell requested that their vote be recorded against the decision.)

- (d) **16/0419/FUL – ROSCOMMON WAY, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – CONSTRUCT 4 NON RETAIL AND ONE FOOD RETAIL UNITS (CLASS A1) AND 1 NO. DRIVE THROUGH UNIT (CLASS A3) INCLUDING PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS – NEW RIVER RETAIL (RAMSEY DEVELOPMENTS) LTD**

The proposal sought to provide 8,086.5m² of retail floorspace on land to the south of the Morrison's Store on Northwick Road. No suitable sites for development of this type and scale were currently available within the Town Centre, or on the edge of the Town Centre and under the circumstances the proposed site, which was allocated for shopping purposes in the Adopted and New Local Plans and already benefited from consent for 5,378m² of retail floorspace, was considered an acceptable location. Analysis of the impact of the proposed development identified that it would not result in a significant adverse impact on the vitality and viability of the Town Centre.

The site was located in close proximity to the Canvey Wick Site of Special Scientific Interest (SSSI) and had previously been identified as having some ecological value. Following the implementation of the extant consent for retail development on this land, however, the site had been stripped under ecologic supervision and species of ecological value had been translocated to the compensation suite located to the east of the Morrison's store, which was provided in mitigation of the wider scheme of which the current application formed part. The current proposal had no adverse impact on ecology.

Natural England, the Environment Agency, the Lead Local Flood Authority and the Highway Authority had raised no objection to the proposed development subject to conditions, whilst the Education Authority had requested a contribution towards

the provision of Early Years and Childcare (EYC) provision, all of which could be accommodated, within reason, within the grant of any consent. The application was therefore recommended for approval.

Councillor Howard, a Ward Member, spoke in support of the application.

During discussion Members expressed their support for the application. It was considered that the proposed retail and food stores would be popular with residents of Canvey Island and would be a boost to the local economy as it would deter people from travelling off the island to visit stores in other areas. The development was in keeping with the surrounding industrial estate and would create employment opportunities for local people.

A Member raised concern regarding the landscaping of the area and felt that this could be improved.

Following discussion it was:-

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

Chairman

ITEM 1

Application Number:	15/0709/FUL
Address:	Solby Wood Farm Daws Heath Road Benfleet Essex SS7 2UD (Victoria Ward)
Description of Development:	Demolition of existing buildings and structures, removal of caravans and the creation of a new residential redevelopment comprising 46 No. dwellings together with associated external works including parking, servicing, landscaping, open space, utilities and drainage, including the construction of surface water attenuation facilities
Applicant:	Argent Developers Limited
Case Officer:	Ms Kim Fisher
Expiry Date:	09.12.2016

Summary

The proposal represents the residential development of a previously developed site in the Green Belt, on land which has been identified in the New Local Plan as suitable for release for residential purposes. Development of the site for residential purposes, whilst inconsistent with the Adopted Local Plan is considered to be consistent with the provisions of the New Local Plan and Government guidance.

The proposed development is appropriate in scale and character and meets or substantially satisfies all relevant policy and guidance provisions.

The proposal has raised no objections from the various statutory consultees.

The proposal would have no significant adverse impacts on adjoining residents and offers significant potential for landscape and ecological improvement and contributions towards affordable housing and library services and the provision of children's play space, all of which are considered capable of achievement through a S106 Agreement which can be attached to the grant of any consent.

My recommendation is that the Secretary of State for Communities & Local Government be advised that the Council is minded to approve this application and that subject to no adverse direction being received and subject to the completion of a satisfactory S106 Agreement covering:

- (i) The provision of affordable housing
- (ii) The long term management of the landscaped areas, including the area around the attenuation basin
- (iii) The provision of children's play equipment and
- (iv) The provision of a contribution towards the provision of any new library in Hadleigh

the Head of Regeneration and Neighbourhoods be authorised to grant permission, subject to conditions.

Procedural Matters

The Secretary of State for Communities and Local Government, in exercise of powers conferred by articles within the Town and Country Planning (General Development Procedure) Order 1995 has directed that where a local planning authority does not propose to refuse an application for planning permission which is for development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, and which consists of or includes-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt,

the authority shall consult the Secretary of State.

Should Members therefore be minded to approve the proposal, after consideration of all relevant matters, it will be necessary for the matter to then be forwarded to the Secretary of State for further consideration.

Where a local planning authority is required to consult the Secretary of State, it may not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State has received all relevant documentation.

The Secretary of State may issue a direction requiring the Authority to determine an application in a particular way. However before determining the application, the Secretary of State shall, if either the applicant or the local planning authority wish, give each an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

If, before the expiry of the 21 day period however, the Secretary of State has notified the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the authority may proceed to determine the application.

The Application

The Site and its Surroundings

The application site extends to some 3.4ha of land on the west side of Daws Heath Road, and currently operates for equestrian purposes and caravan storage. The site is predominantly hard-surfaced with several outbuilding associated with the uses present on the site. Part of the application site is used for grazing. Access into the site is currently via the existing private driveway to the Solby Wood Farm House.

The site exhibits a dominant downward slope to the south with cross falls to the east. The land to the south of the site continues to slope southwards but with a more dominant cross fall to the east. Site levels range from approximately 70m in the north to approximately 61m in the south-east. The topography of the site has implications for both surface water drainage and impact of the proposed development on the landscape.

To the north and east the site is bounded by residential development fronting Daws Heath and Wyburn Roads while to the south the site is immediately abutted by Solby Wood Farm House and the associated grazing land.

To the west the site abuts a paddock beyond which is the eastern edge of West Wood.

Due to past activities on the site there is a risk of contamination that would require remediation should consent be granted.

The Proposal

Permission is sought for the erection of 46 new homes, comprising 5 three bedroomed dwellings, 31 four bedroomed dwellings and 10 five/six bedroomed dwellings, with associated garaging, parking and open space provision. The proposal also includes the provision of a new access from Daws Heath Road and an area of public open space, equivalent to 10% of the developed area, for recreational purposes.

The proposal also includes the provision of a significant area of land for surface water flood attenuation.

Supplementary Documentation

The application is accompanied by:

- Planning Statement
- Topographical Survey
- Flood Risk Assessment
- Micro-drainage Report
- Ecological Walkover Survey
- Extended Phase 1 Habitat Survey
- Badger Monitoring Report
- Reptile Presence/Likely Absence Survey
- Tree Constraints Plan
- Tree Survey Schedule
- Transport Assessment
- Utilities Statement

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

Site Visit

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

Planning History

There is no formal planning history which is of relevance to this proposal. The site has however been the subject a series of pre-application discussions, all of which have been attended by relevant Members.

As originally submitted in December 2015, the application sought consent for the provision of 67 new dwellings together with associated external works including parking, servicing, landscaping, open space, utilities and drainage, including the construction of surface water attenuation facilities. The scheme included the provision of flats and terraced properties and was considered to represent overdevelopment of the site, inconsistent with the character of the area.

Following feedback the applicants determined to revise the application and entered into a series of post submission discussions which have culminated in the submission of a significantly revised proposal, the subject of current consideration.

Relevant Government Guidance and Local Plan Policies

The site is allocated for Green Belt purposes on the 1998 Local Plan Proposals Map.

This allocation is not maintained in the New Local Plan (2016). Policy H9 of the New Local Plan identifies the application site and land to the east as suitable for release for residential purposes. This Plan is however not yet adopted and whilst it may be construed as an indication of the direction of travel for the Local Authority, it can carry some limited weight in the determination of this application.

The following policies and guidance are of relevance:

National Planning Policy Framework

Paragraphs 6, 7-10, 11, 12, 14, 47, 49, 56-58, 79-81, 83, 84, 87, 88, 89, 94, 99-103, 109, 118, 120, 186-187, 196, 197 and 203 - 206

Local Plan

EC2	Design
EC3	Residential Amenity
EC9	Development Affecting Commercial Farmland
EC10	Protection of High Quality Agricultural Land
EC16	Protection of Landscape
EC19	Ancient Landscapes
EC13	Protection of Wildlife and their Habitats
EC22	Retention of Trees, Woodland and Hedgerows
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
T2	Intensification of Access Use
T4	Large Scale Development
T8	Car Parking Standards
CF1	Social and Physical Infrastructure and New Developments
CF13	Phasing of Development
CF14	Surface Water Disposal
RE4	Provision of Children's Playspace and Parks

Residential Design Guidance

RDG1	Plot Size
RDG2	Space Around Dwellings
RDG3	Building Lines

RDG4 – Corner Plots
RDG5 – Privacy & Living Conditions
RDG6 – Amenity Space
RDG7 – Roof Development
RDG8 – Detailing
RDG9 – Energy & Water Efficiency & Renewable Energy
RDG10 – Enclosure & Boundary Treatment
RDG11 – Landscaping
RDG12 – Parking & Access
RDG13 – Refuse & Recycling Storage
RDG16 – Liveable Homes

New Local Plan 2016 Policies:

T6 Congestion
T7 Safe and Sustainable Access
T8 Parking Provision
H9 New Housing Site – Land south of Daws Heath Road.
H13 Size and Type of Homes
H14 Securing more Affordable Housing
DES1 General Design Principles
DES3 Landscaping
HC3 Opportunities for Outdoor Recreation
GB1 Green Belt Strategy
GB2 Green Belt Extent
GB3 New Development in the Green Belt
GB8 Positive Uses in the Green Belt
CC1 Responding to Climate Change
CC6 Non-Tidal Flood Risk Management
CC7 Sustainable Buildings (New Builds)
NE7 Ensuring Capacity at Water Recycling Centres
NE8 Determining Applications affecting Ecologically Sensitive and Designated Sites
NE9 Protecting and Enhancing the Landscape and Landscape Features
NE10 Pollution Control and Residential Amenity
HE1 Conserving and Enhancing the Historic Environment

Essex Planning Officers Association Vehicle Parking Standards September 2009 (Adopted June 2010)

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Additional Information

Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report (October 2013)

Thames Gateway South Essex Strategic Housing Market Assessment (May 2016)
Strategic Housing Land Availability Assessment Update (November 2015)

South Essex Surface Water Management Plan (2012)

Castle Point Draft New Local Plan (Submission 2016)

Castle Point Borough Local Wildlife Sites Review (November 2012)

Open Space Appraisal Update (September 2014)

Planning Minister Statement 25th March 2015

Technical housing standards – Nationally Described Space Standard (March 2015)

DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

Consultation

The proposal has significantly changed during the processing period and as a consequence multiple responses have been received from some of the statutory consultees. In order to maintain the clarity of this report, details of those exchanges are contained in Appendix 1 to this report. The following paragraphs only identify the final comments of the various consultees on the proposal currently before Members for consideration.

County Highways

No objection, subject to conditions.

County Education

No objection.

Lead Local Flood Authority

No objection subject to conditions.

Natural England

No objection, subject to conditions.

Anglian Water

The surface water strategy/flood risk assessment is unacceptable as the proposed rate of 4.55l/s is below minimum required rate to meet adoptable standards. Minimum acceptable rate is 5l/s.

National Health Estates

No objection.

Street Scene and Recycling

No objection subject to conditions.

Environmental Health Officer

No objection subject to conditions.

Public Consultation

The proposed development has undergone significant transformation during the processing period and has undergone two stages of public consultation.

The early public consultation exercise concerned the provision of 67 dwellings on the site including flats. Objections from 90 addresses were received in respect of this proposal.

The scheme currently under consideration is substantially different and the responses to the first consultation exercise are therefore considered to be of limited weight in the consideration of the current scheme.

22 responses were received in respect of the current proposal, making the following points:

- Site is a strategic Green Belt site and development is inappropriate.
- No very special circumstances have been identified.
- Site is home to wildlife. Badger sett on site and a large colony of Swallows.
- Consider ecology report inadequate.
- Inadequate infrastructure to sustain development.
- More traffic and strain on road network which cannot cope. Woodman's Roundabout is particularly stressed.
- More traffic means more air pollution and risk to pedestrians.
- Proposed access junction too close to Western Road/Daws Heath Road junction.
- Proposed access is dangerous.
- Conifer hedge to be removed.
- Oaks along Wyburn Road must be retained.
- Area prone to flooding.
- Out of character with area/ poor design of dwellings.
- No provision for affordable housing.
- Development would dominate adjoining development.
- Loss of privacy.
- Lights should be low height and impact to avoid disturbing adjoining residents.
- Mechanisms should be installed to prevent unauthorised use of the proposed open space.
- Proposal will result in the loss of a riding establishment.
- Contribution should be made to the improvement of the John Burroughs facility.
- Bridleway from Daws Heath Road to West Wood should be widened with upgraded surface for all year use.
- Bus service unreliable.
- Brownfield sites should be developed instead.

Comments on Consultation Responses

All relevant comments will be addressed in the evaluation of the proposal.

Evaluation of the Proposal

The main issues to be considered are:

- (i) The principle of the development, including consideration of inappropriate development and prematurity
- (ii) Protection of agricultural land
- (iii) Density of housing
- (iv) Mix of housing
- (v) Design and layout
- (vi) Car parking
- (vii) The provision of affordable housing
- (viii) Landscaping

- (ix) Impact on ecology
- (x) Flood risk
- (xi) Provision of open space and children's play space
- (xii) Impact on infrastructure

(i) The Principle of Development

To the extent that Development Plan policies are material to an application for planning permission the decision on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework (NPPF) stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at NPPF. Where the development plan is absent, silent or the relevant policies are out of date, the NPPF requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

Footnote 9 to the NPPF however identifies that land allocated for Green Belt purposes is an example where development should be restricted. The footnote does not however state that development in such areas is prohibited.

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

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

Within the New Local Plan (2016) which is currently before the Inspector for consideration. Policy H9 identifies the site as part of a larger area of land, as suitable for release from the Green Belt, for residential purposes.

Does the proposal represent inappropriate development?

Para 89 of the NPPF states that the construction of new buildings within the Green Belt generally represents inappropriate development; however there are some exceptions to this general principle and the paragraph goes on to state that the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it may not be considered inappropriate.

The application site contains a number of substantial structures which are associated with the equestrian use of the site.

In addition a proportion of the site is hardsurfaced and used for the storage of caravans.

The site may therefore be classified as a brown field site.

Whilst it may be argued that the use of the site for caravan storage represents a relatively low rise and transient use, with caravans moving on, off and around the site, it is evident that the presence of the caravans does prevent the land from performing a strong Green Belt function, a perception which is emphasised by the relationship the caravan storage area shares with the adjoining equestrian buildings.

It is recognised that the introduction of two storey dwellings into an area previously occupied by single storey caravans will have a greater impact on the visual amenity of the adjoining residents and the appearance of the area; however, it is not considered that this impact translates into an impact on the openness of the Green Belt at this location. The site is already cluttered with structures and that clutter will simply be replaced by an alternative form of development.

As such it may be determined that the impact of the proposal on the Green Belt is no greater than currently experienced. Under these circumstances the proposed development would not be considered inappropriate development and as consequence would, in principle, be acceptable in the Green Belt.

If one were to consider that the proposed development did however have a greater impact on the openness of the Green Belt and was therefore inappropriate, consideration would then need to be given to the presence of very special circumstances that might justify such inappropriate development.

The applicant has not identified any very special circumstances which might be used to justify release of the land from the Green Belt for development purposes; however, as stated above, the application site has been identified by the Council as an area of land which may be released from the Green Belt for residential purposes. This has been formalised in the 2016 Local Plan which has been submitted for examination. Whilst not yet adopted, it is considered that the 2016 Local Plan represents the direction of travel for the Council in terms of the identification of land for development purposes and should accorded some limited weight in the consideration of this application.

The status of the land within the New Local Plan context, together with the previously developed nature of the site, is considered to be a robust very special circumstance which would justify a departure from the current development plan.

Prematurity

The New Local Plan has yet to undergo an Examination in Public and it may therefore be argued that release of the site from its Green Belt allocation at this time is premature; however arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances, where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.

As Members will be aware, the Council approved a New Local Plan for consultation purposes on the 23rd March 2016. In preparing the Plan, and in particular when identifying sites for potential release from the Green Belt, detailed consideration was given to the suitability and availability of all relevant sites. The current application site was identified as one which could be released from the Green Belt, to meet identified housing needs, without significant detriment of the functions of the wider Green Belt. Under the circumstances it is not considered that the argument that early

release of the site, prior to formal examination and adoption of the Local Plan would result in adverse impacts which would significantly and demonstrably outweigh the benefits of such release, could be sustained on appeal.

No objection is raised the principle of the release of the application site from the Green Belt for residential purposes.

(ii) Protection of Agricultural Land

The NPPF seeks to safeguard the long term potential of best and most versatile agricultural land and conserving soil resources. High quality agricultural land should therefore be protected from inappropriate development wherever possible.

Policy EC9 of the adopted Local Plan states that development that would cause the fragmentation or sterilisation of commercial farmland will be refused.

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

The application site, whilst formerly within the curtilage of Solby Wood Farm, has a record of limited agricultural use in recent years. Part of the site is used for the storage of caravans and as an equestrian centre, neither of which are agricultural uses, and part was used for grazing, which whilst this may be an agricultural use loses that status when used for the grazing of horses.

Under the circumstances it is not considered that the proposal would in the fragmentation or sterilisation of commercial farmland and no objection is therefore raised the proposal under Policy EC9.

Furthermore, the land is not identified as high quality agricultural land within the Agricultural Land Use Classification and thus no objection can be raised to the proposal under Policy EC10.

(iii) Density of Housing

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

The NPPF no longer sets a national minimum density requirement but states that Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range. The NPPF does however exhort planning authorities to achieve the optimum density of development on sites, consistent with the principles of sustainability.

The application site has a residential development area of some 3.4ha and provides a density of up to 5.4 dwellings per hectare. This is a relatively low density which, prima facie, appears to conflict with the Government's aim of optimising the use of land; however, the low density reflects the character of the surrounding development and the fact that significant areas of open land are retained within the site in order to mitigate flood risk issues and ease the transition between the undeveloped Green Belt land adjoining the site to the south and west and the developed land to the north. In the context of the application site, the density of development is considered acceptable and appropriate.

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

(iv) Mix of housing development

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

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This policy is considered vague and inconsistent with the requirements of paragraph 50 of the NPPF which states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and should identify the size, type, tenure and range of housing reflecting local demand.

The most up to date information regarding housing within the Borough, the 2016 Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) shows at page 195 the size and mix of homes likely to be required in each of the TGSE districts. For Castle Point the mix is 85% 1, 2 and 3 beds, some 13% 4 beds and approximately 2% 5 beds plus.

The proposal intends to provide no 1 and 2 bedroomed properties, 11% 3 bedroomed properties, 67% 4 bedroomed properties and 22% 5/6 bedroomed properties in terraced and detached housing formats. The reliance on larger properties within the housing mix does not reflect the up-to-date information regarding the tenure sizes required within the Borough. However, it is important to note that the information contained within the SHMA is a product of an indicative exercise based on historic evidence in each of the TGSE authorities. In reality, the profile of housing delivered is likely to be driven by the market, which will judge the type of housing most appropriate at any point in time, as a consequence it is considered that limited reliance can be placed on this assessment of need.

Furthermore, given the overall need for housing in the Borough as indicated by the Objectively Assessed Needs Assessment, the Strategic Housing Land Availability Assessment (SHLAA) and the presumption in favour of sustainable development within the NPPF, it is considered that a reason for refusal on the basis on the inappropriate mix of dwellings would be difficult to sustain at appeal.

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

(v) Layout and Design

Adopted Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals with particular regard paid to the scale, density, siting, design, layout and external materials which should be appropriate to the setting and which should not harm the character of the surroundings. Proposals should take account of all elements of the local design context.

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

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

Policy DES1 of the New Local Plan reaffirms the Council's commitment to high quality design.

The design of the scheme has evolved taking into account detailed pre-application and post submission advice from the Council. The current scheme takes the form of an Essex Design Guide inspired design and layout with the final scheme paying particular regard to the Council's Adopted Residential Design Guidance. In preparing the scheme the applicants have undertaken an assessment of the local area to identify street typologies, distinctive spaces, materials and details that exhibit distinctive local design and have incorporated these into the detailed design of the new development to ensure the proposal demonstrates a strong sense of place in the local vernacular.

In general terms the proposed development provides a mixture of three bedroomed terraced and three, four and five bedroomed detached houses. The houses are primarily two storeys in form, although some exhibit accommodation within the roof. There are fourteen different house types proposed. The dwellings are generally of a rectangular footprint, but there are also a number of dwellings with 'L' shaped footprints and projecting front and rear gables. The roofs are hipped or gabled with some exhibiting dormer and Velux windows. Detail and articulation is provided to the dwellings with the provision of flat and pitched roofed canopies over front doors, brick arches to windows, brick banding, brick quoins, brick plinths, bay windows and a mix of materials. All properties are provided with pitched roofed garages.

This variety of building form has resulted in the creation of a mixed visual character. The character of the adjoining residential development differs from that proposed; however this development is set within a backland location and the majority will not be viewed in the same context as the existing development. Where a new development is placed adjacent to existing, the scale of development has been limited to achieve a satisfactory relationship. As a consequence it is not considered that the proposal would disrupt the character and appearance of the wider area.

In terms of materials, the proposed mix which comprises:

- White render or similar finish.
- Red, light brown brick and grey brick.
- White, black wooden boarding.
- Terracotta, slate or brown roof tiles.

is considered acceptable, and subject to the submission of further details in due course, no objection is raised to the general palette proposed.

RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes. For new large scale developments a different character, with varying plot sizes, can be created; however this must be accompanied by a robust design rationale.

All of the properties have plot widths of between 9m and 15m. This is generally reflective of the surrounding development and is considered satisfactory.

RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling, and should seek to provide at least 1m between the properties and the boundary. In all appropriate cases an adequate external access should be provided to the rear of dwellings. For new large scale developments a different character, with varying degrees of space around dwellings, can be created; however this is expected to be accompanied by a robust design rationale.

The character of the surrounding area is essentially of dwellings with a minimum of 1m isolation space to either side – unless a garage is provided up to the boundary on one side.

Within the proposed development, whilst many of the dwellings exhibit the requisite isolation space to both sides there are several examples where two storey dwellings are located directly on one of the side boundaries. Examples of this can be found at Plots 2, 3, 6, 7, 10, 11, 12, 13, 19, 20, 21, 22, 25, 26, 27, 28, 40, 41 and 42. This limited isolation between dwellings and plot boundaries would be expected to result in a visually cramped and unattractive setting for the dwellings; however in each case the dwelling is located adjacent to the adjoining property's drive and as a consequence the perception of a spacious setting is achieved, albeit at the expense of the adjoining property. Whilst this is not ideal and raises concerns in respect of future maintenance of properties and the amenity of the occupiers as vehicles of the occupiers of the adjoining properties would in some cases be located immediately adjacent to the side walls of the neighbouring properties, it is not considered that this level of concern represents a robust objection to the proposal.

In the interest of maintaining the setting of the dwellings however it is considered that permitted development rights in respect of side extensions to the dwellings or forward extensions of the garages should be withdrawn. Subject to this condition it is considered that the proposal satisfies the aims of Policy H17 in respect of RDG2.

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

For new large scale developments, a different character, with varying building lines can be created; however, this must be accompanied by a robust design rationale.

As previously stated, much of the proposed development occupies a backland area that has no direct relationship with the residential development to the north and east. However the dwellings on Plots 1 – 4 front Daws Heath Road and consequently would have a relationship with the building line established by the existing dwellings on that road.

The dwelling on Plot 1 would be set some 5m from the highway boundary and those on plots 2 – 4 would be set some 2m from the highway boundary. Whilst the level of isolation achieved for these dwellings is limited, it does reflect the historic setting of the buildings immediately to the north of the site and as such is considered unlikely to disrupt the pattern of development in the area. No objection is therefore raised to the setting of this element of the proposal.

Within the development there are however examples where a poor relationship is exhibited between proposed dwellings and the highway network. The preamble to RDG3 provides guidance in this regard.

Paragraph 5.5.2 of the preamble considers that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms and accommodating the storage and service requirements of the properties. Paragraph 5.5.3 of the preamble considers that such spaces can provide a buffer from the activities of the neighbouring public areas such as the street or parking or servicing areas, as well as from neighbouring developments.

Within the scheme a number of dwellings have their front and return frontages placed in very close proximity to the carriageway; particular examples portraying this can be found on plots 16, 25, 29, 32 and 44. The dwellings in these instances are very close to the shared areas and are provided with limited defensible space between the dwellings and the adjoining shared surfaces and turning areas. This places the dwellings in close proximity to vehicular movements. However, these areas are likely to be used by the occupiers and visitors to adjacent neighbouring properties only. It is considered therefore that there would be an element of self governing in respect of the use of those areas, and therefore whilst not ideal, it is considered that a reason for refusal based on inadequate isolation from the public realm, would be difficult to sustain at appeal.

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

The siting of the proposed dwellings indicates that it would be unlikely that they would result in excessive overshadowing or dominance to any of the dwellings within the adjoining development to the north and east. Within the site there is similarly limited potential for the proposed development to result in overshadowing or dominance between dwellings. Under the circumstances no objection is raised to the proposal on the basis of overshadowing or dominance.

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

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

In all instances within the scheme dwellings on corner plots have been designed to present active elevations to both frontages. This satisfies the requirements of RDG4 and no objection is raised to the proposal on this basis.

Where gardens abut the highway sufficient space is available to introduce landscaping to soften the impact of screen walls and fences. Subject to a condition requiring the submission of details of an appropriate landscaping scheme, this is considered to adequately meet the requirements of RDG4.

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

A number of local residents have objected to the proposal on the basis of loss of privacy.

The windows in the rear elevations of the two storey dwellings on Plots 1 – 4 would achieve minimum isolation distances of 9m between the rear elevation and the rear boundaries of the plots and would satisfy the requirement. The front elevations would be considerably less than this from the front boundary; however, these windows would overlook the highway and are considered unlikely to result in any loss of privacy to adjoining residents. No windows are provided in the side elevations of these properties.

The dwelling on Plot 5 is a two storey dwelling; however a minimum rear garden depth of only 8m is achieved. The window in this elevation would therefore offer the opportunity to overlook the land to the south from less than the prescribed distance. This should represent an objection to the proposal; however, the identified window would overlook the roof of the adjacent garage building and the front garden area of the dwelling at Solby Wood Farm. It is considered that the front garden represents a less private space than rear gardens and the relationship maintained between the proposed and existing dwellings is such that an objection based on loss of privacy or dominance would be unlikely to be sustained on appeal. No objection is therefore raised to this element of the proposal.

The dwellings on Plots 6 – 15 are arranged along the southern boundary of the site. These are located between 10m and 12m from the boundary. None achieve the requisite 15m between windows above first floor level and the boundary. This would appear, prima facie to suggest an objection to the proposal. However, the applicant has confirmed that the cill height on all of the rooflights will be set at 1.8m from finished floor level. At this height the privacy of adjoining occupiers would not be prejudiced. A condition requiring the achievement and retention of 1.8m cill heights can be attached to the grant of any consent.

The windows in the front elevations would overlook the highway and are considered unlikely to result in any loss of privacy. This is a common feature across the site. No windows are provided in the side elevations of these properties.

The dwellings on plots 7, 10, 12 and 14 similarly have rooflights in the rear elevation at less than the requisite distance from the boundaries; however in each of these cases; the windows are a secondary means of natural light and ventilation and may therefore be obscure glazed and fixed shut without adversely impacting on living conditions within the rooms. Subject to a condition to achieve this provision no objection is raised to these dwellings on the basis of loss of privacy.

The dwellings on plots 8, 9, 13, and 37 each have three dormer windows at second floor level in the rear elevation which are less than the requisite distance from the boundaries. Two of these windows provide secondary light and ventilation to a bedroom whilst the third provides natural light and ventilation to a dressing room.

It is not considered that living conditions within either of these areas would be prejudiced by the obscure glazing and fixing of these windows and a condition to this effect can be attached to the grant of any consent. Subject to such a condition no objection is raised to these dwellings on the basis of loss of privacy.

Plot 15 exhibits a dormer and rooflight in the rear elevation less than the requisite distance from the boundary. These provide secondary light to a bathroom and natural light and ventilation to a stairwell. It is not considered that living conditions within either of these areas would be prejudiced

by the obscure glazing and fixing of these windows and a condition to this effect can be attached to the grant of any consent. Subject to such a condition no objection is raised to these dwellings on the basis of loss of privacy.

The dwellings on Plots 16 – 22 lie adjacent to the proposed western boundary of the residential development. Plots 16 and 18 provide two storey dwellings which achieve a minimum garden depth of 9m and satisfy the requirements of RDG5.

Plots 17, 18, 19, 20 and 21 all achieve the requisite 15m between second floor windows and the rear boundary and satisfy the requirements of RDG5.

Windows in the front elevations of the majority of these properties are located between 10m and 12m from the front elevations of the dwellings on the opposite side of the driveways serving the development. This is considered to be a rather tight form of development which may give rise to overlooking and loss of privacy within dwellings; however in this instance the impact of the loss of privacy will be limited to future residents who will base their decision to occupy the dwellings in their own assessment of acceptable conditions. Under the circumstances it is not considered that a reason for refusal based on loss of privacy to future residents would be capable of being sustained on appeal.

The dwelling on Plot 23 is a two storey building. All of the windows, with the exception a bathroom window achieve the requisite isolation. The proposed bathroom window may be obscure glazed and fixed to a height of 1.8m without prejudicing living conditions. A condition to this effect can be attached to the grant of any consent.

The dwellings on Plots 24 and 26 - 35 satisfy RDG5; however the dwelling on Plot 25 achieves only 8m between a first floor window and the boundary of the plot. This window would however overlook a vehicular turning area and as such would not prejudice the privacy of adjoining residents. As such it is not considered that an objection based on loss of privacy could be sustained in respect of this plot.

Plot 36 provides rooflight in the rear elevation, some 11m from the rear boundary of the plot. These therefore have the potential to overlook the proposed dwelling to the rear. However, the applicant as stated that these rooflights will have minimum internal cill heights of 1.8m. At this height no significant overlooking would occur. No objection is therefore raised to Plot 36 on the basis of overlooking and loss of privacy.

Plots 38 – 42, which abut the eastern boundary of the site, have rooflights in the rear elevation at less than the requisite distance from the boundaries. In each case the dwellings have the potential to overlook the existing development to the east, to the detriment of occupiers; however in each of these cases, the windows are a secondary means of natural light and ventilation and may therefore be obscure glazed and fixed shut without adversely impacting on living conditions within the rooms. Subject to a condition to achieve this provision no objection is raised to these dwellings on the basis of loss of privacy or amenity to adjoining residents.

The relationship achieved between these proposed dwellings and the established dwellings on Daws Heath Road is such that it is not considered the occupiers of these dwellings would be dominated by the proposed development.

The dwellings on Plots 44 – 46 achieve the requisite isolation between windows and plot boundaries.

Subject to conditions regarding the height of cills and obscure glazing and fixing shut the windows referred to above, it is not considered that this proposal would impact unduly on the privacy of adjoining residents. No objection is therefore raised to the proposal under RDG5.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room.

The Table contained in Appendix 2 identifies the relative amenity spaces for each dwelling.

As can be seen from the Table, 15 of the proposed dwellings fail to achieve amenity areas consistent with the requirements of the Design Guidance; however of these 5 fail to meet the target by 10m² or less. It is considered that variance of this magnitude can be accommodated within the variance of scaling from the drawings and cannot represent a robust objection to the proposal. Ten however are more significantly deficient and a judgement needs to be made as to whether the level of deficiency exhibited is so harmful to the character and appearance of the area and the amenity of future residents as to warrant a recommendation of refusal.

It should be noted that the most significant levels of deficiency are associated with the larger properties, and that whilst the amenity areas are below standard, they are still relatively substantial and capable of providing adequate setting and meeting the needs of families.

Furthermore in the light of the current unmet housing need within the Borough and the Government's focus on achieving growth in housing, it is unlikely that an objection raised to the proposal on the basis of limited amenity area for a small number of the units, would be supported on appeal.

Under the circumstances no objection is raised to the proposal under RDG6.

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

The proposed development contains a number of dwellings which exhibit dormers and roof lights. Where provided these are generally sympathetic to the scale of the roof and align with fenestration in the elevation. In some cases roof lights and dormers are both used in the same plane, which is inconsistent with the provisions of RDG7, however where this occurs the treatment is sensitive and the effect is not harmful to the character and appearance of the proposed development.

No objection is raised the proposal on the basis of RDG7.

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

The proposed dwellings are considered to be well proportioned and balanced and whilst some variance occurs it is not harmful to the character or appearance of the dwellings. Consequently the proposal is considered to meet the expectations of RDG8.

RDG9 is concerned with the achievement of energy and water efficiency and renewable energy. No reference is made to such matters within the submissions; however, the layout of the scheme

exhibits some reference to solar gain and daylight penetration, with principal elevations predominantly orientated to the south, east and west.

Opportunities also exist for rainwater harvesting and grey water recycling and the applicant may be encouraged to investigate the use of these features further. Their absence from the scheme however does not represent a robust objection to the proposal.

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

The proposed layout offers limited opportunity for significant expanses of boundary treatment – the most significant being at the entrance to the site at the rear of Plots 1 – 4, the impact of which is proposed to be mitigated through extensive planting between the enclosure and the highway. Elsewhere in the layout visible means of enclosure are restricted to six corner plots and a maximum length of some 12m. The scale and disposition of these enclosures across the site is not considered to result in a public realm that is dominated by enclosure. Nevertheless these enclosures are located at key points within the layout and it is important that they be treated appropriately. No details of the means of enclosure have been submitted; however, such details can be the subject of conditions attached to the grant of any consent.

RDG11 of the Residential Design Guidance require the public realm contained within large scale residential development to be the subject of appropriate landscaping. Such schemes are expected to include planting plans, identification of plant species, types, sizes, numbers, densities, planting regime and aftercare.

The maintenance and management of landscaping areas is also required to be secured through the use of appropriate planning conditions or planning obligations.

Within the confines of the development area there is limited scope for significant landscaping; however it is considered that a scheme of landscaping should be submitted for the area immediately to the west of Plot 1 – 4 and east of Plot 5, in order to limit the visual impact of significant boundary treatments at the entrance to the site. This can be required by condition.

Within the adjoining Public Open Space and southern portion of the site, significant potential exists for the provision of substantial landscaping schemes which would not only assist in screening the development from views from the south, but would also assist the integration of the site into the wider landscape.

Substantial indigenous landscaping would also provide significant biodiversity opportunity.

A condition requiring the submission and implementation of such a scheme can be required by condition. It is considered however that specific mechanisms should be established to ensure the appropriate management and maintenance of the landscaped areas, together with the management and maintenance of the adjoining open spaces within the site. The establishment of an appropriate resident funded management company would be an appropriate mechanism for this purpose and its provision can be ensured through the provisions of a S106 Agreement.

RDG16 states that all new dwellings should be provided with appropriate internal space and circulation which reflects the character of the surrounding area, but also current best practice. All new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaptation.

The Planning Practice Guidance (PPG) (paragraph: 018 and reference ID: 56-018-20150327) refers to an optional "Technical housing standards - Nationally Described Space Standard" (March 2015). This document is the result of a housing standards review undertaken by Government and reflects current best practice as required by RDG16. As such it provides a good bench mark by which proposals can be assessed.

The housing standards identify minimum gross internal floor areas and storage for dwellings. Taking a snapshot of the dwellings within the scheme many are above this minimum (e.g. House Types 1 and 5). However some are below the requirement (e.g. House Type 2 by some 16m²). The standards are however optional and have not been formally adopted by this Authority. Consequently it is considered that a reason for refusal based on such marginal deficiencies would be difficult to sustain on appeal. No objection is therefore raised to the proposal under RDG16.

(vi) Car Parking

Policy T8 of the Adopted Local Plan and the New Local Plan require 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. Standard C3 is relevant to residential development.

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

In terms of the quantity of parking provision on the site, the standards require the provision of two on-site spaces for dwellings with 2 or more bedrooms. Each individual dwelling within the proposed scheme should therefore be provided with at least 2 car parking spaces, each measuring 2.9m by 5.5m.

Parking spaces may be in the form of garages, carports or forecourt parking. Where parking is provided within garages, these must have a minimum width of 3m and a minimum depth of 7m.

The Essex Parking standards also require the provision of 0.25 visitor parking spaces per dwelling.

All houses are provided with a minimum of two adequately sized parking spaces on hard surfaced forecourts and within garaging. The garages are all of the requisite size and have adequately sized forecourt depths of 6m and beyond.

Within the development there are 46 dwellings, generating a requirement for 12 visitor parking spaces. The scheme provides five visitor parking spaces, representing a deficiency in unallocated visitor parking of 7 spaces. However most of the dwellings within the scheme will have at least three parking spaces, providing adequate parking capacity to meet the needs of domestic visitors and in this context the provision of five visitor parking spaces is considered adequate. No objection is therefore raised to the proposal on the basis of visitor parking and no objection is raised to the proposal under Policy T8 and EC2 of the Adopted Local Plan.

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and not deter vehicles from using them.

Where the provision of in-curtilage parking for individual dwellings is contained within the dwelling in the form of garages (semi-integral or integral), carports and recesses, they should be an integral part of the dwelling and must be consistent with the overall architectural approach of the dwelling.

The development provides a significant level of parking provision; however, all of this provision is arranged to the sides and behind dwellings. No frontage parking is provided. As a consequence parking provision on the site will not dominate or detract from the character and appearance of the area.

All of the parking provision is considered to be safely and conveniently located.

No objection is raised to the proposal under RDG12.

Policy T10 states that the Council will encourage improved facilities on existing highways and will promote the provision of facilities for cycling, including the provision of bicycle parking when considering development proposals. This policy is considered consistent with the provisions of the NPPF. The parking standards state that a minimum of one secure covered cycle space should be provided per dwelling.

No specific provision is made for cycling parking within the scheme; however the proposed garages are considered to be of adequate size to afford vehicle and bicycle storage.

No objection is therefore raised to the proposal on the basis of cycling parking provision.

(vii) The provision of affordable housing

Policy H7 of the adopted Local Plan sets out the Council's policy in relation to affordable housing provision. It states that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of necessary infrastructure. The Council's Developer Contributions Supplementary Planning Document provides the current guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of up to 16 affordable housing units on this site.

It also requires a tenure split of 50% social rent, to 50% intermediate housing. It identifies the Council's preferred approach to the delivery of affordable housing provision being via a Registered Provider.

The need to secure affordable housing from larger development schemes is also recognised in Policy H14 of the New Local Plan. This indicates that within Benfleet, Hadleigh and Thundersley 25% of the dwellings provided on sites providing more than 15 units, should be affordable housing units.

Both the adopted and New Local Plan recognise that it will not always be possible to achieve the provision of affordable housing on site and that under some circumstances the Council will consider the provision of payments in lieu rather than provision on site. Such payments will however be required to be equivalent to the cost of on-site provision and in accordance with the Council's adopted formula.

In this instance the applicant has acknowledged the need to make provision for affordable housing and has requested that a contribution to offsite provision be accepted.

Such provision is acceptable in the context of the proposed development and the Council's own plans for affordable housing provision in the Borough and can be achieved through a S106 agreement which would be attached to the grant of any consent.

(viii) Landscaping

Policy EC16 of the adopted Local Plan states that development which would have a significant adverse visual impact on the surrounding landscape will not be permitted and that when assessing the impact of a development the Council will have regard to the prominence of the development in terms of its scale, siting and external materials and the visual relationship of the development to the open countryside. Planning permission for potentially obtrusive development on ridgelines or prominent hillsides will be refused.

Policy EC19 of the adopted local plan states that development proposals which would adversely affect the nature and physical appearance of ancient landscapes will be refused.

Policy NE9 of the New Local Plan states that all development proposals must contribute positively towards creating a visually attractive green environment and that development proposals must seek to protect and integrate key natural and semi-natural features including established field boundaries, hedgerows and tree lines; established trees with a high visual amenity value, established areas of woodland; and topographical features including ridge lines, watercourses, ditch systems and bunds. Further, development proposals must be designed to have regard to the character of the landscape, and seek to avoid harm to the landscape as a result of adverse impacts on openness and tranquillity, the scale and nature of existing development and the amount and density of existing vegetative screening.

Policy DES3 of the New Local Plan states that all development must provide landscaping, including the provision of trees appropriate to and suitable for the location and type of development provided. This should be set out in a landscaping scheme which will be expected to include planting plans, identifying plant species, type, sizes, numbers, densities, planting regime and aftercare. All landscaping schemes are expected to include native species, suitable to the location and climatic conditions and which will promote biodiversity.

The maintenance and management of landscaping areas should be set out in the landscaping scheme and may in certain cases be secured through the use of appropriate planning conditions or planning obligations.

The site is not located within an ancient or designated landscape, but is provided on rising land against the background of an historic landscape feature. As such it is considered that care is required to satisfactorily integrate the development into the landscape without damaging the features of historic importance. The appropriate landscaping of the development would be critical to that objective.

No specific landscape scheme has been submitted with the application, although an arboricultural report has identified key trees and hedgerows on the site which should be retained. These are primarily located on the edges of the site and will serve to limit the impact of the site when viewed from the north and east.

From the south the proposed development will appear as a significant feature in the landscape. This fact was recognised in Policy H9 of the New Local Plan which makes specific reference to the provision of landscaping along the southern edge of the development, although the focus of this requirement appears to be more on the provision of wildlife corridors than integrating the development into the landscape.

No landscaping is provided on the southern side of the application site. Whilst it is recognised that planting exists beyond the confines of the site this land is not within the control or ownership of the applicant and its retention cannot therefore be guaranteed in perpetuity. Nevertheless it is considered unlikely that the adjoining owner would choose to remove the planting adjacent to the boundary in order to protect their own privacy.

Furthermore, despite the rising nature of the land, long distance views of the site are difficult to obtain, with the greatest potential being from the rear of properties on Broomfield. As such it is not considered that the absence of substantial landscaping on the southern edge of the site represents a significant impediment to the grant of consent.

No objection is therefore raised to the proposal on this basis; however, it is considered that the trees and hedgerows on the boundaries of the site should be retained and enhanced for ecological and integration purposes and that a landscaping scheme to secure these objectives should be submitted, approved and implemented prior to occupation. A condition to this effect can be attached to the grant of any consent. A management agreement will be required however to maintain the landscaped areas in perpetuity.

It is noted that an adjoining resident has requested that the conifer trees to the rear of their property be removed as they cause undue overshadowing and loss of light. It is considered that an alternative form of landscaping could be provided in this specific location to meet the needs of existing and future residents.

(ix) Impact on ecology

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

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

Policy NE8 of the New Local Plan (2016), seeks to protect ecologically sensitive sites from harm whilst Policy H9 states that in respect of the application site specifically, a landscape strategy that comprises mature planting along the southern boundary of the site, designed to create a wildlife corridor between West Wood to the west and Great Wood to the east of the site, should form part of the development proposal.

The NPPF states at paragraph 118 that planning decisions should aim to conserve and enhance, restore or add to biodiversity interests. The policies of the Local Plans are consistent with this aim.

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard in the exercise of their functions, to the purpose of conserving biodiversity.

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitat Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Southend and Benfleet Marshes, some 3.8km to the south of the site, have been designated a SPA and a Ramsar site. Consideration must be given to the impact of the proposed development on this designated site.

The application site has been identified for development purposes within the New Local Plan. Article 6(3) and 6(4) of the Habitats Directive requires Appropriate Assessment (AA) to be undertaken on proposed plans or projects which are likely to have a significant effect on one or more Natura 2000 sites either individually, or in combination with other plans and projects. The requirements of this directive are transposed into UK law by the Conservation of Habitats and Species Regulations 2010. These regulations require the application of AA to all land use plans. Government guidance also requires that Ramsar Sites which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance (Ramsar Convention), candidate SACs and potential SPAs are included within the Habitat Regulations Assessment (HRA)/AA.

The purpose of HRA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of European sites, and to determine whether it would adversely affect the integrity of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.

An initial assessment of the likely scope of the New Local Plan was undertaken in January 2012 to determine the European sites with the potential to be affected by it. This identified eight European sites to be considered through the HRA once policies had been drafted and was the subject of consultation. The Report, known as a Task 1 Screening Report, was subsequently amended to reflect the consultation responses received. The Task 1 Screening Report (Post Consultation) April 2012 therefore formed an integral part of the identification of suitable sites for development. The retention of the current site within the Plan for development purposes confirms that the development of this site would have no significant adverse impact on any designated European Site. Further consideration of the proposal in this context is not therefore required. This conclusion is supported by Natural England.

In terms of impact on nationally recognised sites, the application site is located in close proximity to Thundersley Great Common SSSI and Garrols Meadow SSSI and is located less than 200m from West Wood and 700m from Pound Wood which are ancient and semi natural woodlands. In addition the site is located within close proximity of Local Wildlife sites at West Wood and Cottage Plantation and Rag Wood.

As such the site has considerable potential for ecological interest, although Natural England has confirmed that the proximity of the SSSIs does not preclude development of the site.

The applicants have undertaken an Extended Phase 1 Habitat Survey which has identified three habitat types on the site: tree lined hedgerows, semi-improved grassland and scrub as well as areas of hardstanding and buildings, all of which offer the potential to support wildlife, particularly badgers, bats, reptiles, great crested newts and potentially dormice. The areas of greatest significance were found to be at the edges of the site, within the hedgerows.

Detailed consideration of the site however identifies that the potential is limited.

Badgers

An outlier badger sett, which appears to be regularly occupied by one individual, is located on the far western edge of the site, beyond the confines of the development area. Whilst the proposal may limit the area for forage the impact is considered unlikely to be significant. A construction management plan will however be required to ensure that appropriate measures are in place throughout the construction period to minimise the opportunity for injury to badgers and damage to the sett. This will include the provision of a 30m exclusion zone around the site and the use of ramps in any open construction trenches. Such measures can be secured by condition.

Reptiles

The Surveys revealed the presence of slow worms on the site; however the number of individuals trapped was limited, suggesting a similarly limited resident population. It is considered that these may be safely and reasonably trapped and translocated to another part of the site, enhanced for their particular needs.

This can be secured by condition, although the management of land for ecological purposes should form part of any S106 agreement attached to the scheme.

Bats

The buildings on the site have been surveyed and determined to be unsuitable for bats, due to the lack of internal roof space and access. None of the trees on the site were identified as sufficient old or ecologically complex to support roosts. Bats were considered however, likely to forage across the site.

The existing hedgerows and trees were identified as particularly useful as bat forage. There are relatively few trees across the site, although a substantial stand exists on the northern boundary and mixed conifer hedge screening exists the east. These features should be retained as far as possible and enhanced with additional indigenous planting. A condition to this effect can be attached the grant of any planning consent.

To the west of the developed area is a hedgerow. This in particular may be supplemented with native planting to increase forage opportunities. The supplementation of this hedge may also be achieved by a condition attached the grant of any planning consent.

The value of the hedgerow would be further enhanced if it is retained as a dark corridor. A lighting strategy to secure this outcome may be achieved through a condition to this effect attached the grant of any planning consent.

Dormice

The site is in close proximity to West Wood and linked to it by the hedgerows. The Wood is known to support dormice and it was considered possible that the hedgerows could provide some forage. However the hedgerows are small and fragmented and do not form part of a wider linked network. As such it is not considered that the hedgerows provide significant opportunities for forage.

A more significant risk to dormice is that of cat predation. Whilst difficult to control it is considered that educational material could be provided to future occupiers of the dwellings alerting them to the consequences of cat ownership for dormice and suggesting measures such as collars with bells as a means of protecting this species.

This requirement can form the subject of a condition attached to the grant of any consent.

Birds

Birds are likely to be using the tree lines, hedgerows and possibly the buildings. Wherever possible these features should be retained and enhanced for biodiversity.

Great Crested Newts

No ponds are located on the site and no ponds suitable as habitat were identified on adjoining land which precludes the presence of great crested newts.

Wider ecological considerations

An area where the proposal is inconsistent with policy is in respect of the provision of significant landscaping on the southern edge of the development, to achieve a wildlife corridor between West Wood and Great Wood to the east, under Policy H9 of the emerging Local Plan.

No such provision is made within the scheme and indeed the layout largely precludes such planting within the confines of the site. Whilst it is recognised that planting does exist to the south of the development site, this is on land not within the control and ownership of the applicant and cannot therefore be relied on in perpetuity.

As such the scheme would appear to be failing the requirement to enhance biodiversity, not only in accordance with the provisions of the emerging Local Plan, (the Policy provision of which can be afforded only limited weight at this stage), but also the provisions of the NPPF. As such it would appear that the lack of landscaping to the southern edge of the site could constitute an objection to the proposal.

However, the NPPF is keen to ensure the provision of high quality development which make the most effective use of land and the most of sustainable energy sources and achieves good conditions for the occupiers of the properties. The provision of a substantial landscaping strip along the southern edge of the development is likely to substantially diminish the developable area and would result in overshadowing of the dwellings with a significant impact on solar gain and natural light penetration to the rear elevations of the affected dwellings and associated gardens to the detriment of future occupiers.

Furthermore, it is not considered that the provision of additional planting at this location would make a significant contribution to animal movement between West and Great Woods which would remain separated by several hundred metres and isolated by roads.

Under the circumstances it is not considered that the lack of substantial planting on the southern edge represents an ecological objection to the proposal.

Subject to the use of conditions as suggested above no objection is raised to the proposed development on the basis of ecology.

(x) Flood Risk and the provision of a surface water drainage strategy

The site is located within Flood Zone 1, but is within a Critical Drainage Area as identified within the South Essex Surface Water Management Plan. In these locations there is a need for surface water to be managed to a higher standard than normal to ensure any new development contributes to a reduction in flood risk in line with the NPPF.

The significance of surface water flood risk on this site is recognised in Policy H9 of the New Local Plan which makes specific reference to the need to manage surface water on this site, ensuring no increase in risk to the site or nearby properties.

As previously stated the site exhibits a dominant downward slope to the south with cross falls to the east and the site has been identified as unsuitable for the disposal of surface water via infiltration, due to its geology. As a consequence of these features, any surface water falling on or entering the developed area is likely to run off to the south and east. This raises a potential issue for properties on land to the south of the site, which the applicants have sought to resolve by providing drained permeable/porous surfacing where practicable for all areas of private and non-adopted communal hardstanding areas in order to reduce surface water flows and discharging residual surface water runoff to the local surface water sewer network. Anglian Water (AW) has confirmed that it is able to accept a connection from the site. It is the applicant's intention that the surface water management scheme be adopted by AW and it is therefore proposed to convey surface water runoff within a pipe network, sized to manage the 1 in 100 annual probability storm, and attenuate the flows within a 600 mm deep grassed basin, (the depth of which has been dictated by the aspiration that it be adopted by the AW) provided on land to the south of the site access. Sufficient surface water storage will be provided in order to manage the 1 in 100 year storm including the requisite 30 % allowance for climate change.

It should be noted that Anglian Water has stated that the proposed surface water strategy is currently unacceptable as the rate of flow is below its minimum requirement. It is however considered that this technical matter can be resolved through the submission and approval of a revised surface water drainage strategy, which can be achieved by condition.

The Lead Local Flood Authority which provides advice on SuDS schemes for major developments and looks to ensure sustainable drainage proposals comply with the required standards has reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and does not wish to object to the granting of planning permission subject to conditions.

Under the circumstances it is not considered that a reason for refusal based on flood risk can be sustained in respect of the current proposal.

It should be noted however that the LLFA has requested that consideration be given to the provision of a financial contribution towards a scheme for the mitigation of the impact of flood risk to the surrounding community. A contribution of approximately £14,975 is suggested.

Whilst the LLFA's proposals for the mitigation of off-site flood risk is acknowledged, a request for a financial contribution towards mitigation can only be requested if it is demonstrated that the request satisfies the tests applicable to such obligations.

The PPG makes it clear that planning obligations may assist in mitigating the impact of unacceptable development, making it acceptable in planning terms. Planning obligations may only be imposed however if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the NPPF.

In this case it is clear that the LLFA has no objection to the proposal in principle and has not sought to obtain a contribution towards off site mitigation as a requirement of their lack of objection, rather the request takes the form of an encouraging statement. As such the necessity of the contribution to make the scheme acceptable in planning terms may be questioned.

Further, whilst the need to mitigate its impact on surface water runoff is clearly directly related to the development, the scale of the request is not justified and it is not therefore possible to determine that the levy imposed is fair and reasonably related in scale and kind.

As such it is not considered that the LLFA request is acceptable in the context of the tests and no such request is therefore made.

(xi) The Provision of New Public Open Space and Children's Play Space

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Policy RE14 of the adopted Local Plan requires that, in appropriate cases, developers enter into planning agreements to secure the provision of open space or other appropriate recreational facilities.

This policy is broadly consistent with the principles contained in the NPPF which seek to secure and retain appropriate open space for the health and well being of local residents.

Policy H1 of the New Local Plan confirms that all new residential development will be expected to contribute to the wider Local Plan objectives, including the provision open space and enhancement of the green grid network. New Local Plan Policy HC3 further states that on sites in excess of 3ha in area, 80m² of high quality public open space will be provided for each dwelling.

The current proposal seeks to provide 46 dwellings on a site with an area of some 3.4ha. The proposal therefore attracts a requirement for the provision of 3,680m² of Public Open Space. Some 1,815m² is proposed to the west of the development site, representing some 39.4m² per dwelling, which is significantly below the requisite provision.

However there is significant potential for land to the south of the developed area around the attenuation basin to be used for recreational purposes. The identification of this land would satisfy the requirement for Public Open Space provision within the site and could be achieved by condition.

Management of this land for recreational purposes would however need to be made the subject of a S106 Agreement.

Local Plan Policy RE4 states that the Council will seek to provide and facilitate the provision of additional children's play space and parks in areas of identified need and that where possible such provision shall be made in association with new development.

Policy HC3 of the New Local Plan (2016) however identifies the need for the provision of additional children's play space in Daws Heath.

The proposal does not seek to provide any children's play space; however provision is made for Public Open Space and it is considered that a proportion of this could be used to accommodate children's play equipment.

The provision of such equipment may be secured through a S106 Agreement. Subject to the applicants being willing to enter into such an agreement no objection is raised to the proposal on the basis of inadequate children's playspace provision.

(xii) Impact on infrastructure, (social and physical)

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

Highways

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses onto any trunk, principal or other classified road will require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development. This policy is considered broadly consistent with paragraph 32 of the NPPF.

The proposed development would be accessed from Daws Heath Road. The proposal is therefore likely to intensify movements on Daws Heath Road and this is a concern raised by local residents.

The application is supported by a Transport Assessment which considers the traffic impact of the proposal. It is proposed to provide a priority junction with Daws Heath Road, which will be positioned in the Highway Authority's preferred location for such a junction, in recognition of the potential for other sites to seek access to Daws Heath Road in the future. The Assessment has demonstrated that predicted traffic flows at the junction and within the adjoining network, will be well within the available capacity. No objection is therefore raised to the proposal on this basis.

This stance is accepted by the Highway Authority.

It is noted that the Assessment indicates that Travel Packs will be issued to each dwelling, informing residents of their transport options. Such packs will be funded by the developer.

Sustainable Transport

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

The Castle Point Sustainability Appraisal of Sites (Second Review), October 2014, identifies that the site is not particularly accessible to the Town Centre, schools or centres of employment and as a consequence it is considered that the site is likely to be heavily dependent on the use of the private car, which conflicts with national policy. However, opportunities for the provision of large scale residential development within the Borough are limited and those sites least likely to have a significant adverse impact on the strategic function, character and appearance of the Green Belt may not always be situated in the most accessible locations.

The Highway Authority has sought to improve the sustainability of the site by requiring the developer to undertake improvements to bus stops in the vicinity of the site. In view of the relative isolation of the site, such a requirement is considered reasonable and fairly related to the proposed development. A condition securing such improvements can be attached the grant of any consent.

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

Libraries

It is anticipated that residents of the proposed development will make use of local library services. The nearest library is located in the centre of Hadleigh.

As Members may be aware, this Authority, in partnership with Essex County Council and Hollybrook Developments Ltd, are developing a scheme for the regeneration of Hadleigh Town Centre Island Site, which includes the provision of a replacement library and community facilities.

The occupiers of the proposed development are likely to make use of these facilities and it is considered appropriate to seek a contribution towards the provision of the library facilities, to serve their needs.

The adopted Developer Contributions Guidance (2008) provides the formula for the calculation of appropriate contributions which can be secured through a S106 Agreement.

Subject to the applicant being willing to enter into such an agreement no objection is raised to the proposal on the basis of inadequate consideration of library provision.

Foul Drainage

Policy CF13 states that the Council, will in appropriate cases, require the phasing of any large scale development within the Borough, in order to ensure satisfactory infrastructure provision. The preamble to this policy specifically states that the infrastructure referred to is foul water and

sewage disposal. This policy is considered consistent with the Core Planning Principles set out in paragraph 17 of the NPPF.

Anglian Water (AW) has confirmed that there is adequate capacity within the existing sewerage network to accommodate the proposed development. These comments therefore suggest that phasing is not required in this case and no objection is therefore raised to the proposal on the basis of CF13.

Water Quality

Water quality was considered in the Sustainability Assessment of Sites undertaken in 2014 with advice sought from Anglian Water. Anglian Water has advised that the level and distribution of growth proposed within the 2014 Draft New Local Plan, which included the current site, could be accommodated.

On this basis it is not considered that an objection can be raised to the proposal on the basis of water quality.

Waste and Recycling

In terms of the construction phase of the development, no Site Waste Management Plan has been submitted and it is therefore difficult to ensure that the waste generated by the site will be minimised. However the submission of such a plan can be required by condition attached to the grant of any consent.

The proposal seeks to provide domestic dwellings which will be subject to the normal waste collections service. Whilst no specific provision is made for refuse and recycling within the scheme, adequate space is available within each curtilage to facilitate waste storage and presentation for collection. Subject to the access roads therefore being provided to a standard sufficient to accommodate the weight and movements of a 32 tonne refuse collection vehicle, which may be the subject of a condition attached to the grant of any consent, the scheme is considered to be provided with adequate refuse and recycling facilities. No objection is therefore raised to the proposal under RDG13.

Education

The Education Authority has identified that sufficient capacity exists within existing provision to accommodate the needs of the development. No objection is therefore raised to the proposal on the basis of educational provision.

Air Quality

The Council's Environmental Health Officer (EHO) has requested that air quality modelling be undertaken at the site in order to determine whether pollutants from the A127 would have any impact on the health of future occupiers. Such request would take the form of a condition attached to the grant of any consent.

Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

- necessary;

- relevant to planning and
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.”

The proposed request is not considered to satisfy these tests. The EHO has not indicated that such an assessment is necessary for the grant of permission, nor is the monitoring of pollutants considered relevant to planning, being more properly a concern of the Environmental Protection Act. Members will be aware that it is fundamental principle of the planning system that planning controls are not used to duplicate controls which are available under other legislation. The use of the planning system to secure Environmental Protection Act requirements would therefore be inappropriate.

Whilst a condition could be drafted which would be precise and enforceable, the scale of the request appears unreasonable. The site is located over 1km from the A127 and is separated from it by established residential development.

Under all the circumstances the request is not considered to satisfy the six tests and no such condition is therefore recommended for inclusion on any consent.

Acoustics

The Council's EHO has requested that an acoustics report to determine whether noise from the A127 would have any impact on the health of future occupiers be submitted. Such request would take the form of a condition attached the grant of any consent.

As with consideration of the imposition of a pollutants assessment condition the request is not considered to satisfy the six tests. The EHO has not indicated that such an assessment is necessary for the grant of permission, nor is the assessment of noise impact considered relevant to planning in this case, being more properly a concern of the Environmental Protection Act. Whilst a condition could be drafted which would be precise and enforceable, the scale of the request appears unreasonable. The site is located over 1km from the A127 and is separated from it by established residential development.

Under all the circumstances the request is not considered to satisfy the six tests and no such condition is therefore recommended for inclusion on any consent.

Asbestos

The Council's EHO has requested a condition be imposed requiring the submission of a scheme to address the management and safe disposal of asbestos which may be present on the site.

The site does contain a number of buildings associated with the equestrian and caravan storage use of the site. No information is available in respect of the materials used in the construction of these buildings.

The duty to manage asbestos in on-domestic premises is contained within the control of Asbestos Regulations 2012. This establishes the criteria and protocols necessary to ensure the appropriate treatment of asbestos on site. Planning controls are not to be used to duplicate controls which are available under other legislation. The use of the planning system to secure control over asbestos management would therefore be inappropriate.

It is however considered that an informative could be attached to the grant of any consent reminding the developer of his obligations in this regard.

Summary and Conclusion

The proposal represents the residential development of a previously developed site in the Green Belt, on land which has been identified in the New Local Plan as suitable for release for residential purposes. Development of the site for residential purposes, whilst inconsistent with the Adopted Local Plan is considered to be consistent with the provisions of the New Local Plan and Government guidance.

The proposed development is appropriate in scale and character and meets or substantially satisfies all relevant policy and guidance provisions.

The proposal has raised no objections from the various statutory consultees.

The proposal would have no significant adverse impacts on adjoining residents and offers significant potential for landscape and ecological improvement and contributions towards affordable housing and library services and the provision of children's play space, all of which are considered capable of achievement through a S106 Agreement which can be attached to the grant of any consent.

My **RECOMMENDATION** is that the Secretary of State for Communities and Local Government be advised that his Council is minded to approve the application and that subject to no adverse direction being received, and subject to the completion of a satisfactory S106 Agreement covering:

- (i) The provision of affordable housing
- (ii) The long term management of the landscaped areas,
- (iii) The provision and long term maintenance of children's play equipment and
- (iv) The provision of a contribution towards library services,

the Head of Regeneration and Neighbourhoods be authorised to **GRANT PERMISSION**, subject to the following conditions:

1. This permission shall be read in conjunction with the Agreement entered into under Section 106 of the Town and Country Planning Act 1990, dated contemporaneously with this permission.

REASON: To ensure the provision of:

- (i) an appropriate contribution towards the provision of affordable housing off-site,
 - (ii) an appropriate long term Management Plan for the landscaped areas of the site
 - (iii) the provision and long term management of an equipped Children's Playspace within the confines of the site and
 - (v) the provision of a financial contribution towards the provision of library services.
2. The proposed development shall be laid out in accordance with the provisions of submitted Plan 211.201.00, dated 15.09.2016, from which there shall be no departure without the prior formal consent of the Local Planning Authority.

REASON: To ensure the provision of an appropriate layout for the site.

3. No development shall take place on any phase of the proposed development, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities

REASON: To ensure that parking and unloading does not take place within the sensitive areas of the site or in the adjoining streets, in the interests of securing the provision and retention of appropriate landscaping and in the light of the ecological sensitivity of the site and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy EC2 of the adopted Local Plan.

4. Prior to the commencement of any development on site a Site Waste Management Plan shall be submitted to and formally approved by the Local Planning Authority. Any such plan approved shall thereafter be implemented in its entirety.

REASON: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.

5. Prior to the commencement of the development hereby approved details or samples of all materials to be used on the external surfaces shall be submitted to, and formally approved by the Local Planning Authority.

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

6. The development hereby approved shall be built wholly in accordance with the approved materials.

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

7. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro

geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

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

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

REASON: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

9. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

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

11. Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be implemented on site.

REASON: To ensure the hard surface limits the potential for increased surface water runoff from the site.

12. The surface water drainage scheme as implemented on site shall be permanently retained.

REASON: To ensure the retention of the hard surface and to limit the potential for increased surface water runoff from the site in the future.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Class A, in so far as it provides for the provision of side extensions to the proposed dwellings, or front extensions to the proposed garages and Classes B and C in their entirety; of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

REASON: In order to ensure the provision of an appropriate setting for each of the proposed dwellings and to ensure the privacy and amenity of occupiers of the site and adjacent properties.

14. Prior to the commencement of the development (including any site clearance works) all trees and shrubs (including hedges) along the northern, eastern and western boundary of the development area, which for the avoidance of doubt is the boundary between the proposed residential development and the proposed public open space, shall be protected by fencing in accordance with the provisions of BS5837:2012. No materials are to be stored or temporary buildings erected inside this fence. No changes in ground levels may be made within the crown spread of any tree or within 1m of any hedge or shrub within the identified areas. Such protection measures shall be retained for the duration of the construction of the development.

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

15. Where car parking spaces, including unallocated visitor parking spaces, and garages are provided on the site, these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

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

16. The proposed first floor window in the northern elevation to the dwelling on Plot 23 shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.8m above the finished floor level of the room in which the window(s) is installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

17. Any window(s), dormers or glazed areas created above first floor level in any wall or roof slope located less than 15m from the rear boundary of the plot site shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.8m above the finished floor level of the room in which the window(s), dormers or glazed areas are installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

18. Prior to the vehicular accesses serving the proposed dwellings being brought into use, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

19. Prior to the first occupation of the development hereby approved, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to ensure an appropriate form of development.

20. During the construction period; no works of any kind shall be undertaken, no temporary buildings or security fencing erected, no materials stored and no changes in ground levels shall be carried out, within a radius of 30m from the identified badger sett on the western boundary of the site.

REASON: To ensure that the Badger sett to the west of the site is maintained in their current state.

21. A wooden ramp sufficient to enable the escape of any badger which may inadvertently enter the construction site, shall be placed in any trench left open overnight during the construction period.

REASON: In order to provide an appropriate means of escape for any foraging badgers.

22. Prior to the translocation of the reptiles within the application site details of the management and monitoring of the translocated reptiles shall be submitted and approved by the Local Planning Authority.

REASON: This information is required prior to the translocation of the reptiles to ensure the longevity and vitality of the protected reptiles from the application site.

23. The translocation of reptiles from the development area to the land forming the southern part of the site shall be undertaken prior to the commencement of the development.

REASON: In order to ensure the adequate translocation of reptiles from the development site to the attenuation basin area and to protect such reptiles from injury or death.

24. The approved reptile management and monitoring plan shall be implemented in its totality.

REASON: To ensure the longevity and vitality of the protected reptiles from the application site.

25. Prior to the first occupation of the development hereby permitted details of bat and bird boxes to be provided on the site shall be submitted and approved by the Local Planning Authority. Such details shall include the number of boxes, the timing of the installation of these boxes, the position of the boxes and the future monitoring and maintenance of the boxes.

REASON: To ensure that adequate provision is provided for the roosting of bats and nesting of birds to compensate the loss of habitat within the site.

26. Details of any lighting of any phase shall be submitted to and approved in writing by the local planning authority prior to the commencement of development of that phase. Development shall be carried out in accordance with the approved details.

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

27. Prior to the construction of development on the site the applicant shall undertake and submit a detailed contamination investigation and risk assessment undertaken by competent persons. This investigation shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing. Such details shall be approved by the Local Planning Authority prior to the construction of the development.

REASON: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

28. Should contamination be found that was not considered in the remediation scheme, it shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed in accordance with condition 19 and a remediation scheme shall be submitted to, and approved by the Local Planning Authority, prior to further works being undertaken in the area of identified contamination.

REASON: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

29. The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within 4 weeks of completion of such works a validation report undertaken by competent persons in respect of the agreed remediation measures, shall be submitted to the Local Planning Authority for approval.

REASON: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

30. Prior to the commencement of the development hereby approved a landscaping scheme for the area to be occupied by residential development shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

In preparing the scheme, particular attention should be paid to the land to the west of Plots 1 - 4 and east of Plot 5.

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

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

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

32. Any tree contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be replaced by a tree of a similar size and species by the applicant or the applicants successor in title, as formally approved by the Local Planning Authority.

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

33. Prior to the commencement of development a Wildlife Protection, Habitat Creation and Management Plan (including measures for appropriate monitoring and maintenance), targeting in particular those species which currently use, or are likely to use, the application site, shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall provide specific details in respect of planting regimes, plant species, size of plants or densities of planting and the means of preparing, constructing and maintaining landscaped areas .

REASON: In order to protect the interests of wildlife present on the site and provide a visually attractive development.

34. The Wildlife Protection, Habitat Creation and Management Plan approved pursuant to Condition 33 above shall be fully implemented unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to protect the interests of wildlife present on the site and provide a visually attractive development.

35. No phase of the proposed development shall be occupied until such time as the access roads and vehicle parking areas serving the dwellings within that phase, as indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy T8 of the adopted Local Plan.

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

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T8 of the adopted Local Plan.

37. No unbound material shall be used in the surface treatment of any of the vehicular accesses within 6 metres of the highway boundary.

REASON: To avoid the displacement of loose material onto the highway in the interests of highway safety.

38. Details of the means to prevent unauthorised access to the proposed public open space and landscaped areas shall be submitted to and approved by, the Local Planning Authority.

REASON: In the interests of the amenity of future and existing occupiers of the proposed and existing dwellings and in view of the ecological sensitivity of such areas.

39. Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 90m metres to the North and South, measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. The access road shall be 5.5m wide with two 2m footways, as shown in principle on Cannon Engineers Dwg M781 /SDK3.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

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

REASON: To avoid the interference with visibility splays and lighting of the highway in the interest of highway safety in accordance Policy EC2 of the adopted Local Plan.

41. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy EC2 of the adopted Local Plan.

42. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of improvements to the Bus stops on Daws Heath Road within the vicinity of the proposed development, to include where appropriate, raised kerbs and associated infrastructure as approved by Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Government guidance as contained in the National Planning Policy Framework.

43. All parking shall conform to the EPOA Parking Standards Design and Good Practice Sept. 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m.

REASON: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy EC2 of the adopted Local Plan.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. As stated in the email from the Lead Local Flood Authority to the drainage consultants on 4th April 2016, the surface water discharge rates are subject to agreement at the detailed stage, depending on the adoption arrangements.

Further investigation should be carried out into whether a watercourse exists along the route of the overland flow path to the south of the site before a connection into the sewer is proposed.

3. In the interests of improving air quality within the borough, the applicant is requested to give consideration to the provision of electric vehicle charge points (EVCP's) within the development.
4. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
5. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of and at no cost to the Highway Authority. Application for the necessary works should be made to Essex Highways, Unit 36, Childerditch Industrial Estate, Childerditch Hall Drive, Brentwood, CM13 3HD e-mail:
development.management@essexhighways.org

The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011.

6. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall

7. The developer's attention is drawn to the need to address the management and/or safe disposal of asbestos and asbestos containing materials that may be present on the site, in accordance with the appropriate legislation.

REASON: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

Appendix 1 Statutory Consultee Responses

Essex County Council – Highway Authority

Essex County Council as the highway authority does not wish to raise objection to the proposals subject to the following conditions being attached:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

1. Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 90m metres to the North and South, measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. The access road shall be 5.5m wide with two 2m footways, as shown in principle on Cannon Engineers Dwg M781 /SDK3.
2. No unbound material shall be used in the surface treatment of a vehicular access within 6 metres of the highway boundary.

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

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

Reason: To avoid the interference with visibility splays and lighting of the highway in the interest of highway safety in accordance Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Additional Note:

With reference to the above condition the applicants attention should be drawn to the recent alterations to householder “permitted development” in so far as there is now the need to

provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run-off and overloading of sewers.

5. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6. All parking shall conform to the EPOA Parking Standards Design and Good Practice Sept. 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m.

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

7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

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

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of improvements to the Bus stops on Daws Heath Road within the vicinity of the proposed development, to include where appropriate, raised kerbs and associated infrastructure as approved by Essex County Council.

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

Notes:

- A footway needs to be continued around both sides of the junction radii to the first road on the right (between plots 44 and 33). This enables the correct transition between the carriageway and the proposed shared surface facility.

- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of and at no cost to the Highway Authority. Application for the necessary works should be made to Essex Highways, Unit 36, Childerditch Industrial Estate, Childerditch Hall Drive, Brentwood, CM13 3HD e-mail: development.management@essexhighways.org
- The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011.
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

*

Essex County Council - Lead Local Flood Authority

No objection subject to the following conditions:

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

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

Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Condition 4

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

Reason

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

Additional comments

- As stated in our email to the drainage consultants on 4th April, the discharge rates are subject to agreement at the detailed stage, depending on the adoption arrangements.
- As also stated on 4th April, further investigation should be carried out into whether a watercourse exists along the route of the overland flow path to the south of the site before a connection into the sewer is proposed.
- The development proposed on the land at Solby Wood Farm Daws, Heath Road, Benfleet is located within the East Thundersley Critical Drainage Area (CAS 3) as outlined in South Essex Surface Water Management Plan. We would also encourage, as part of the considerations for granting this application, that a Section 106 financial contribution be made secured by the Local Planning Authority. This will mitigate the impact of flood risk to the surrounding community by reducing off site flood risk thereby providing wider benefits to the surrounding area. There is therefore an opportunity for the development to contribute to the sustainability of this site by improving the existing drainage infrastructure.

Suggest a contribution of approximately £14,975 (as outlined in Draft Castle Point Local Plan). This would act as a partnership contribution to the flood alleviation scheme proposed to mitigate flood risk in this critical drainage area. The scheme is scheduled to be delivered in 2016/17.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the

application contrary to this advice, we request that you contact us to allow further discussion and/or representations from the LLFA.

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

Standing advice note explaining the implications of the Flood and Water Management Act (2010) attached. This which could be enclosed as an informative along with your response issued at this time.

*

Natural England

Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Benfleet & Southend Marshes SPA & Ramsar have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Benfleet & Southend Marshes and Great Wood & Dodd's Grove SSSIs have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

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

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

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

Impacts to Invertebrates and their Habitats

Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species, and / or the s41 habitat “open mosaic habitat on previously developed land”.

We have not assessed the application for impacts on these habitats and species, and our lack of comment should not be taken to imply that there are no impacts on them arising from the proposed development.

Natural England has produced standard advice for use by local planning authorities in Essex, which can be found here. This advice can be used to assist your authority and applicants in determining whether the open mosaic s41 habitat and s41 invertebrate species are reasonably likely to be present on, or in the vicinity of, the development site, and how we advise that these are considered in the planning process.

Should you have any questions on how to use this advice, please contact us at consultations@naturalengland.org.uk, although please note that we cannot comment in detail on specific development proposals.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w). Natural England's **SSSI Impact Risk Zones** are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments *likely to affect a SSSI*. The dataset and user guidance can be accessed from the data.gov.uk website.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

*

Essex County Council – Education

Thank you for providing details of the above full planning application for up to 67 new homes. From the information I have received, I have assessed the application on the basis of 2 one bedroom flats, 26 two bedrooms flats, 19 three bedrooms houses and 21 four bedroom houses. A development of this size can be expected to generate the need, for up to 4.68 Early Years and Childcare (EY&C) places, 15.6 primary school, and 10.4 secondary school places. Our comments are as follows;

The proposed development is located within the Victoria Ward. According to Essex County Council's childcare sufficiency data, published in July 2015, there are currently sufficient provisions in the ward to accommodate the additional places generated from this proposed development.

This proposed development is located within the priority admissions area of Hadleigh Infant and Junior Schools which are located within the Castle Point Primary Forecast Group 3 (Hadleigh) set out in Essex County Council's document 'Commissioning School Places in Essex'. The forecast planning group has an overall capacity of 892 places. The Castle Point primary group 3 forecast planning group is forecast to have a surplus of 44 places by the school year 2019-20. No contribution for additional primary school places should, therefore, be requested.

With regards to secondary education needs, this proposed development is located within the priority admissions area of The Deanes School which is, for the purposes of forecasting part of the Castle Point secondary forecast group 1. The Castle Point secondary group 1 (Benfleet) forecast planning group has an overall capacity of 4,997 places and is forecast to have a surplus

of 803 places by the school year 2019-20. No contribution for additional secondary school places should, therefore, be requested.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

*

Environmental Health Officer CPBC

Air quality modelling

This service requests air quality modelling is undertaken to identify whether pollutants from the Southend Arterial Road (A127) would have any impact upon the health of any future occupants of the site. A subsequent report should be submitted to this Council detailing the modelled levels of airborne traffic pollutants, so that they may be measured against the European directives.

Acoustic report

This service requests an acoustic report is undertaken to identify whether noise from the Southend Arterial Road (A127) would have any impact upon the health of any future occupants of the site. A subsequent report should be submitted to this Council detailing the levels to 1m from the nearest receptor.

Asbestos

To protect the health of site workers, those living in the vicinity and future occupiers of the site, I would like to have the following condition added:

The development shall not begin until a scheme to address the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the local planning authority dispenses with any such requirement specifically in writing.

INFORMATIVES

Noise and dust control

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the demolition and construction phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

The site may operate from 07:00 Monday to Saturday, but no powered plant or machinery or power tools or activities such as hammering, piling and unloading materials and equipment likely to give rise to impact noise shall be used, operated or carried out externally before 08:00.

The site shall close at 19:00 Monday to Friday and at 17:00 Saturday, but no powered plant or machinery or power tools or activities such as hammering, piling and unloading materials and

equipment likely to give rise to impact noise shall be used, operated or carried out externally after 18:00 Monday to Friday and 13:00 Saturday.

The best practicable means, as identified in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

No burning of waste or other materials

In the interests of maintaining and improving air quality within the borough there shall be no burning of any waste or other materials on the site.

Electric vehicle charge points

In the interests of improving air quality within the borough, it is requested that all premises have electric vehicle charge points (EVCP's) installed, this will enable greater future choice in electric vehicle ownership and usage.

*

Anglian Water

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

The development site is within the 15 metre cordon sanitaire of a sewage pumping station of this type. This is a significant asset both in itself and in terms of the sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The development site is within the recommended 15 metre of a water pumping station (or 'other named*' water apparatus). This is a significant asset both in itself and in terms of the water infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The EA has subsequently confirmed that the site is not within 15m of a pumping station.

Wastewater Treatment

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

Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

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

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

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as the proposed rate of 4.55l/s is below our minimum required rate to meet adoptable standards. Our minimum acceptable rate is 5l/s. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

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

Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Assets Affected (Section 1)

CONDITION

The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station of this type if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station.

REASON: *To avoid causing future amenity problems.*

Surface Water Disposal (Section 4)

CONDITION

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

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

*

National Health Estates

No objection

*

Appendix 2

Amenity Area Provision

Plot Number	Required Area m ²	Provided Area m ²	Deficient?	Variance from target m ²
1	90	123	NO	
2	75	81	NO	
3	75	75	NO	
4	90	123	NO	
5	105	112	NO	
6	135	110	YES	-25
7	135	100	YES	-35
8	120	110	YES	-10
9	120	115	YES	-5
10	135	115	YES	-20
11	135	144	NO	
12	135	127	YES	-8
13	120	120	NO	
14	135	114	YES	-21
15	120	120	NO	
16	105	108	NO	
17	120	135	NO	
18	105	88	YES	-17
19	135	140	NO	
20	120	133	NO	
21	120	120	NO	

22	120	174	NO	
23	90	140	NO	
24	135	209	NO	
25	105	90	YES	-25
26	105	100	YES	-5
27	105	110	NO	
28	105	169	NO	
29	105	109	NO	
30	105	73	YES	-32
31	105	80	YES	-25
32	135	135	NO	
33	105	105	NO	
34	105	126	NO	
35	90	110	NO	
36	135	100	YES	-25
37	120	105	YES	-15
38	135	140	NO	
39	135	136	NO	
40	120	120	NO	
41	120	120	NO	
42	135	190	NO	
43	135	156	NO	
44	75	70	YES	-5
45	75	75	NO	
46	75	75	NO	

ITEM 2

Application Number:	16/0691/FUL
Address:	125 Vicarage Hill Benfleet Essex SS7 1PD (Boyce Ward)
Description of Development:	Single storey extension to Club House and disabled access ramp
Applicant:	Boyce Hill Golf Club
Case Officer	Mr Keith Zammit
Date of Expiry	08.12.2016

Summary

The application seeks permission for the extension of the clubhouse building at the Boyce Hill Golf Club. Whilst many extensions have been permitted to the building in the past, it is now considered that a point has been reached where the level of extensions to the building is disproportionate to the size of the original structure, contrary to Green Belt policy. It is therefore recommended that permission be REFUSED.

The application is presented to the Committee at the request of Councillor Smith, in order that the Committee may consider the community benefits associated with the proposal as well as its impact on the Green Belt.

Site Visit

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

Introduction

The application relates to the clubhouse building that is located in the central southern portion of the golf course, approximately 100m from the nearest residential properties.

The Proposal

Permission is sought for the erection of a single storey extension to the north side of the building. The proposed floor plans show this are containing tables and chairs and annotated as a public teaching and viewing area. The extension would overlook the practice putting green.

The proposed extension would have a maximum width of some 16.55m and depth of between 4.8m and 5.3m. The flat roof height would be between 4m and 4.6m above ground level due to the change in ground levels across the site.

The application form states that the proposed materials are "to match existing".

Supplementary Documentation

A covering letter, Design & Access Statement and Planning Statement submitted with the application are available to view on the Council's website.

Planning History

There is an extensive history of alterations and additions to the clubhouse so it is not intended to list every single application here. Members should note however that in 2007 permission was refused, and subsequently dismissed at appeal, for a single storey extension to the bar area, on the basis that it would harm Green Belt (CPT/685/07/FUL).

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework
Section 9 – Protecting Green Belt land

Adopted Local Plan

The site is located within the Green Belt, although there are no specific policies of relevance to this proposal

Emerging Local Plan

GB4 – Extensions and Alterations to Buildings in the Green Belt

Consultation

No statutory consultees notified of this application

Public Consultation

One comment received in support

Comments on Consultation Responses

There are none

Evaluation of Proposal

There are not considered to be any issues of neighbour impact or car parking provision arising as a result of the proposed development. The proposal is not felt to be harmful to the appearance of the building or wider site in terms of its detailed design. The main issue here is whether the development would be consistent with the aims and objectives of Green Belt policy.

The Government's position, as set out within the National Planning Policy Framework ("the Framework") is that new buildings within a Green Belt constitute inappropriate development (which, by definition, is harmful to the Green Belt) with a few exceptions. These include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, and the provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Inappropriate development should not be permitted except in very special circumstances, which will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

There are no policies relevant to this proposal in the Council's Adopted Local Plan. The emerging Local Plan contains a Policy GB4 which states that proposed extensions and alterations to existing buildings in the Green Belt will be permitted provided that, *inter alia*, there is no material impact on the character, appearance or openness of the Green Belt and the individual and cumulative size, scale, form, massing and height is proportionate to that of the original building and its plot.

Whilst the emerging Local Plan has been submitted for examination, in general terms it can be afforded little weight. In this particular instance, however, the criteria referred to in Policy GB5 are considered to display a high degree of resonance with the Framework and may therefore be afforded limited weight.

The applicant asserts that the proposal is appropriate development as it facilitates outdoor sport and does not materially affect the openness of the Green Belt. If it were inappropriate development, very special circumstances exist inasmuch as it would contribute to health and wellbeing and encourage young people to participate in golf.

The NPPF states that an exception to the presumption against new buildings is the provision of "appropriate" facilities for outdoor sport and recreation. This distinction is important as it differs from the previous Government guidance in the now superseded Planning Policy Guidance Note 2, which stated that only "essential" facilities for outdoor sport and recreation should be permitted.

The teaching of golf may well involve the provision of theoretical as well as practical training and it is therefore understandable that the club may wish to have a dedicated space for this activity rather than using the lounge bar area.

The applicant has been approached for further information as to the approximate length of time that classroom based teaching activities would take place in the proposed extension.

In response the Council has been advised that the club currently provides 50 hours of teaching per week, and provides teaching for seven schools and community groups at the club. The proposed extension would increase the opportunity for golf teaching, both in terms of numbers of groups and the frequency of such activities. However, no specific information as to the amount of classroom based teaching activity the development is intended to provide has been forthcoming. Furthermore, it was not made clear if the 50 hours of teaching currently provided each week is classroom based or practical training taking place on the golf course. If this does include indoor classroom based teaching activities it is unclear where this is currently taking place and why it is a problem.

The proposed floor plans show that the proposed extension would be used as a public teaching and viewing area. It has not been stated if the viewing area is for 'students' to watch teaching demonstrations outside or if it is for members of the club generally to view activities on the golf course. In the case of the former there is no explanation why students could not view such teaching demonstrations outside. In the case of the latter this would indicate the extension is a flexible space and not intended solely for teaching purposes.

This observation is further supported by the absence of windows and doors between the teaching area and lounge bar, and their replacement with screens only 1.2 metres in height.

The open nature of the teaching area would render it difficult for the lounge and viewing area to be used contemporaneously with lessons, as to do so would be likely to detract from the teaching

activity taking place. If the lounge is not to be used at the same time then no explanation as to why this existing space could not be used for the proposed teaching activities has been provided to support this application. Furthermore, it is noted that there is a large dining room on the southern side of the building which may be able to serve as a flexible space and accommodate both dining and teaching activities.

In the light of the above it appears that the proposed teaching extension is likely to be used as an extension to the lounge and viewing area for club members for significant periods and not solely to facilitate participation in outdoor sport. It is not therefore considered that the proposal may be justified in terms of the facilitation of outdoor participatory sport.

With regard to the size of the extension the NPPF makes provision for extensions to buildings within the Green Belt provided that they do not result in disproportionate additions.

The proposal involves extending the clubhouse. The clubhouse has been found to have been originally constructed with a volume in the region of 1160 cubic metres. Since 1967, in excess of 1900 cubic metres has been added to the building, more than doubling its size, and the current proposal seeks to extend this still further, adding in excess of 300 cubic metres to the structure.

The building is already felt to have been enlarged to the extent where the additions are disproportionate to the original building. It is considered that the further enlargement of the building on top of the generous additions it has already benefitted from would make the additions to the building even more disproportionate to the original. For this reason, the proposal is held to be inappropriate development. The proposal would also be contrary to Policy GB4 of the emerging Local Plan inasmuch as the cumulative size of the extensions would not be proportionate to the original building.

Having established that the proposal amounts to inappropriate development in the Green Belt, it is necessary to see if any very special circumstances exist that would outweigh the harm to the Green Belt.

The applicant feels that there are very special circumstances, as the proposal contributes to better health and wellbeing and encourages young people to play golf, as encouraged by paragraph 70 of the NPPF. Whilst this may be argued in respect of the current proposal, it could also be said in respect of any proposal that facilitated participation in sport. It would therefore be difficult to describe this as a special circumstance, let alone the very special circumstances needed to justify inappropriate development.

Officers are not aware of any other circumstances which may mean that the development should be permitted.

Conclusion

The proposed extension is considered to amount to inappropriate development within the Green Belt, which is not justified by any very special circumstances.

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

My Recommendation is Refusal for the following reasons

- 1 The proposed development is not considered to be primarily for the purpose of facilitating participation in outdoor sport and therefore may not benefit from the exemption to the presumption against inappropriate development at paragraph 89 (bullet 2) of the National Planning Policy Framework. The proposed extension, together with previous extensions, would result in the provision of disproportionate additions over and above the size of the original building and constitute inappropriate development to the detriment of the openness of this part of the Green Belt. No very special circumstances have been identified as to why the development may be exceptionally permitted and in the absence of any such very special circumstances the proposal is contrary to Policy GB4 of the Council's emerging New Local Plan and national guidance as set out in the National Planning Policy Framework (NPPF).

Informatives

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

ITEM 3

Application Number:	16/0706/FUL
Address:	Adj 55 Hannett Road Canvey Island Essex SS8 8LP (Canvey Island East Ward)
Description of Development:	Construction of 2 No. dormer bungalows
Applicant:	Ms Marnie Bennett
Case Officer	Mr Keith Zammit
Date of Expiry	08.12.2016

Summary

The application seeks permission for the development of this site with a pair of semi-detached dormer bungalows, following refusal of two earlier schemes. The latest scheme has addressed all previous concerns and does not conflict with either national guidance or any of the Council's policies and residential design guidance and as such is recommended for APPROVAL.

The application is presented to the Committee at the request of Councillor Sach so that the Committee may consider the effect of the proposal on existing drainage infrastructure, the parking arrangements associated with the proposals and concerns regarding overdevelopment of the site.

Site Visit

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

Introduction

The application relates to land to the north of an existing detached bungalow on the west side of Hannett Road. It is mainly laid to lawn with some shrubs and trees. There is a detached garage on the site that currently serves No.55.

The Proposal

Permission is sought for the erection of a pair of semi-detached dormer bungalows. Each would be one bed roomed with a partially recessed parking space and vehicular access from Hannett Road. The roof height would be 6.875m. The development would be finished externally in light yellow face brickwork, white render and grey concrete roof tiles.

Supplementary Documentation

The application was accompanied by a Design and Access Statement and a Flood Risk Assessment which are available to view on the Council's website.

Planning History

May 2016 – permission refused for construction of 2No. two bedroom bungalows (16/0054/FUL) for the following reasons:

1. The Flood Risk Assessment accompanying the application is not considered to provide a suitable basis upon which to assess the risks to future occupiers of the development from

flooding as it does not comply with the requirements of the Planning Practice Guidance. Therefore, applying the precautionary principle, the risk to the development is deemed too great.

2. The proposed parking bays fail to meet the meet the minimum bay sizes set out in the Council's adopted parking standards contrary to Policy T8 of the Council's Adopted Local Plan and would be likely to lead to vehicles overhanging the highway to the detriment of highway safety and impeding the convenient and safe use of the front doors to the bungalows contrary to Policy EC2 of the Council's Adopted Local Plan.
3. The proposal, by reason of the provision of single storey accommodation as bungalows, is likely to give rise to an unacceptable form of residential accommodation in an area at risk from flooding, identified as flood risk zone 3A, creating inappropriate living conditions for potential occupiers of the accommodation, contrary to the National Planning Policy Framework at paragraphs 100 to 103, contrary to the advice of the Environment Agency as expressed through its objection to this application, and contrary to Policy CC2 of the Council's New Local Plan.
4. The proposed development fails to provide adequate amenity space to cater for the outdoor needs of the occupiers which due to its proximity to the rear boundary of the site would result in a dwelling that would appear cramped in relation to the surrounding properties contrary to Policies EC2 and H17 RDG6 of the Council's Adopted local Plan.

August 2016 – permission refused for construction of 2No. Houses (16/0465/FUL) for the following reasons:

1. The proposed parking bays fail to meet the meet the minimum bay sizes set out in the Council's adopted parking standards contrary to Policy T8 of the Council's Adopted Local Plan and would be likely to lead to vehicles overhanging the highway to the detriment of highway safety contrary to Policy EC2 of the Council's Adopted Local Plan.
2. The proposed development fails to provide adequate amenity space to cater for the outdoor needs of the occupiers which due to its proximity to the rear boundary of the site would result in dwellings that would appear cramped in relation to the surrounding properties contrary to Policies EC2 and H17 RDG6 of the Council's Adopted local Plan.
3. The proposed dwellings, due to their proximity to the rear boundary of the site, would cause undue overlooking and loss of privacy to the existing residential properties to the rear of the site, contrary to RDG5 of the Council's Residential Design Guidance.
4. The proposed dwellings, due to their height and proximity to the rear boundary of the site, would be unduly dominant and obtrusive to occupiers of existing residential properties to the rear of the site, contrary to RDG3 of the Council's Residential Design Guidance.
5. The car ports and drive, by reason of their inadequate depth to accommodate two vehicles, and the lack of a clear main entrance for the dwellings facing the street, would result in poorly designed dwellings dominated by vehicles, which would be out of character with and detrimental to the visual amenity of the area, contrary to Policy EC2 of the adopted Local Plan, guidance at RDG12 within the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

There is also approval for raising of the roof including a first floor front extension, dormers to the front and rear, front bays and a front canopy at the existing dwelling, 55 Hannett Road (16/0594/FUL).

Relevant Government Guidance and Local Plan Policies

The site is allocated for residential purposes on the proposals map accompanying the Adopted Local Plan. The following policies and guidance are of relevance:

National Planning Policy Framework

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

RDG12 – Parking and access

Consultation

Anglian Water

No comments received

Canvey Town Council

Object for the following reasons:

- o over-development of site
- o over-dominance to adjacent properties
- o insufficient parking provision
- o local knowledge of drainage issues

Concern has also been raised over disposal of foul sewage and surface water and the knowledge of existing underground pipes on the plot.

Environment Agency

No objection subject to condition

Public Consultation

Two objection comments received from 58 Hannett Road and 138 Smallgains Avenue, making the following comments:

- o insufficient parking provision
- o difficult to tell if proposed driveways will cause access problems for existing residents
- o drainage pipes running through plot
- o loss of garden area which used to soak up water
- o overlooking of nearby properties
- o proximity to boundary/dominance

Comments on Consultation Responses

The location of drainage pipes and discharge of foul sewage and surface water from the proposed buildings are matters dealt with under Building Regulations. Other issues raised are discussed in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are the risk to occupiers of the proposed dwellings from flooding, the impact of the proposal on local surface water drainage, the design of the buildings and their impact on neighbours, and any parking implications.

Risk to occupiers of the proposed dwellings from flooding

It is an established principle that for dwellings to serve the community of Canvey Island they must be located within or near that settlement, which is located entirely within Flood Zone 3. The sequential test for this proposal is therefore considered to be passed.

The exception test, which is also applicable to this development, has two elements, both of which need to be passed for the development to be permitted:

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

In respect of the first criterion, it is considered that continued development is necessary in order to avoid social and economic blight of the settlement. This criterion is therefore considered to be passed.

In respect of the second criterion, this requires the submission of a site-specific Flood Risk Assessment.

The application, as submitted, attracted a holding objection from the Environment Agency on the basis that the Flood Risk Assessment had not correctly calculated the expected flood depths on site and within the building and did not contain a topographic survey.

Following submission of a revised Flood Risk Assessment, this objection has now been withdrawn.

It is proposed that the internal ground floor level would be 300mm above the highest ground level on site. This would be liable to flooding; however the first floor level would be 2.7m above site levels which is 1.7m above the maximum breach flood depth. The Environment Agency has not objected to the development, subject to the condition that the first floor levels are set a minimum of 2.7m above existing site levels. The second criterion of the exception test is therefore considered to have been passed.

Provided that the response of occupiers to a flood warning being issued or flooding occurring is managed by a flood response plan, there is no objection on the basis of flood risk. There is a basic plan on pages 16 to 20 of the Flood Risk Assessment prepared by UNDA dated October 2016. This is considered adequate for the purpose of making occupiers aware of the different types of warning available and the actions they should take, including if flooding were to occur without any warning. Subject to a condition requiring this plan to be enacted upon occupation of the dwellings, there is no objection to this aspect of the proposal.

The National Planning Practice Guidance states that the structural safety buildings should be considered. The submission contains no consideration of such matters. Were permission granted, a condition should be imposed requiring demonstration of the ability of the structure to withstand the hydrostatic and hydrodynamic pressures likely to be acting upon it in a 1 in 200 and 1 in 1000 year flood event.

Impact on surface water drainage

It is noted that there have been objections to the proposal on the basis that it would exacerbate existing surface water drainage problems in the area. The planning authority is aware that during heavy rainfall events the highway drainage infrastructure struggles to cope with the volume of surface water that this generates and this can sometimes lead to localised flooding of the highway.

It is understandable that residents may feel that a further dwelling will add to flooding problems due to the loss of a garden with soft landscaping; however the developer is only required to demonstrate that the development will not increase flood risk elsewhere.

If the existing highway drainage infrastructure needs repairing or upgrading it is for the relevant statutory undertaker to carry out those works. The inadequate state of the drainage in the area cannot be used as a reason to refuse new development.

In this particular instance, it is proposed to provide concrete hard surfacing for car parking. This is an impermeable surface which could result in surface water being discharged onto the highway. It is the normal practice of the Local Planning Authority in such instances to require the hard surface to be SuDS compliant by way of a planning condition, e.g. through use of a soakaway. Subject to such a condition, there is no basis upon which the application may be refused on grounds of surface water drainage.

Design

In design terms, the street is an eclectic mix of dwelling styles and designs. In this context, it is not considered that the style of dwellings proposed would look out of place. The proposed ridge

height of 6.875m compares favourably to the adjacent dwelling at No.55 which has received planning for extensions and alterations that would increase its roof height to 6.5m.

The current scheme proposes one bedroomed dwellings requiring one car parking space per property, so car dominance is not considered to be an issue as with previous schemes. The parking spaces would still be partially recessed however not to the extent that was previously proposed and it is not felt that this would be visually harmful to the area. A clear main entrance is also proposed, which was lacking before, so the dwellings now appear stronger and more coherent as a piece of architecture.

Overall, it is considered that this revised scheme satisfactorily addresses the previous design concerns that have been raised, and there is no further objection to the proposal on design grounds under Policy EC2, RDG1, RDG2, RDG3, RDG7, RDG8 or RDG12.

Impact on neighbours

The proposed dwellings are considered to be sited such that no adverse impact to surrounding residents through obtrusiveness or dominance would be caused.

The proposed dwellings have been designed so that at first floor level there are no rear facing windows. The rear elevations of these dwellings would therefore have the appearance of bungalows and properties in Bardenville Road would not be overlooked.

The front facing dormer windows would overlook the street which is within the public realm and is not deemed to cause unacceptable overlooking of properties opposite.

The layout shows side windows on the stairs and serving a bathroom which have the potential to overlook adjacent sites, however, as these are secondary windows it would be possible to make them the subject of a condition requiring obscure glazing and restricted opening to prevent undue overlooking of nearby properties occurring. Subject to such a condition there is no objection to the proposal on the basis of its impact on adjacent residents under RDG3 or RDG5 of the council's Residential Design Guidance.

Parking implications

The dwelling makes provision for off-street parking of one car for each dwelling. This is appropriate to the level of accommodation provided and consistent with the Council's adopted parking standards. Subject to a condition requiring the hard surfaced areas for the parking spaces to be provided in accordance with SuDS principles (as previously mentioned) and provided with a properly constructed vehicular access to the highway there is no objection to the proposal on parking grounds under Local Plan Policy T8.

Other matters

The garden areas in respect of previous proposals have been lacking in size. However, the current proposal provides fewer habitable rooms and the minimum garden size required for these dwellings is 50m². The dwellings would be provided with rear garden areas of some 49m² and 60m². These are felt to be satisfactory when assessed against the guidance. It is recommended however that should the proposal be approved permitted development rights for further extensions are withdrawn as the uncontrolled erection of extensions could result in unacceptably small garden areas being provided, particularly in the case of plot 1.

It would also be prudent to impose a condition preventing the formation of any windows or other openings above eaves level to the rear of the dwellings, as the formation of windows in this location could lead to unacceptable overlooking of properties in Bardenville Road.

Conclusion

The proposed development meets nearly all of the Council's residential design guidance is considered to be an acceptable form of development for this site subject to conditions to control some aspects of it. There are no strong reasons to refuse planning permission and therefore it is recommended that the Committee approve the proposal.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The windows in the side elevations of the proposed dwellings serving the stairs and bathrooms shall be:

- (i) obscure-glazed; and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed (in the case of a window situated over stairs, this distance shall be measured at the mid-point of the window)

and permanently retained as such thereafter.

REASON: To prevent overlooking and loss of privacy being caused to adjacent residential properties.

- 3 Prior to first occupation of the development, the approved car parking areas shall be provided, hard surfaced and drained in accordance with SuDS principles, together with properly constructed vehicular access to the highway, all in accordance with the approved plans. Thereafter, these areas shall be retained for the parking of vehicles and not used for any other purpose.

REASON: To make and retain satisfactory provision for parking off the highway.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Class A of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the express permission of the local planning authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.

- 5 No windows, doors or other forms of opening shall be created in the rear elevation of the development above eaves level without the express permission of the local planning authority.

REASON: The council considers that the formation of rear-facing windows above eaves level is likely to lead to unacceptable overlooking and loss of privacy to properties in Bardenville Road.

- 6 Upon occupation of the development, the Flood Warning and Response Plan on pages 16-20 of the Flood Risk Assessment prepared by UNDA dated October 2016 shall be enacted and thereafter maintained at all times that the development is occupied.

REASON: In order to ensure the appropriate protection of occupiers of the building in the event of a flood.

- 7 Prior to the construction of the development above raft level, a scheme demonstrating the ability of the proposed structure to withstand the hydrostatic and hydrodynamic pressures likely to be acting upon it in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the local planning authority.

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interests of the safety of the future occupiers of the site.

- 8 The development shall be constructed in accordance with the details submitted pursuant to condition 7.

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interest of the safety of the future occupiers of the site.

- 9 The finished first floor level of the development shall be set no lower than 2.7m above existing site levels.

REASON: To ensure the inclusion of safe refuge for the development and future occupants.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 4

Application Number:	16/0720/FULCLC
Address:	Garage Site Land Adjacent To Lawns Court Thundersley Essex SS7 4LG (St George's Ward)
Description of Development:	Demolition of existing garages and construct 2No. semi-detached bungalows
Applicant:	Castle Point Borough Council
Case Officer	Miss Emma Clay
Date of Expiry	06.12.2016

Summary

Planning permission is sought for the demolition of five garages and the construction of 2 semi-detached one bedroom bungalows as specialist accommodation for the elderly and infirmed, or by persons medically disadvantaged. This is a Council funded development which would be managed by the Council.

The proposal complies with all relevant Council policies and guidance and is recommended for approval.

The application is presented to the Committee because the Council is the applicant and the site is on Council owned land.

Site Visit

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

Introduction

The application site is located within the curtilage of the Lawns Court Development, an elderly persons sheltered housing scheme, which is managed by the Council. The site is located on the southern side of Lawns Court, and is currently occupied by a terrace of five garages. The site is regular in shape having a frontage of 20m, and a depth of some 20m.

Lawns Court is an early 1970's elderly sheltered housing scheme for No.30 homes and comprises of predominantly single storey terraced units, which have open frontages and 'residency only' parking.

The Proposal

Permission is sought for the demolition of five the garages and the erection of a pair on semi-detached one bedroom bungalows with two additional parking spaces provided with a new access to the front of the properties. The development would have a width of some 16.4m, a depth of some 9.75m and a pitched roof some 4.3m in height and would be finished in face brickwork and concrete interlocking tiles.

Supplementary Documentation

In addition to the application drawings there is a Design and Access Statement which can be viewed on the Council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (NPPF)
Paragraph 50

The New Local Plan 2016 (Not adopted)

DES1 - General Design Principles
H 1 – Housing Strategy
H 13 – Size and Type of Homes

Local Plan

EC2 – Design
T8 – Parking Standards

Residential Design Guidance

RDG1 – Plot size
RDG2 – Space around dwellings
RDG3 – Building lines
RDG6 - Amenity space
RDG7 – Roof development
RDG12 – Parking and access
RDG16 – Liveable Homes

Essex Parking Standards (Adopted August 2010)

These policies are consistent with the NPPF.

Consultation

Legal Services

No objection is raised.

Essex Highways

No objection subject to conditions.

Public Consultation

Neighbour notification letters were sent to nine properties. One response has been received with the following concern:

- o The loss of the garage use.

Comments on Consultation Responses

The loss of the use of a garage for a mobility scooter by a resident of the Lawns Court is being dealt with by Housing Services and the Scheme Manager who are currently looking into alternative storage facilities.

Evaluation of Proposal

The National Policy Context for Housing

The policy context for housing need is provided by the National Planning Policy Framework (NPPF), which requires at paragraph 50 that local authorities plan to deliver a mix of housing based on current and future trends, identifying the size, type, tenure and range of housing that is required.

The Need for Specialist Housing in Castle Point

The emerging New Local Plan 2016, under Policy H1 Housing Strategy, states that a total of 2,000 new homes will be delivered in the borough during the period 2011 to 2031 and this will include specialist accommodation for older people.

The evidence base supporting this suggests that the ageing population (retirement age or older (65+)) will represent 35% of the total population of the borough by 2031.

The evidence also suggests that the nature of housing provision in the borough would address the demand for the actively elderly but recognises that additional specialist accommodation such as that being proposed will need to be provided.

In light of the evidence base supporting Policy H1 it is clear that the proposal, although small scale, would make a contribution to future need in the borough.

Principle

The land is allocated for residential purposes as delineated in the adopted Local Plan. There can therefore be no objection in principle to the residential development of the site.

Design

Policy DES1 of the New Local Plan 2016 and Policy EC2 of the adopted Local Plan require a high standard of design for all alterations and extensions to existing buildings. Policy DES1 goes on to state that the design should reflect the borough's historic character, accentuate positive features of the urban environment, and contribute positively towards sustainability.

Policy RDG7 requires the roof design of any development to be compatible primarily with the dwelling, but should also be informed by the prevailing character of the area and surrounding forms of roof development. The roof should be proportionate to the remainder of the dwelling but must not be top heavy, or appear prominent or dominant.

Policy RDG8 requires detailing elements for all developments to be consistent with the overall architectural approach of the dwelling and should result in well proportioned and balanced properties. The materials used for such detailing elements should integrate with or complement primarily the dwelling, but also those present in the surrounding street scene. Fenestration should be aligned both vertically and horizontally.

The proposed development is considered to be of a good and well proportioned design which would have a maximum height of 4.3m and reflect the scale of the surrounding development in Lawns Court. However, the pitched roof of the proposal does not reflect the distinct character of the properties of Lawns Court, which are predominantly low rise flat roofed box design properties of the 1960/70 period.

Although not consistent with the Lawns Court design rationale the proposed dwellings would be the first buildings seen on entering Lawns Court and their pitched roofs reflect the prevailing character of properties in the nearby surrounding streets. Furthermore, the proposal would be finished face brick, and would complement with the properties of Lawn Court and aid in the assimilation of the proposal within this distinct street scene.

It is not considered that the proposal would harm or disrupt the existing character and appearance of the street scene.

Other matters of detailed design and layout

Policy RDG1 requires the plot size of new development to be informed by the prevailing character of plot sizes.

The application site has a depth of some 20m and a width of some 20m, which reflects the plot sizes of properties within Lawns Court and would not be at variance with the character of the local area.

Policy RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings

The flank wall of the proposed dwellings would be located 1.2m, increasing to 1.7m at the rear, from the eastern boundary of the site and 1.7m from the western boundary. This level of isolation provision is in keeping with the character of the street scene of Lawns Court.

Policy RDG3 requires proposals to be informed by the prevailing building lines to the public realm it faces. The building line of Lawns Court has a staggered building line arrangement and the proposal continues with this pattern.

Policy RDG6 requires the provision of appropriate levels of outdoor amenity space with 15m² per habitable room provided. Where three or less habitable rooms are provided the minimum amenity space should be 50m².

Each of the properties would have two habitable rooms with amenity areas of 38m² and 39.5m², respectively. Although the outdoor amenity space for each proposed dwelling is below the minimum required under RDG6 the garden sizes reflect the level of outdoor amenity of other dwellings at Lawns Court and in light type of specialist accommodation being proposed is considered sufficient to meet the needs of future occupiers.

Impact on neighbours

Policy RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The level of projection and isolation provided by the proposal is comparable to the neighbouring properties and would not result in any loss of amenity by neighbours.

Parking

Policy T8 of the Local Plan requires the provision of off-street parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

Policy RDG12 requires parking not to be visually dominant.

The currently adopted standards require the provision of one parking space for properties with one bedroom. The proposal would provide each property with one on-site parking space and a dropped kerb to all sides of the parking area to assist occupiers with mobility problems.

The Highway Authority has raised no objection to the proposal but recommends several conditions.

Conclusion

The proposed specialist residential accommodation would comply with current and emerging local plan policies and residential design guidance. It would make a much needed contribution to the unmet need that exists in the borough of this type of specialist residential development and is recommended accordingly for approval.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The development hereby approved shall be built wholly in accordance with the approved materials.

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

- 3 Prior to first occupation of the development the existing vehicular access shall be relocated as shown on the planning drawing P775/2 Rev C. The width of the access at its junction with the carriageway shall not exceed 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the carriageway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 4 Any redundant part of the existing vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 5 Prior to the first occupation of the development hereby approved, the hardsurfaced parking spaces shown on planning drawing P775/2 Rev C, received 28th September 2016, shall be provided designed and constructed in accordance with SuDS principles.

Following installation the proposed hard surfacing shall be maintained in accordance with SuDS principles.

REASON: In order to ensure the provision of adequate on site parking facilities, commensurate with the level of accommodation provided and to limit the potential for increased surface water runoff from the site.

- 6 No unbound material shall be used in the surface treatment of the vehicular parking area.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 5

Application Number:	16/0734/FUL
Address:	309 Thundersley Park Road Benfleet Essex SS7 1AH (Boyce Ward)
Description of Development:	Replacement dwelling (revised application)
Applicant:	Miss Savannah Tappenden
Case Officer	Mr Robert Davis
Date of Expiry	09.12.2016

Summary

This application seeks permission for the demolition of an existing garage and single storey dwelling and their replacement with a two storey dwellinghouse with attached car port.

The proposal is considered to be contrary to national and local Green Belt policy and is recommended for REFUSAL.

The application is presented to Committee at the request of the Councillor Smith, so that the Committee may consider the proposals in the context of adopted and emerging local policy, as well as their impact on the Green Belt.

Site Visit

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

Introduction

This application relates to a triangular shaped site located on the southern side London Road (Bread and Cheese Hill) immediately west of its junction with Thundersley Park Road. The site has a maximum depth of 50 metres and width of some 35 metres and is occupied by a bungalow in a poor state of repair which is heavily screened by tall mature trees. The site is located at the start of a hill and set on elevated land above London Road.

To the southwest, up until Glen Road, Thundersley Park Road is unmade and occupied by residential development set close together. The density of development then reduces and the character of the area becomes more open. To the north, on the opposite side of London Road, the land is occupied by residential development.

The Proposal

The proposal is to demolish the existing dwelling and replace it with a two storey house having a footprint of 10.7 metres by 7.4 metres having a ridge height of 7.7m. An attached pitched roof car port with habitable accommodation above and to the side measuring some 10 metres wide by 7.4 metres deep projects forward of the main dwellinghouse.

The ground floor living accommodation is mainly open plan having a living room, kitchen, dining room and study. At first floor there are 4 bedrooms. Above the car port there is a play room.

The dwelling is to be finished in a mixture of cream render and red face brickwork with brown roof tiles. Fenestration and doors would be in timber/UPVC composite. The parking area is to be constructed using permeable resin bonded gravel.

The boundaries of the site would be treated with 1.8m high close boarded fencing. Works to, and the removal of, several trees are proposed as part of the redevelopment of the site. Many of the trees along the London Road boundary would remain to provide additional screening.

Supplementary Documentation

The submitted application was accompanied with by an Arboricultural Impact Assessment Report, which is available to view on the Council's web site.

Planning History

BEN/327/69

Change of use of shop to residential.

16/0025/FUL

This was a full planning application for a replacement dwelling which was approved in September 2016. It is similar to the current application but excludes the carport and accommodation linking it to the main dwelling, which also has a lower ridge height.

Local Plan Allocation

Green Belt

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

Paragraphs 87 - 89

Local Plan (Adopted November 1998)

EC2	Design
EC22	Retention of trees, woodland and hedgerows
GB4	Rebuilding of existing dwellings in the Green Belt
T8	Parking standards
Appendix 2	Development in the Green Belt

Residential Design Guidance

RDG2	Space around dwellings
RDG3	Building lines
RDG5	Privacy and living conditions
RDG6	Amenity space
RDG7	Roof development
RDG8	Detailing

New Local Plan (Submitted to Secretary of State September 2016)

DES 1	General Design Principles
GB5	Replacement Buildings in the Green Belt

Consultations:

Neighbour notification letters were sent to eleven properties.

One response has been received which makes the following comments and observations:

- o House is far too big for the plot and would dominate the street entrance and change the character of the lovely woodland area street.
- o Entrance to an already difficult turn into, development would make passing on foot and by cars dangerous
- o Construction traffic will put pedestrians at risk
- o Removal of trees will cause earth movement and structural issues with property.
- o Effect on the wildlife

Comments on Consultation Responses

All material considerations raised are discussed in the evaluation of the report.

Evaluation of Proposal

The main considerations with this proposal are its impact on the Green Belt, street screen and neighbouring trees.

The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

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

Paragraph 88 says that when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF specifies that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. However, it goes on to state that exceptions to this include the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces, and limited infilling or complete redevelopment of previously developed sites (brownfield Land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Council's adopted Local Plan clarifies what is considered materially larger. Policy GB4 of the adopted Local Plan states that proposals for the rebuilding of existing dwellings in the Green Belt will satisfy the following criteria:

- o the residential use of the dwelling to be replaced has not been abandoned

- o The replacement dwelling shall be sited in the same position as the existing or former dwelling unless its re-siting would be less obtrusive and would improve the appearance of the Green Belt
- o The size, general lines and form of the replacement dwelling are similar to that of the previous dwelling. Additional cubic volume up to that of the maximum of the unimplemented permitted development rights of the original dwelling may be included
- o Gaps shall be maintained between the flank walls of any structure and the boundaries of the curtilage which coincide with the gaps around the structures to be replaced or provide minimum gaps of 3m, whichever is the greater
- o A scheme of landscaping, including, where appropriate, substantial strips along curtilage boundaries, shall be provided, implemented and appropriately maintained
- o The replacement dwelling shall be sympathetic in scale, form, design, height and materials to the rural character of its surroundings and nearby buildings

The general aims of this policy are consistent with the NPPF. However, the requirement at (i) is inconsistent because paragraph 89 bullet 6 of the NPPF states that the redevelopment of previously developed sites, ***whether redundant or in continuing use***, is an exception to the presumption against inappropriate development. The requirement at (iv) for 3m isolation to side boundaries is an arbitrary figure and does not allow an assessment to be made of whether the proposed development is acceptable in the context of its surroundings. These parts of policy GB4 should therefore not be applied.

Appendix 2 of the adopted Plan elaborates on the phrase “size, general lines and form”.

Paragraph A2.23 clarifies that the “size” of the dwelling is the gross cubic volume of the dwelling to be replaced. The cubic volume will include that of the existing roof, porches and conservatories as well as the main body of the dwelling. It will not include the cubic volume of any garages, sheds, barns or other outbuildings within the curtilage of the dwelling, nor the cubic volume of any accommodation provided to the existing dwelling below natural ground level.

Paragraph A2.25 clarifies the reference to “general lines and form” and states that in order to protect the character of the Green Belt, it is essential that any new development reflect that which is replaced. Single storey dwellings only will be acceptable where a single storey dwelling is replaced; similarly a two storey dwelling is only acceptable where a two storey dwelling is replaced. The insertion of dormer windows into the roof of a bungalow, or the provision of a chalet style dwelling will be held to be a two storey dwelling and will not be considered an acceptable replacement for a single storey dwelling.

Paragraph A2.13 clarifies the gross cubic volume allowed. In respect of proposals to rebuild dwellings (except for development in accordance with paragraphs A.2.14 to A.2.20) no additional provision beyond that available from redevelopment of the original dwelling plus permitted development right (70 cubic metres or 15%, to a maximum of 115 cubic metres) plus 25 cubic metres shall be considered acceptable.

Whilst it is recognised that the General Permitted Development Order no longer refers to volume, the guidance in respect of extensions to, or the replacement of, dwellings in, the Green Belt still refers to the size of the original dwelling and it is considered reasonable to consider volume in any assessment of the size of the dwelling and proportionate increases in size.

It is considered that this approach coincides with the advice in the NPPF.

The existing dwelling has previously been calculated to have a volume of some 391 cubic metres. No additions have been made to it since the change of use of the part of the building used as a shop was granted consent in 1969. The dwelling is therefore entitled to its unimplemented permitted development rights (prior to 2008 amendments) plus a further 25m³ to cater for an additional room in accordance with Paragraph A2.13 of Appendix 2 of the local Plan.

The original dwelling has been calculated to have a volume of 391 cubic metres. It is therefore considered that a replacement dwelling having a volume of 486 cubic metres would be acceptable on site.

The previously approved replacement dwelling had a volume of some 472 cubic metres, which was broadly in line with the figure set out above.

The current dwelling is set in the same position as this previously approved dwelling but now includes a car port wing with living accommodation above and to its side. The roof of the main dwelling has also been increased in height from 7.1 to 7.7 metres.

The current proposal has been calculated to have a volume of approximately 812 cubic metres, which is some 326 cubic metres or 67% more than what is considered to be a reasonable replacement dwelling under the Council's adopted Green Belt guidance. Such a replacement dwelling would be more than twice the size of the dwelling currently on site.

Policy GB5 of the Council's emerging New Local Plan 2016 does not continue the current policy approach of using volumetric calculation but suggests a criteria approach based on meeting the needs of owners and occupiers of buildings in the Green Belt, and the requirement of National Green Belt Policy. The criteria have been devised based on a review undertaken in 2005 (Metropolitan Green Belt Review of Existing Supplementary Planning Guidance: Provision of Replacement Dwellings and Extension - December 2005).

The criteria for replacement dwellings in the Green Belt are subject to the following criteria:

- i. The building to be replaced has not been abandoned for such a period that the site has developed Greenfield characteristics;
- ii. There is no material impact on the character, appearance or openness of the Green Belt;
- iii. The individual and cumulative size, scale, form, massing and height reflects the original building and its plot;
- iv. The design and siting ensures sufficient space around the building, between neighbouring buildings and between boundaries;
- v. The design, siting and materials is sympathetic to the existing building and its surroundings, unless its re-siting and design would be less obtrusive in the Green Belt and would improve the appearance of the Green Belt;
- vi. The proposal is an exemplar of high quality design and materials;
- vii. It will not result in an intensification of the existing use of the site, by means of the generation of traffic, noise, or other forms of disturbance; and
- viii. The proposal is compliant with all other relevant policies in the plan.

GB5 also states that where a replacement building is materially larger than the original building it replaces permitted development rights for further enlargements to the building will be removed. The existing dwelling on site is in a poor state of repair. However, Council records indicate that the dwelling was occupied until relatively recently. It cannot be considered to have been abandoned.

The proposed site plan shows that the car port and living accommodation above it would be located in approximately the same position as the existing dwelling with the main part of the house orientated to align with the adjoining dwelling and set further back in the plot.

The dwelling currently on site is only single storey in height and its replacement with a two-storey dwelling would therefore be contrary to the above guidance and ought to attract a recommendation of refusal.

The previously approved dwelling was also two-storey in height and would not normally have been granted planning permission. However, it had a reduced footprint and was resited further back into the plot which was considered likely to result in a development that would be less obtrusive in the Green Belt.

The volume of the replacement dwelling was broadly in line with the figure set out above for an acceptable replacement dwelling under Appendix 2 and its re-siting was considered to outweigh the disbenefits of its increased height. Accordingly no objection to the addition of a second storey was raised.

However, the current revised application proposes a replacement dwelling sited in the same position as the previously approved dwelling but with the addition of a car port and living accommodation located in front of its primary elevation. This part of the dwelling has a ridge height of some 5.7 metres. Although it is sited in a similar position to the former shop of the existing building on the site, now partly demolished, the partly demolished building at this point was single storey and measured only 3 metres in height.

The addition of this car port wing also adds some further 310 cubic metres to the volume of the approved replacement dwelling. It is now felt that the scale and form of the proposed dwelling no longer reflects the building it is to replace and that it is likely to be detrimental to the character, appearance or openness of the Green Belt contrary to Policy GB5 of the Council's emerging New Local Plan.

Prior to determining the application it is incumbent upon the Local Planning Authority to consider whether there are any very special circumstances which would justify a departure from the policy requirements. This Authority defines a very special circumstance as something which is individual or unique to the particular site or, at the very least, something that is incapable of frequent repetition.

No very special circumstances have been cited by the applicant.

In terms of the Council's other adopted policies and supplementary design guidance it is felt that the presence of the attached car port would be obtrusive in the street scene due to its increased height and proximity to the highway forward of the established building line. The proposal is therefore also considered to be contrary to Policy EC2 and RDG3.

The proposal is satisfactory in respect of all other relevant residential design guidance.

There are a significant number of trees within and adjacent to the site and the impact of this development on these trees requires careful consideration.

Many of these trees are mature self-sown trees, of mostly low quality, growing very close together. There is a group of tall trees on the steep bank between the site and the main road. None of the trees have been managed and the site is very overcrowded.

An Arboricultural Impact Assessment Report has been submitted with the application and there are 22 trees which form the subject of this survey, fourteen of which are offsite. The predominant species is sycamore. None of these trees are the subject of a Tree Preservation Order.

The report states that four trees will need to be removed to facilitate construction of the proposed dwelling. This is the same as with the previous scheme. Other works proposed are mostly limited to the severing of ivy and removal of deadwood.

Of the trees to be removed T25 has a poor crown structure which is somewhat suppressed, unbalanced and covered with ivy. T26 has a spreading crown that over hangs the neighbouring property. It has buttress roots, a constricted base, and due to these conditions is expected to have a limited life expectancy. These trees are considered to be of a low quality and value (Category C).

T27 and T28 have large canopies. T27 has a good structural and physiological condition with ivy in it. The structural condition of T28 is less good and exhibits minor structural defects. These trees are considered to have a moderate quality and value (Category B).

The report also includes a letter from Essex County Council confirming that the felling of T13, T14 and T15 growing on land adjacent to the site may go ahead as the trees are in poor health and misshapen. These trees will be replaced with three field maples.

The proposed carport is located within the footprint of the existing building close to the London Road trees, and its foundations are to be specially designed to minimise its impact on the roots of the offsite trees. The trees to be retained are to be protected in accordance with BS 5837:2012 during construction of the new dwelling. An acceptable draft method statement for the removal of the existing garage and the installation of new foundations near trees has been included in the Arboricultural Impact Assessment Report. Two new trees will be planted as part of the landscaping scheme.

The trees flanking London Road are an important landscape feature which signposts the more open wooded area to the west of the site. Furthermore, the application site is elevated above the highway at a point where the road begins to drop down Bread and Cheese Hill. Without these trees the proposed dwelling would be very prominent visually. It is therefore important for the character of the area that these trees are retained.

The limited removal of trees outside of the site means that the proposed dwelling would have little impact on the appearance of the site when viewed from London Road or on local wildlife.

The constrained nature of the site necessitates that if approved a detailed method statement should be submitted for consideration by the local planning authority prior to constructing of the proposed dwelling to ensure that the root systems of the nearby trees are not adversely affected. The construction works should also be monitored to ensure that the development is carried out in accordance with such approved details.

Subject to an appropriately worded condition to deal with both of the above points the proposal is considered to be acceptable in terms of policy EC22.

Conclusion

The proposed development is located in the Green Belt as defined in the Council's Adopted Local Plan.

The proposed dwelling is more than twice the size of the dwelling it replaces and significantly larger than what is considered to be an appropriate replacement dwelling. It fails to comply with both the Council's Adopted Local Plan and emerging New Local Plan Green Belt guidance. It therefore constitutes inappropriate development in the Green Belt.

No very special circumstances have been submitted by the applicant to justify why the Council should approve the proposal contrary to national and local Green Belt policy and it is therefore considered to be contrary to guidance as contained in the National Planning Policy Framework, Policy GB4 of the Council's Adopted Local Plan and Policy GB5 of the Council's emerging New Local Plan.

The inclusion of the car port wing and living accommodation forward of the building line in close proximity to Thundersley Park Road is also likely to be obtrusive in the street scene.

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

My Recommendation is Refusal for the following reasons

- 1 The proposal, by reason of its height and projection forward of the established building line to Thundersley Park Road, would be an unduly dominant and obtrusive feature in the streetscene, to the detriment of the character and visual amenity of the area, contrary to Policy EC2 of the Council's Adopted Local Plan, RDG3 of the Council's Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
- 2 The proposed development is situated within an area of Green Belt as delineated within the Council's Adopted local plan where inappropriate development is not permitted except in very special circumstances. The proposal, by reason of its scale, mass and form, is materially larger than the one it replaces and constitutes inappropriate development which would have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. No very special circumstances have been identified as to why the development may be exceptionally permitted and in the absence of any such very special circumstances the proposal is contrary to Policy GB4 of the Council's Adopted Local Plan, Policy GB5 of the Council's emerging New Local Plan and national guidance as set out in the National Planning Policy Framework (NPPF).

Informatives

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