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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 10th January 2017 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 6th December 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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2.	16/0890/FUL	Birches View, Great Burches Road, Thundersley, Benfleet, Essex (St Peter's Ward)	33
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DEVELOPMENT CONTROL COMMITTEE

6th DECEMBER 2016

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

Councillors Bayley, Ladzrie and Riley also attended.

Apologies for absence were received from Councillor Wood.

19. MEMBERS' INTERESTS

Councillor Smith declared a non pecuniary interest in Minute 21b as his property was close to the golf course but some distance from the application site.

20. MINUTES

The Minutes of the meeting held on 1st November 2016 were taken as read and signed as correct.

21. DEPOSITED PLANS

- (a) **15/0709/FUL – SOLBY WOOD FARM, DAWS HEATH ROAD, BENFLEET, ESSEX, SS7 2UD (VICTORIA WARD) – 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 – ARGENT DEVELOPERS LTD**

The proposal represented the residential development of a previously developed site in the Green Belt, on land which had 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 was considered to be consistent with the provisions of the New Local Plan and Government guidance.

The proposed development was appropriate in scale and character and met or substantially satisfied all relevant policy and guidance provisions and had raised no objections from the various statutory consultees.

The proposal would have no significant adverse impacts on adjoining residents and offered 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 were considered capable of achievement through a Section 106 (S106) Agreement which could be attached to the grant of any consent.

In presenting the report the Planning Officer suggested that a further condition could be included removing permitted development rights.

The Planning Officer recommended that the Secretary of State for Communities & Local Government be advised that the Council was minded to approve the application and that subject to no adverse direction being received and subject to the completion of a satisfactory S106 Agreement as detailed in the report, that permission be granted.

Mr Branch, a local resident, spoke in objection to the application.

Mr Coleman, a representative of the applicant, spoke in support of the application.

Councillor Riley, a Ward Member, spoke supporting residents concerns regarding Essex County Council's lack of consideration of the traffic impact on Daws Heath Road. Councillor Riley in representing horse riders concerns suggested that consideration should be given to the provision of a new bridle way.

During the debate while a number of Members spoke to support the development of previously developed land within the Green Belt mindful that the site had been identified in the New Local Plan as suitable for release for residential purposes, other Members expressed strong opposition to the recommendation to allow development in the Green Belt.

A Member requested an additional condition to require acoustic fencing around the electricity substation.

A Member suggested that four points should be made on behalf of the Committee in referring the application to the Secretary of State:

- i. To acknowledge that the application should be considered on its merits.
- ii. To acknowledge that the site was allocated for residential purposes in the emerging Local Plan.
- iii. To acknowledge that the proposal maintained a Green Belt boundary around the settlement of Daws Heath and
- iv. To acknowledge that the site was previously developed land within the Green Belt.

At the conclusion of the debate a vote was taken there being an equal number of votes cast – the Chairman exercised a second or casting vote to support the recommendation as amended during the meeting:

Resolved – That the Secretary of State for Communities and Local Government be advised, having regard to the four points detailed above, that this Council is minded to approve the application 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 following consultation with the Chairman and Vice Chairman be authorised to grant permission, subject to the conditions as set out in the Planning Officer's report and the additional conditions regarding the removal of Permitted Development rights and acoustic fencing to screen the substation.

Councillors Anderson, Blackwell, Taylor and Varker requested that it be recorded in the Minutes that they had voted against the recommendation.

(b) 16/0691/FUL – 125 VICARAGE HILL, BENFLEET, ESSEX, SS7 1PD (BOYCE WARD) – SINGLE STOREY EXTENSION TO CLUB HOUSE AND DISABLED ACCESS RAMP – BOYCE HILL GOLF CLUB

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

The application was 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.

Mr Woodwood, a representative of the applicant, spoke in support of the application.

During discussion a number of Members spoke against the recommendation noting the benefit to the community of this sports facility. Members also felt that the extension was not to the detriment of the openness of the Green Belt.

Following debate the Committee voted against the officers' recommendation for refusal. A further Motion was put.

Resolved – That mindful of the very special circumstances in this particular case regarding the benefit to the community of the sports facility, the application is approved subject to a condition that materials used will harmonise with the existing building.

(c) 16/0706/FUL – ADJ 55 HANNETT ROAD, CANVEY ISLAND, ESSEX, SS8 8LP (CANVEY ISLAND EAST WARD) – CONSTRUCTION OF 2 NO. DORMER BUNGALOWS – MS MARNIE BENNETT

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

The application was presented to the Committee at the request of Councillor Sach so that the Committee might consider the effect of the proposal on existing drainage infrastructure, the parking arrangements associated with the proposals and concerns regarding overdevelopment of the site. Councillor Sach had circulated photographs showing the effects of flooding in the vicinity of the site.

The majority of Members felt that this latest scheme had addressed all previous concerns. Although some Members raised concerns regarding the adequacy of the surface water drainage system.

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

(d) 16/0720/FULCLC – GARAGE SITE LAND ADJACENT TO LAWNS COURT, THUNDERSLEY, ESSEX, SS7 4LG (ST GEORGE'S WARD) – DEMOLITION OF EXISTING GARAGES AND CONSTRUCT 2 NO SEMI-DETACHED BUNGALOWS – CASTLE POINT BOROUGH COUNCIL

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

The proposal complied with all relevant Council policies and guidance and was recommended for approval.

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

Members welcomed the proposal. (A request was made that carbon monoxide detectors be installed in the premises.)

Resolved Unanimously - That the application is approved subject to conditions as set out in the Planning Officer's report

(e) 16/0734/FUL – 309 THUNDERSLEY PARK ROAD, BENFLEET, ESSEX, SS7 1AH (BOYCE WARD) – REPLACEMENT DWELLING (REVISED APPLICATION) – MISS SAVANNAH TAPPENDEN

The application sought permission for the demolition of an existing garage and single storey dwelling and their replacement with a two storey dwelling house with attached car port.

The proposal was considered to be contrary to national and local Green Belt policy and was recommended for refusal.

The application was presented to Committee at the request of Councillor Smith, so that the Committee could consider the proposal in the context of adopted and emerging local policy, as well as its impact on the Green Belt.

During discussion a number of Members spoke against the recommendation expressing views that the proposal did not impact on the openness of the Green Belt was not unduly dominant as the development was screened by appropriate landscaping.

Following debate the Committee voted against the officers' recommendation for refusal. A further Motion was put.

Resolved – That there are very special circumstances that apply to this application in that the development does not impact on the openness of the Green Belt and has an acceptable appearance being screened by appropriate landscaping the application is approved subject to conditions requiring that prior to commencement:

- (i) a detailed method statement to ensure that the root systems of the nearby trees are not adversely affected be submitted to and approved by the LPA,
- (ii) a detailed landscaping scheme be submitted to and approved by the LPA, and
- (iii) a Tree Protection Method Statement be submitted to and approved by the LPA.

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Chairman

ITEM 1

Application Number:	16/0433/FUL
Address:	Sluice Farm Haven Road Canvey Island Essex SS8 0LU (Canvey Island West)
Description of Development:	Livery to include stables, hay stores, garage, office, 2 ménages and associated parking
Applicant:	J&K Livery
Case Officer	Ms Kim Fisher
Date of Expiry	31.01.2017

Summary

The proposal represents inappropriate development in the Green Belt. The NPPF identifies that such development may only be permitted under very special circumstances.

The Planning Authority defines a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. Very special circumstances need not be a single matter, but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.

Whilst the proposal will result in inappropriate development in the Green Belt which will have an impact on the openness of the Green Belt, suggesting that permission for the proposal should be withheld, the NPPF openly encourages the provision of opportunities for outdoor recreation, improved biodiversity and improved landscape. The proposal will provide opportunities for countryside recreation which would be consistent with the Government objective of seeking to provide positive uses within the established Green Belt.

It is considered that this factor, coupled with the limited harm to the strategic function, character and appearance of the Green Belt provide very special circumstances which weigh in favour of the proposed development.

The proposal would have no adverse impact on ecological features of interest and provides an opportunity for improved landscape management and enhanced biodiversity. It is considered that these factors also weigh in favour of the proposal.

Whilst the proposal does represent an increased flood risk, the level of risk associated with the development is considered acceptable. The site would not experience significant fluvial or pluvial flood events.

The increased use of the site arising from the intensification of development, will have implications for traffic flows, however these are considered capable of being accommodated within the existing highway network. Parking on site is considered adequate and the design and appearance of the proposal is acceptable.

Finally it should be noted that the proposal would have no adverse impact on archaeological features or the setting of nearby Listed Buildings.

The proposal is therefore recommended for APPROVAL subject to conditions.

Site Visit

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

Introduction

The site is located at the southern end of Haven Road, immediately east of the seawall. The site is located on the western side of the road and is of an irregular shape having a maximum depth of 420m and a maximum width of 750m.

The site is generally flat and grassed with a number of structures associated with the use of the land for the keeping and grazing of horses. The applicant has advised that these buildings are to be retained and refurbished as part of the general improvement of the site. Such improvement has already resulted in the provision of new stables to the west of the existing structures. A derelict building believed to be associated with the former use of the site as a compound for seawall works is present on the southern part of the site. A main river runs around the southern and eastern boundary of the site.

There are small trees and hedges on the boundary of the site but no significant vegetation is otherwise present.

The site is bounded to the south and west by the Seawall, Holehaven Creek and the River Thames and to the north by open land, part of which has recently been the subject of an application for development for commercial purposes.

To the east the site is bounded by further open land beyond which is the Oikos Storage Facility.

To the south of the site are the Lobster Smack Public House and the residential development of Haven Quays.

Public Footpath No.26 borders the site, running along the top of the sea defence.

The wider site lies adjacent to the Canvey Wick Site of Special Scientific Interest (SSSI) and Holehaven Creek SSSI, falls within the Greater Thames Marshes Improvement Area and forms part of the non statutory Canvey Village Marsh Local Wildlife Site (LoWS CPT5).

The Castle Point Wildlife sites Review (2012) records the site as the remains of an old grazing marsh system, which is a scarce and declining Essex habitat. The fields that make up the site are variously cattle or horse-grazed, cut for hay or under no current management, each of these resulting in grasslands of different character. Although of considerable significance in its own right, this site provides an extension to the adjacent Canvey Wick SSSI and links it to the Brickhouse Farm Marsh LoWS further to the east. The Essex Wildlife Trust has stated that the site is particularly important for the maintenance of invertebrate populations at a landscape scale.

It should be noted that the designated LoWS excludes much of the area of the proposed development, (hereafter referred to as the development site), reflecting the previously developed nature of this part of the site.

It should also be noted that whilst previously developed much of the former built development present on the site has been removed or reclaimed by the landscape, resulting in little visual evidence of previous structures on the site.

The site is currently used for the seasonal grazing of cattle and the keeping and grazing of horses and therefore exhibits a mixed agricultural/equestrian use.

The Proposal

It is proposed to provide a livery stable and associated structures on the site.

The applicant has further advised that it is intended to maintain the current agricultural use of the site. In particular livestock grazing, (including cattle, pigs, goats and chickens) and hay cultivation and cutting will be undertaken.

The proposal will therefore retain the current mixed agricultural/equestrian use of the wider site.

The submitted documentation identifies that the development area is some 126,120m². The submitted plans identify a much larger site however, comprising some 56 acres of land. The larger area includes those parts of the site which appear to provide grazing for the horses to be accommodated within the stables as well as for the other livestock referred to above.

In terms of built development the proposal seeks to provide a two phased development providing 40 stables with adjoining tack rooms, arranged in four blocks of ten units set around a communal yard. Two Blocks are to be provided within each phase of the development. Each stable block will be 39.5m wide and 7m deep with a maximum height of 4.73m. These buildings are to be white rendered with a pitched roof finished in black/anthracite roofing material. These materials are common to all of the proposed buildings within the scheme.

In addition it is proposed to provide three hay and straw stores. These would each be 10.83m wide and 3.63m deep with a maximum height of 3.1m and would be located adjacent to the existing access road which serves the site to facilitate delivery of hay/straw.

A site office, some 6.73m wide and 4.2m deep would be provided at the northern end of the stable blocks. This would provide an office, wet room and accessible WC.

A garage/workshop would be provided adjacent to the access road. This would be used for the storage and maintenance of vehicles associated with the operation of the site as a livery stable. This building would be 8.13m wide and 6.78m deep with a pitched roof to 4.1m.

The scheme includes the provision of two outdoor ménages, one associated with Phase 1 and measuring 40m by 20m, located to the north west of the proposed stables and the other, associated with Phase 2 and measuring 60m by 20m, located to the north east of the proposed stables.

A contained 'muck heap', measuring some 3.5m by 3.5m is also proposed.

Finally it is proposed to provide two isolation stables at the entrance to the site. This building would measure some 8.2m by 5.8m, with a pitched roof and would be associated with a paddock

of some 1,234m². This unit would be used to isolate animals requiring treatment or as an induction area for new arrivals.

25 parking spaces are included in the proposal, with an enlarged turning circle to allow vehicles pulling horse trailers or delivery vehicles to turn within the site. Further areas of the site are identified as overspill parking zones.

Supplementary Documentation

The application was accompanied by:

A Design and Access Statement

A Flood Risk Assessment

An Archaeological Desk Top Study

An Ecological Report/Habitat Survey

All of which may be viewed on the Council's website.

Planning History

The site has no formal planning history, however historically, the site was a working farm known originally as 'Beckwiths' with a farmhouse, barns and numerous outbuildings, including a piggery and stables, together with good grade pasture. During the 1960's the farm was compulsory purchased by British Gas for the construction of a gas storage facility but continued to be used as a farm under lease pending construction. The storage facility was never built and in the late 1970's the site was leased to Anglian Water. Offices, Storage Units, Workshops and a Heavy Plant facility were built and used for the duration of the rebuilding/raising of the Canvey Island sea defences.

Upon completion of the new sea defences, these buildings appear to have been largely removed from the site and the site was used for livestock and equestrian purposes.

The equestrian use of the site currently subsists in a series of poor quality sheds and other outbuildings which the applicant advises have been present on the site for in excess of thirty years.

New stables have recently been constructed within the central part of the site.

Local Plan Allocation

The site is allocated for Green Belt purposes in the adopted Local Plan (1998). This allocation is not changed in the emerging New Local Plan (2016).

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs 79, 80, 81, 87 – 89 Green Belt

Paragraph 73 Access to recreational opportunities

Paragraphs 109, 118 and 119 Nature Conservation

Paragraphs 128 – 129 Historic Environment

Adopted Local Plan (1998)

T2 Intensification of Access Use
T8 Parking
EC2 Design
EC3 Residential amenity
EC7 Natural and semi-natural features in urban areas
EC13 Protection of Wildlife and their habitats
EC14 Creation of new wildlife habitats
EC34 Setting of Listed Buildings
EC38 Archaeological Sites and Monuments

Emerging Local Plan (2016)

GB3 – New Development in the Green Belt
GB8 – Positive Uses in the Green Belt
NE6 – Local Wildlife Sites
HE4 Precautionary Approach to Archaeology

Consultation

CPBC Environmental Health

No objection. Requests informatives. (See Appendix 1).

Canvey Island Town Council

Environment Agency

No objection provided the LPA is satisfied that the development will be safe for its lifetime and assesses the acceptability of the issues within the LPA remit. Detailed comments regarding flood risk and information regarding environmental permitting are included in Appendix 1 to this report.

Natural England

No response received.

Essex Highways

No objection subject to conditions. (See Appendix 1).

Buglife (Invertebrate Conservation Trust)

Has liaised with RSPB and happy to rely on that Organisation for response.

Lead Local Flood Authority

On the basis that the impermeable areas proposed are not increasing by more than 0.1ha - no comments.

Royal Society Of Protection Of Birds

No objection.

Health and Safety Executive

Does not advise against the grant of permission.

British Pipeline Agency

No response received.

Public Consultation

Nine local occupiers were consulted on the application and a Notice was placed in the press. No responses have been received.

Comments on Consultation Responses

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

Evaluation of Proposal

The primary areas for consideration in the determination of this application are:

- (i) The Principle of development
- (ii) Ecology
- (iii) Flood risk
- (iv) Highway capacity and intensification of access use.
- (v) Parking
- (vi) Design and appearance
- (vii) Archaeology and setting of Listed Building

(i) The Principle of development

The site is allocated for Green Belt purposes in both the adopted and emerging Local Plans.

The National Planning Policy Framework (NPPF) makes it clear that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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

Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. The starting point for the determination of this application is therefore that a presumption against the development exists. However, paragraph 89 of the NPPF identifies a number of exceptions to this presumption which might justify otherwise inappropriate development. These are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Further to the final point cited above, it should be noted that the NPPF defines 'Previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The site was originally the location of a farm and this activity supported a number of agricultural buildings on the site. Such buildings would be excluded from the definition of previously developed land and as such could not therefore, as a matter of principle, justify the provision of new development on the site.

It is acknowledged that the use of the land for agricultural purposes ceased, at least in part, when the site was used as a storage compound for the works to the seawall in the late 1970s/80's; however, this alternative use was a temporary situation, the land being returned to a mixed agricultural/equestrian use following the cessation of the works compound use. The buildings associated with the former use were not re-used for agricultural purposes and have been allowed to decay.

On this basis therefore it is not considered that the site may be considered to fall within the definition of previously developed land.

The definition of previously developed land contained within the guidance further identifies that where the remains of the permanent structure or fixed surface structure on which the premise of previously developed land is based has blended into the landscape in the process of time, it loses its status as previously developed land.

The use of the site as a compound ceased over thirty years ago and the compound buildings and associated structures have, with limited exception, been either removed or reclaimed by nature. The remains of only one substantial block work building lacking windows and a roof, are clearly visible on the site which, by virtue of its limited size and the overgrowing vegetation, has limited impact on the openness of the Green Belt.

In the light of these circumstances is not considered that the development site may be determined to be previously developed land in the context of the NPPF and as a consequence may not benefit from this particular exemption to the presumption against inappropriate development in the Green Belt.

Paragraph 89 also creates an exemption for the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and paragraph 81 of the

NPPF states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt and should look for opportunities to provide access; outdoor sport and recreation; the retention and enhancement of landscapes, visual amenity and biodiversity and improvements to damaged and derelict land.

Policy GB8 of the emerging Local Plan supports the positive use of the Green Belt and particularly identifies that the Council will consider proposals which provide opportunities for outdoor sport and recreation, improvements to biodiversity and improvements to damaged and derelict landscapes favourably, provided:

- a) The Green Belt continued to fulfil its purposes;
- b) There was no material impact on the character, appearance or openness of the Green Belt;
- c) The design, siting and materials were sympathetic to the surrounding built form and landscape;
- d) The proposal was an exemplar of high quality design and materials;
- e) The design and siting ensures sufficient space around the building, between neighbouring buildings and between boundaries;
- f) It would not result in an unacceptable generation of traffic, noise, or other forms of disturbance; and
- g) The proposal was compliant with all other relevant policies in the plan.

The provision of a livery stable would clearly provide opportunities for outdoor sport and recreation and as such could be considered appropriate development in the Green Belt in the context of Paragraph 89 provided it preserved the openness of the Green Belt.

With this in mind it should be noted that the proposed development seeks to provide some 1356m² of new floorspace. This is substantially larger than the building present on the site the subject of the specific proposals.

The proposal also seeks to provide/expose significant areas of hardstanding both within the communal yard area and in the formation of car parking areas and the enlarged vehicle turning area.

The substantial increased mass of buildings and hardsurfacing is considered to represent new development which by its very nature would not preserve the openness of the Green Belt and which, by definition, would be harmful to the Green Belt. On this basis therefore the proposal should, *prima facie*, attract a recommendation of refusal.

However, Paragraph 81 of the NPPF appears to suggest that harm to the openness of the Green Belt caused by development may be outweighed by the benefit derived from positive use of the Green Belt.

GB8 of the emerging Local Plan, whilst of limited weight at this time, clearly expresses the Council's support for the positive use of the Green Belt and establishes the criteria against which proposals for such positive uses should be considered.

Considering the proposal in the context of GB8, the first criteria requires that positive use of the Green Belt should not conflict with the purposes of the Green Belt.

The purposes of the Green Belt are set out in Paragraph 80 of the NPPF as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Looking at each purpose in turn, as set out in paragraph 80, it is clear that the development of any site on the periphery of the urban area will result in the expansion of built form and will therefore contribute to the sprawl of development over open land.

Consideration must however be given to the harm that such development would cause to the Green Belt. In this instance the proposed development would be located on a site which currently exhibits some built form, albeit it limited and in a dilapidated state and in visual terms already contributes to sprawl albeit of rural character. Furthermore the development would be located between existing structures, being the Lobster Smack Public House and Jetty building to the south of the proposed development and the existing old stables to the north. In effect therefore the proposal may be viewed as a form of infilling. The provision of such development would intensify development on the wider site, but in the specific context of this site and the specific nature of the proposal and site use, it is not considered that the proposal would contribute to an expansion of the built up area. The proposal would not therefore conflict with this purpose of the Green Belt.

In terms of the need to prevent neighbouring towns merging into one another, the relationship of the development site with adjoining towns is such that it is not considered that development of this site would contribute to the merging of towns and it is not considered that an objection to the proposal on this basis could be sustained on appeal.

In terms of assisting in the safeguarding of the countryside from encroachment, the proposed application site does form part of the countryside encircling the urban areas of Canvey Island and development of the site could be viewed as encroachment into the countryside. However as stated above, the wider application site is already host to a number of structures which extend beyond the confines of the development site. It is considered that the stables present to the north of the development site already define the extent of encroachment and that the provision of the development proposed would not result in further encroachment in that it would not extend the area already harmed by sporadic development. As such it is considered that it may reasonably be argued that the proposal does not result in encroachment into the countryside.

Furthermore it is considered that it may be argued that the proposal represents a countryside use and as such its presence in the countryside is acceptable, there being no reasonable opportunity to provide such facilities elsewhere.

The preamble to Policy GB8 of the emerging Local Plan identifies that within Castle Point the Green Belt is occupied by a diverse range of buildings, uses and activities including sites used for equestrian purposes. The Local Plan reasonably identifies that such uses are characteristic of the more rural locations within the Borough and that such activities generally require more open space with access to natural features, which are unlikely to be found in more urban locations.

Furthermore the Plan identifies that such activities can produce levels of noise and odours which may not be compatible with residential uses but that such activities need to be within easy reach of the population they serve.

The application site would appear to be ideally suited to meet the requirements of such a use.

These factors are considered to represent material considerations in the determination of this application.

With regard to the remaining purposes of the Green Belt, it is not considered that the proposal would have any implications for the preservation of the setting and special character of historic towns or assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposal would not therefore prejudice these purposes of the Green Belt.

It is considered therefore that the proposal satisfies the requirements of criterion (a) of GB8.

Criterion (b) of GB8 requires that the proposal has no material impact on the character, appearance or openness of the Green Belt.

The Oxford English Dictionary defines the word 'material' as meaning significant, important, consequential, momentous.

In this context it is also considered that reference to the Green Belt, means the whole Green Belt and not just this part of it and that the impact of the proposed development on the Green Belt should not be significant and clearly should not be adverse.

It has already been established that the proposed development would have an impact on the openness of the Green Belt. It remains to be determined however under the provisions of GB8, whether this impact is significant in wider Green Belt terms.

The development site is located on the southern edge of a wider area of Green Belt which 'wraps around' the industrial and retail areas located at the western end of Canvey Island. In strategic terms the site forms part of a Green Belt 'cul-de-sac' which is already peppered with a number of structures and which makes only a limited contribution to the purposes of the wider Green Belt. Intensification of development of the scale proposed is not considered likely to have a significant adverse impact on the character, appearance or openness of the wider Green Belt or damage to its strategic function. No objection is therefore raised to the proposal on this basis.

Criterion (c) requires that the design, siting and materials used in all proposals are sympathetic to the surrounding built form and landscape whilst Criterion (d) requires exemplar high quality design and materials.

Policy EC2 of the adopted Local Plan requires high quality design in all proposals.

The proposal exhibits a typical livery yard design approach which is superior to the existing stabling that exists on the site and would be consistent with the countryside setting. The proposal is therefore considered to adequately reflect the requirements of Criteria (c) and (d).

Criterion (e) requires that the design and siting ensures sufficient space around the building, between neighbouring buildings and between boundaries.

The proposed buildings are well related to each other within the site and the main buildings are located at least 37m from the boundaries of the site and at least 52m from the nearest residential receptor. Such isolation is considered sufficient to achieve an appropriate setting for the buildings and safeguarding the amenity of adjoining residents.

Such setting also satisfies the requirements of Policy EC3 (Residential Amenity) of the adopted Local Plan.

Criterion (f) seeks to ensure that proposed development does not result in an unacceptable generation of traffic, noise, or other forms of disturbance.

The proposal will result in an intensification of the use and will inevitably result in an increase in the level of traffic attending the site. No Traffic Impact Study has been submitted in support of the application; however, the section of Haven Road serving the site is considered to have significant capacity to accommodate the anticipated additional traffic without adverse impact on adjoining land users. It should be noted that the Highway Authority has raised no objection to the proposal, subject to some minor conditions.

Under the circumstances no objection is raised to the proposal on the basis of traffic generation.

Criterion (g) requires the proposal to be compliant with all other relevant policies in the plan. This assessment will form the subject of the remainder of this report.

Conclusion on the Principle of Development

The Green Belt argument in this case is finely balanced.

Whilst the proposal will result in inappropriate development in the Green Belt which will have an impact on the openness of the Green Belt, suggesting that permission for the proposal should be withheld, the NPPF encourages the provision of opportunities for outdoor recreation. Within Castle Point opportunities for the provision of outdoor recreation within the urban area are limited and fragmented. The proposal seeks to provide opportunities for countryside recreation which would be consistent with the Government objective of seeking to provide positive uses within the established Green Belt.

It is considered that this factor, coupled with the limited harm to the strategic function, character and appearance of the Green Belt provide very special circumstances which could weigh in favour of the proposed development.

It should be noted that in further support for the application the applicant has advised that the popularity of horse riding and ownership is high within the Borough, particularly on Canvey Island. This fact coupled with the closure or change of use of several existing livery yards, means that there is a shortage of stabling within the Borough. It is the applicant's view that the new development will provide a much needed facility for the equestrian community within the Borough and would help to alleviate the necessity for local owners and riders to use yards off of the Island or outside of the Borough, thus potentially reducing traffic levels. No technical demonstration of this suggestion has however been submitted and the weight that can be attached to the statement is therefore limited.

(ii) Ecology

The application site forms part of the larger (36ha) CPT5 Canvey Village Marsh Local Wildlife Site (LoWS), which was designated on the basis of its character as old grazing marsh and the diversity of flora and fauna this supports.

The site also has importance as a consequence of its proximity to two nationally designated sites – the Canvey Wick SSSI and the Holehaven Creek SSSI and its inclusion within the Greater Thames Marshes Nature Improvement Area.

The site therefore has significant potential for ecology. The protection and enhancement of ecological sites is the subject of significant national and local policy provision.

Paragraph 81 of the NPPF states that Local Planning Authorities should seek to enhance the biodiversity of the Green Belt and improve damaged and derelict landscapes.

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible, in order to safeguard their physical, visual, recreational and wildlife value. Whilst specifically concerned with urban areas, it is considered that the principles it enshrines are equally applicable in the open spaces beyond the urban edge.

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

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

With the exception of Policy EC13, the Local Plan policies cited above are considered consistent with the NPPF. Policy EC13 is inconsistent with the provisions of the NPPF as it does not seek a hierarchical response to sites with nature conservation interest. Under the circumstances it is considered appropriate to consider the proposal in the context of paragraphs 109 and 118 of the NPPF.

Paragraph 109 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

In paragraph 118 it states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

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- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

Policy NE6 of the emerging Local Plan is specifically concerned with Local Wildlife Sites. This states that the Council will seek the conservation and enhancement of Local Wildlife Sites and support proposals which ensure the active management and improvement of biodiversity interest at these sites. Development proposals which would result in harm to a Local Wildlife Site will only be supported where it can be demonstrated that harm to biodiversity cannot be avoided through the location of development on an alternative site with less harmful impacts. In such cases the developer will be required to demonstrate avoidance of harm to biodiversity through the design and layout of the development.

Where it is not possible to avoid all harm to biodiversity, management and mitigation techniques which retain and enhance biodiversity on site will be required to be exercised. The Council must be satisfied that all reasonable opportunities to secure on-site management and mitigation have been taken.

Where, following these steps, it is likely that harm to a protected species, or BAP species is not fully addressed, species relocation within the site, or to a site nearby, capable of providing a long-term suitable habitat for the species in question will be required. A management plan for the relocation site extending to a period of at least 20 years will be required to accompany the relocation scheme.

Only where it can be demonstrated that harm to biodiversity in terms of both quantity and quality cannot be fully addressed on site will consideration be given to off-site compensation, which must result in a net gain in biodiversity.

The Impact of the proposal on nationally designated sites.

The development site is located some 800m from Canvey Wick SSSI and less than 50m from the Holehaven SSSI. In view of the proximity of the site to these nationally designated sites, consideration has been given to the necessity of the proposal being accompanied by an Environmental Impact Assessment and considered under the provisions of the Habitat Regulations.

The need for Environmental Impact Assessment and consideration under the Habitat Regulations

Developers of projects that may have significant effects on the environment are required by the Environmental Impacts Assessment (EIA) Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU) to provide information about the project's environmental effects.

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. (National Planning Practice Guidance, Paragraph: 002 Reference ID: 4-002-20140306).

The proposal seeks to provide a livery stable with associated facilities within a larger mixed agricultural/equestrian use site. Whilst the scale of development is significant in Green Belt policy terms, in the context of the Directive, the proposal is not considered to be of a type or scale likely to have significant adverse consequences for the environment. It is not therefore considered that the proposal needs to be subjected to the requirements of Environmental Impact Assessment.

With regard to consideration under the Habitat Regulations, Members will be aware that the UK is bound by the terms of the EC Conservation of Habitats and Species Regulations 2010, as well as the EC Birds Directive and the Ramsar Convention. These are contained in the Habitats Regulations (2010) as amended.

The aim of the Directive is to conserve natural habitats and wild species across Europe by establishing a network of sites known as Natura 2000 sites. The Habitats Regulations refer to these as European sites and contains a detailed schedule of protected sites and species. Within the UK protected sites are known as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.

Habitats Regulation Assessment (HRA) is a process which helps to determine the likely significant effects of plans or projects and, where appropriate, assess adverse impacts on the integrity of European sites, examine alternative solutions and identify imperative reasons for over-riding public interest (IROPI).

In the case of the current application Holehaven Creek SSSI, as a consequence of its role in the support of internationally important numbers of Black-tailed Godwit which are thought to be part of the population protected within the Thames Estuary and Marshes SPA, enjoys special protection.

The proposed development concerns the provision of livery stables and associated structures and infrastructure on the landward side of the Holehaven Creek SSSI boundary.

No part of the proposal would extend into or intrude upon the designated area, nor is it considered to include operational activities likely to disturb birds overwintering within the Creek.

As such it is not considered that the proposed development would have a significant adverse impact on the designated area or on any protected species within it and consequently appropriate assessment of the implications of the proposal on the site's conservation objectives under the Habitat Regulations is not considered necessary. No objection is therefore raised to the proposal on the basis of its proximity to Holehaven site.

The development site is considered to be too remote from the Southend and Benfleet Marshes SPA and Ramsar site to have a significant impact on the conservation objectives of that designated area.

Impact on Local Ecological Designated Sites

Comment has already been made in respect of the relationship between the proposed site and the Holehaven Creek SSSI and no further comment will be made in this regard.

The site is also however in close proximity to the Canvey Wick SSSI which was designated primarily on the basis of its invertebrate interest.

By reason of its proximity to the SSSI and the lack of apparent obstacles to faunal or floral migration, the application site offers potential for similar invertebrate habitat and indeed those species for which the SSSI has been designated were identified as present on the application site in the 2012 Castle Point Wildlife Sites Review.

It should be noted however that part of the area to be developed is excluded from the LoWS designation, reflecting the previously disturbed nature of this part of the wider area.

The wider site is also located within the Greater Thames Marshes Nature Improvement Area (GTNIA). Nature Improvement Areas represent a network of landscape-scale initiatives to improve ecological connectivity and reverse the decline in biodiversity across England. Alongside Local Nature Partnerships they are part of the UK Government's response to the 2010 report "Making Space for Nature". NIAs are characterised by broad cross-sectoral partnerships and focus on the delivery of biodiversity gains, rather than strategic or policy matters.

The GTNIA designation covers an area of some 50,000ha of estuarine marshland in South East England and stretches from East London to Southend in Essex and Whitstable in Kent. It is one of the most important estuaries in Europe, supporting some 300,000 wintering birds and providing habitat for endangered species such as Water Vole and Shrill Carder Bee as well as many farmland birds.

As an entity the type of landscape contained within the designation is under pressure from habitat loss and disturbance arising from growth as well as colonisation by invasive species and climate change. Within the GTNIA emphasis is placed on the protection and enhancement of habitat. Policy NE6 of the emerging Local Plan is consistent with this aim.

In seeking to demonstrate the ecological credentials of the proposal the applicant has submitted an Extended Phase 1 Habitat Survey. Within this document care is taken to identify the relevant protected species and the impact the proposed development would have on habitat. The Survey

identifies that there are no Badger setts or evidence of badger activity on the site and that the habitat available for bats is limited and likely to be enhanced as a consequence of development which may introduce new opportunities for bat roosting. It further identifies that there are no ponds or other water bodies within the development area, (although acknowledging that such features exist within the wider site), and that as a consequence there would be no direct impact on Great Crested Newts or Water Vole as a result of the proposed development. It is recognised however that the construction and operational phases of the development have the capacity to adversely impact on the local water environment and as such a series of mitigation measures are proposed.

With regard to birds and reptiles, the survey identified limited numbers on site and concluded that neither would be adversely impacted by the development; however it is conceded by the applicant that the proposal would result in some loss of habitat for invertebrates, the faunal type for which the LoWS was particularly designated.

The applicant's agent advises that as the management of the wider site will be unchanged following the development, the LoWS designation is not threatened and habitat will still be available within the site. This rationale is accepted in principle and it is acknowledged that the proposed development, due to the relatively limited land take, will not have a significant adverse impact on habitat provision. However, within designated sites the objective is, wherever possible, to enhance habitat and the opportunity for biodiversity.

The 2012 Wildlife Sites Review identified that the condition of the wider application site, in ecological terms, was variable as a result of mixed ownership and management. The site was not managed for nature conservation purposes and was vulnerable to practices that could lead to a reduction in the conservation value of the site. Controlled grazing was considered preferable to hay cutting and the need for scrub control was identified to prevent the loss of open grassland.

The recent rationalisation of ownership across the site has created a situation where a more robust and co-ordinated management regime could be introduced which favoured ecological diversity. Such management would be consistent with the objectives of the GTNIA and the LoWS and would support the populations within the adjoining SSSIs.

Such management would also be consistent with national and local nature conservation objectives.

The achievement of biodiversity friendly management of the wider site resulting in a biologically enhanced landscape and enhanced ecological networks, in accordance with the provisions of the NPPF may be considered a very special circumstance which would weigh in favour of the proposed development.

Members will be aware that the Planning Authority is required to demonstrate consistency and transparency in its decision making and will doubtless recall that the provision of significant ecological mitigation works was not considered to represent a very special circumstance in respect of the proposed development of land at Jotmans Lane in Benfleet. However, the circumstances around the current scheme are considered to be significantly different to those present at the Jotmans site which justifies a different recommendation.

Firstly, the scale of development is much smaller than proposed at Jotmans Lane and represents a countryside use in a countryside area. The need for mitigation to redress the harm of inappropriate development is therefore more limited.

Secondly, the proposal concerns development within a wider area of land which is designated as a Local Wildlife Site where poor management practices and a resultant declining habitat framework has been identified as a threat to biodiversity and thirdly the improved management of the site would retain an improved ecological site within the Borough.

Furthermore since consideration of the Jotmans site, the Council has produced the 2016 Local Plan which supports proposals that can provide positive Green Belt uses and demonstrate a net gain in biodiversity.

Under the circumstances it is not considered that the approach being suggested in respect of this site is inconsistent with previous decisions, each of which has been based on the individual merits of the case.

(iii) Flood Risk

Tidal Flood Risk

Government guidance as contained in the NPPF requires all proposals in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood. The proposal may also be required to pass the sequential and exception tests as set out in the National Planning Policy Framework and associated Practice Guidance, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

The Environment Agency has identified that such development is a 'less vulnerable use' as defined within the Flood Risk Vulnerability Classification as provided in the Paragraph: 065 Reference (ID: 7-065-20140306) of the National Planning Practice Guidance. However it is equally considered that the proposed use may be considered a 'water compatible' use being associated with outdoor sport and recreation. Regardless of the particular category however, exception testing is not required in respect of such development.

With regard to the sequential test, the proposal seeks to provide a livery yard within the settlement of Canvey Island.

The applicants have identified that the proposed livery yard will primarily serve the community of Canvey Island. As such it is considered that it would need to be located within that settlement. Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

Whilst the proposal passes the sequential test it is necessary to ensure that the yard will be safe for its lifetime, and that occupiers of the development would be safe during a flood event.

In terms of tidal flood risk, the site is located behind a substantial sea wall which extends around the whole of Canvey Island and offers a 1 in 1000 annual probability standard of protection. The site is therefore significantly protected against direct tidal inundation. However, consideration must be given to the impact of overtopping or a breach of the seawall.

The submitted FRA does not explore the risk of a breach of the defences; however, the Castle Point Strategic Flood Risk Assessment identifies that during the 1 in 200 (0.5%) annual probability event, including allowances for climate change the flood depth on site due to overtopping would be 0.5-1m and due to breaching would be 0.5-1m. The SFRA indicates that during the 1 in 1000 (0.1%) annual probability event, including allowances for climate change, the flood depth on site due to both overtopping and breaching would be 1-2m.

Clearly flood water depths of this magnitude would be likely to cause distress to horses present within the stables on this unattended site and owners would no doubt attempt to attend the site, if possible, in order to move/retrieve their animals and equipment, thus the proposal would be likely to increase risk to animals and humans during a flood event.

Ordinarily, to reduce risk as far as possible the Authority would seek an increase in the floor level of buildings or the provision of flood refuges in order to move occupiers out of the flood zone. In this instance such provision would be impractical in operational terms and if implemented would be likely to result in substantial buildings on the site which would be to the detriment of the character and appearance of the area. The use of increased floor levels is not therefore considered appropriate.

A judgement needs to be made on the acceptability of the level of risk exhibited by the proposal.

Given the nature of the use and development, the limited potential for its provision elsewhere and the limited probability of a breach/flood event, it is considered that whilst present, the level of risk associated with overtopping or a breach of the seawall is acceptable.

It is however considered appropriate and in the interests of the safety of animal owners and staff at the site that the applicants prepare a flood response plan to clarify the best response for staff and owners during a flood event. Such a Plan can be required by the imposition of a condition on any consent granted.

It is also considered that flood resilience and resistance measures could be incorporated into the design of the buildings. Such details can also be required to be submitted by condition.

It is also necessary to consider whether the buildings would be able to withstand the hydrodynamic and hydrostatic pressures that would occur during a flood event. No details have been provided; however such information could be submitted and approved prior to the commencement of the development via a condition.

It would appear likely that stable buildings would not be built to the same level of precautionary specification as dwellings and it is considered unlikely therefore that the proposed buildings would be able to withstand significant hydrodynamic and hydrostatic impact without significant preventative investment. If the applicants are unable to provide this level of protection, this information should be included within any Flood Response Plan made available to owners and staff in order that it might inform appropriate actions in a flood event.

Subject to conditions to secure these outcomes no objection is raised to the proposal on the basis of flood risk.

It should be noted that the site is influenced by the Thames Estuary 2100 (TE2100) Plan. This document, published in November 2012, sets out the EA recommendations for flood risk

management for London and the Thames Estuary through to the end of the century and beyond. This site is located within the Canvey Island unit, which is subject to Policy P4 of the document which seeks to take action to keep up with climate and land use change so that flood risk does not increase. Essentially the Plan seeks to maintain and improve the sea defences around Canvey. This may require land take to secure the stability of walls of increased height and the EA has identified a buffer along the sea defence in order to ensure that the aspirations contained within the TE2100 Plan are not prejudiced.

The proposed development lies outside the buffer zone and as such has no consequences for the TE2100 proposals. No objection is therefore raised to the proposal on that basis.

Non-Tidal Flood Risk

In 2015, Anglian Water, Essex County Council and the EA completed an Integrated Urban Drainage (IUD) model for Canvey Island. This provides detailed information on non-tidal flood risk on Canvey Island. The EA has consulted the predicted flood extent and depth maps for the 1% annual event probability with climate change from the IUD model for this site and has confirmed high confidence that the site is not vulnerable to flood risk from a designated main river watercourse.

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

Pluvial Flood Risk

Consideration has been given to the impact that the proposed development may have on surface water flooding, and particularly whether such flooding would adversely impact on adjoining occupiers.

The proposal seeks to provide significant areas of hard standing – not only for the provision of the buildings, but also in the provision of the enhanced access route, turning area and parking provision.

Ordinarily the provision of significant areas of hardstanding would demand the provision of appropriate mitigation measures to secure the appropriate on site disposal of surface water, in order to limit offsite impact.

In this instance however, the site already exhibits some 861m² of hardsurfacing, as a consequence of the former use of the site as a plant depot. The proposed development will be largely constructed on the existing hardsurfacing and whilst some additional provision is required, to serve the turning head and parking spaces for example, the extent of new hardsurfacing is not considered to represent a significant surface water flood risk by the Lead Local Flood Authority which has raised no objection to the proposal.

The limited extent of additional hard surfacing, coupled with the presence of significant areas of open land across the site, the location of the development relative to a large pond (main river/tidal sluice) on the southern and eastern boundaries and the proximity of the proposed development to three gravity outfalls through the sea wall, would appear to be sufficient mechanism to ensure that neither the site, or those adjoining would be adversely affected by displaced surface water arising from the proposed development.

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

There is no evidence to suggest that the site would suffer flooding from other sources such as reservoirs or groundwater.

(iv) Highway capacity and intensification of access use.

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development.

Where such demonstration cannot be shown, or where there is a policy objection from the highway authority, permission will be refused.

The proposal will result in an intensification of the use of the site and will inevitably result in an increase in the level of traffic attending the site with a consequent increase in use of the access. No Traffic Impact Study has been submitted in support of the application; however, the section of Haven Road serving the site is considered to have significant capacity to accommodate the anticipated additional traffic without adverse impact on adjoining land users and as such it is not considered that the submission of a Traffic Impact Study, is required in this instance, a position which is supported by the lack of demand for such a study from the Highway Authority which has raised no objection to the proposal, subject some minor conditions.

Under the circumstances no objection is raised to the proposal on the basis of impact on highway capacity or intensification of access use.

As reported above, it is the applicant's view that the provision of stables on this site would offer an alternative to livery outside the Borough and thus reduce traffic movements on and off the Island. No technical demonstration of this suggestion has however been submitted and the weight that can be attached to the statement is therefore limited.

(v) Parking

Policy T8 of the adopted Local Plan states that the Council will apply the adopted standards for car parking in Essex, published by the Essex County Council to all proposals.

In the determination of the appropriate level of parking to accompany the proposed development the view has been taken that the proposed livery stables represents a sports facility, being required for the exercise of horse riding which is a recreational activity or sport.

The adopted parking standards do not contain a specific provision for livery stables but rather advises that the parking facilities provided to sports facilities should be determined on the basis of individual merit.

Nationally there is no guidance on what might be considered an appropriate level of parking provision.

The proposal provides 25 parking spaces, arranged along either side of the existing access route through the site. Facilities are also provided for the parking of horse boxes and other large vehicles which may be associated with the use.

In addition an area for 'overspill' parking is identified.

The proposal seeks to provide 40 stables and 2 isolation units, the occupants of which would be expected to be transferred to one of the general stalls in due course.

Livery stables take many forms but are generally operated on the basis of horse owners renting a stable but undertaking at least some of the feeding and grooming themselves. The applicants

have confirmed that this site will provide 'DIY' Livery with all maintenance tasks being undertaken by the horse owners. This will usually require owners to attend the site at least once a day with peak attendance likely to be in the early part of the morning or early evening. Attendance is also likely to peak at weekends when more time is generally available for riding.

Despite these identified peak activity periods it is unlikely that all owners will attend the site at the same time.

Similarly it is unreasonable to assume that each horse or pony on the site will have a different owner.

Consequently it is not considered reasonable to expect parking provision on the basis of 1 space per stable.

An alternative acceptable quantum of parking must therefore be identified.

The applicants have undertaken a survey of local livery yards and have recorded the proportion of parking to stables. This has revealed that when compared to other liveries in the area the current proposal offers a proportionately higher number of spaces than many neighbouring liveries.

Furthermore, the submitted plans indicate the provision of an informal 'overspill' parking zone which could accommodate a further 8 vehicles if required. Up to 33 spaces could therefore be achieved on the site, which would enable approximately 80% of the owners to be present on the site at any one time. This level of provision would appear to be more than adequate to meet the needs of the site and no objection is therefore raised to the proposal on the basis of inadequate parking provision.

(vi) Design and appearance

The NPPF seeks high quality design in all development. This is reflected in the provisions of the emerging Local Plan.

Policy EC2 of the adopted Local Plan seeks a high standard of design in relation to new buildings. In particular, when considering development proposals this Policy requires the Council to have regard to the scale, density, siting, design, layout and external materials used, which shall be appropriate to the setting of the proposed development and the character of its surroundings and the appearance and treatment of spaces around buildings which will be required to be enhanced by appropriate hard and soft landscaping.

In addition all modes of movement associated with the use of the development are required to be safe and convenient.

As stated above, the proposal exhibits a typical livery yard design approach which is superior to the existing stabling that exists on the site and would be consistent with the countryside setting. The palette of materials would reflect that used in the nearby Lobster Smack Public House and would appear appropriate in the landscape.

No objection is therefore raised to the proposal on the basis of design and appearance.

With regard to the issue of safe and convenient movement, the proposed development would be served from an existing access road and provision would be made within the site for the turning of vehicles in order that they might enter and exit the site in forward gear.

In addition the proposal seeks to provide formal parking facilities to serve the proposed development.

This arrangement is considered sufficient to ensure safe and convenient movement both within the site and between the site and the adjoining road network.

No objection is therefore raised to the proposal under Policy EC2 of the adopted Local Plan.

(vii) Archaeology and impact on the setting of a Listed Building

Paragraph 128 of the NPPF states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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

Policy HE4 of the emerging Local Plan maintains this precautionary approach and requires applications within areas of known archaeological interest to be accompanied by a pre application archaeological evaluation, appropriate to the scale and location of the proposal.

The application site lies within an Archaeological Consultation Zone and as such has the potential to provide historic evidence of occupation. However, the Canvey Island Seaside Heritage Project

Historic Urban Characterisation Report (ECC – 2011) identified the site as part of a wider area that has limited archaeological interest, with only one medieval find recorded within the wider site.

Under the circumstances, and based on current available evidence, it is not considered that the proposed development is likely to have a significant impact on the archaeological record and no objection is raised to the proposal on this basis, although it is considered appropriate to impose an archaeological watching brief condition on the grant of any consent in order to record any potential finds.

The proposed development is in proximity to the Lobster Smack Public House. This is a Grade II Listed Building. The NPPF includes Listed Buildings within its definition of 'Heritage Assets' and requires the LPA to give particular consideration to the impact of any proposal on the fabric and the setting of the Listed Building.

Policy EC34 of the adopted local plan states that consent will not be granted for new development which would have an adverse impact on the setting of a listed building and Policy HE2 of the emerging local plan states that historic assets within the borough will be protected from development proposals which would cause harm to their significance, including harm to their setting.

In this case the large stable blocks would be located a minimum of some 75m from the Listed Building. At this distance this element of the proposal is considered sufficiently remote to avoid impact on the fabric of the building or its setting. No objection is therefore raised to the proposal on this basis.

The proposed isolation block would be located some 10m from the Listed Building. Given the limited size of the proposed stable block, the relationship between the buildings and the degree of isolation achieved, it is not considered that this element of the proposal would have an impact on the fabric of the Listed Building.

No objection is raised to the proposal on the basis of impact on the Listed Building.

Conclusion

The proposal represents inappropriate development in the Green Belt. The NPPF identifies that such development may only be permitted under very special circumstances.

The Planning Authority defines a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. Very special circumstances need not be a single matter, but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.

Whilst the proposal will result in inappropriate development in the Green Belt which will have an impact on the openness of the Green Belt, suggesting that permission for the proposal should be withheld, the NPPF openly encourages the provision of opportunities for outdoor recreation, improved biodiversity and improved landscape. The proposal will provide opportunities for countryside recreation which would be consistent with the Government objective of seeking to provide positive uses within the established Green Belt.

It is considered that this factor, coupled with the limited harm to the strategic function, character and appearance of the Green Belt provide very special circumstances which weigh in favour of the proposed development.

The proposal would have no adverse impact on ecological features of interest and provides an opportunity for improved landscape management and enhanced biodiversity. It is considered that these factors also weigh in favour of the proposal.

Whilst the proposal does represent an increased flood risk, the level of risk associated with the development is considered acceptable. The site would not experience significant fluvial or pluvial flood events.

The increased use of the site arising for the intensification of development, will have implications for traffic flows, however these are considered capable of being accommodated within the existing highway network. Parking on site is considered adequate and the design and appearance of the proposal is acceptable.

Finally it should be noted that the proposal would have no adverse impact on archaeological features or the fabric or setting of nearby Listed Buildings.

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 external surfaces of the development hereby approved shall be treated in accordance with the submitted schedule of finishes from which there shall be no departure without the prior formal consent of 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.

- 3 Any new parking spaces provided on the site, in accordance with the approved plan, shall be formed of grasscrete or similar materials and thereafter permanently retained as such. Such parking spaces to be provided prior to the first use of the development hereby permitted.

REASON: In order to ensure the provision of appropriate parking facilities to serve the needs of the proposed development, limit the impact of hardsurfacing on the character and appearance of the site and facilitate surface water drainage on site.

- 4 Prior to the first operation of the development hereby approved, an Annual Landscape Management Regime designed to secure ecological enhancement across the site consistent with the location of the site adjacent to two Sites of Special Scientific Interest, within the

Greater Thames Marsh Nature Improvement Area and the Canvey Village Marshes Local Wildlife Site, shall be submitted to and approved by the Local Planning Authority. Such Regime as is approved shall be implemented and maintained in perpetuity.

REASON: In order to ensure the appropriate long term ecological management of the site.

- 5 The proposed stables and associated buildings hereby approved shall be used for equestrian purposes only and shall not be used for any other purpose without the prior approval of the Local Planning Authority.

REASON: In order to ensure the appropriate use of the site, consistent with its location within the Green Belt.

- 6 Prior to the first use of the development hereby approved, a Flood Response Plan shall be submitted to, and formally approved by, the Local Planning Authority.

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

- 7 Upon occupation of the buildings, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the buildings are occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

- 8 Prior to the first occupation of the development hereby permitted details of two bat boxes and two bird boxes shall be submitted to and approved by the Local Planning Authority. Such details shall include 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 made for the roosting of bats and nesting of birds in the interests of enhancing the biodiversity of the site.

- 9 The public's rights and ease of passage over footpath no. 26 on Canvey shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy EC2 of the adopted Local Plan.

- 10 Prior to occupation of the development, vehicular turning facilities, as shown on the planning drawing no F647/09 Rev A shall be constructed and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy EC2 of the adopted Local Plan.

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

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

- 12 A lighting strategy, designed to minimise light spill onto surrounding wildlife habitats shall be submitted to and approved by the Local Planning Authority. Any such strategy approved shall subsequently be implemented in its entirety.

REASON: In order to protect the interests of wildlife present on the site and the SSSIs.

- 13 Prior to clearance of the site, all stored material piles shall be deconstructed by hand and removed or relocated to another position within the wider Sluice Farm Site, beyond the confines of the Development Area.

REASON: To minimise the risk of death or injury to reptiles that may be present on the site.

- 14 The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority in writing not less than 14 days before development commences. The appointed accredited archaeological organisation shall monitor works in accordance with the approved method statement and shall report any finds to Essex County Council for inclusion in the Historic Environment Record.

REASON: In view of the potential archaeological interest of the site.

- 15 Prior to the commencement of development a 5m buffer zone shall be defined by Heras fencing, or similar, around the watercourse present to the south and southeast of the proposed development site. Within this fence there shall be no storage of materials, chemicals or equipment or waste materials. The fence shall be removed within four weeks of the completion of the development hereby approved.

REASON: In order to protect the ecological value of the adjoining water body.

- 16 Prior to the development of the site a search shall be undertaken by a qualified ecologist and any reptiles found shall be translocated to an identified and prepared location within the wider application site, details of which shall be submitted to and approved by the Local Planning Authority prior to translocation.

REASON: In the interests of the preservation of wildlife on the site.

- 17 No scrub or vegetation removal shall take place between the months of March and September.

REASON: In order to avoid disturbance/injury to nesting birds.

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.
- 2 It would appear likely that stable buildings would not be built to the same level of precautionary specification as dwellings and it is considered unlikely therefore that the proposed buildings would be able to withstand significant hydrodynamic and hydrostatic impact without significant preventative investment. If the applicants are unable to provide this level of protection, this information should be included within any Flood Response Plan made available to owners and staff in order that it might inform appropriate actions in a flood event.
- 3 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.
- 4 The proposed development should incorporate flood resistance and resilience measures in accordance with the document 'Improving the flood performance of new buildings' (DEFRA Publication) in order to minimise damage to the buildings caused by floodwater and to enable faster recovery following a flood.
- 5 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 following has been agreed with many sites operating within the borough and has come to be accepted by the Council's Environmental Health Service.

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.

- 6 Disposing of trade wastes (duty of care) - In the interests of maintaining and improving air quality within the borough and compliance with the law, there should be no burning of any waste or other materials (inclusive of manure).

Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under section 34 of the Environmental Protection Act 1990. It also applies to anyone who acts as a broker and has control of waste. A breach of the duty of care could lead to an unlimited penalty upon conviction.

Further to the above, under the Clean Air Act 1993 it is an offence to emit dark or black smoke or burn material that is likely to give rise to dark or black smoke on industrial and trade premises, or on premises not so used but if burnt in connection with any industrial or trade process. If a bonfire is producing or likely to produce dark or black smoke by the burning of trade or commercial waste, then the persons responsible may be liable to fines of up to £20,000.

- 7 The applicant or subsequent business owner shall apply to the Council for a riding establishment licence, under the Riding Establishments Act 1964.

APPENDIX 1

CONSULTATION RESPONSES

CPBC Environmental Health

INFORMATIVES

Noise and dust control

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Riding Establishment License

The applicant or subsequent business owner is to apply to the Council for a riding establishment licence, under the Riding Establishments Act 1964.

Environment Agency

Our maps show the site lies within tidal Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The site benefits from the presence of tidal defences, which defend Canvey Island to a 1 in 1000 annual probability standard of protection. Although Canvey Island is defended to a high standard of protection, it is at risk should there be a flood defence failure. This residual flood risk should be considered, as although the likelihood of it occurring is low, the consequences should it happen would be very high. The proposal is considered to be less vulnerable development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

We are satisfied that the flood risk assessment, referenced F647 – Proposed Livery and dated 2 September 2016, provides you with the information necessary to make an informed decision.

Sequential Test

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework. This test is your responsibility and should be completed before the application is determined.

Thames Estuary (TE2100) Plan

The site is influenced by the Thames Estuary 2100 (TE2100) Plan. The Thames Estuary 2100 (TE2100) Plan was published in November 2012, setting out our recommendations for flood risk management for London and the Thames Estuary through to the end of the century and beyond. This site is located within the Canvey Island unit, which has a policy of "P4". Policy P4 is to take action to keep up with climate and land use change so that flood risk does not increase (Page 44 of TE2100 Plan). The TE2100 Plan is an aspirational document, rather than a definitive policy, so whether the defences are raised in the future will be dependent on a cost benefit analysis and the required funding becoming available. If the defences are able to be raised, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable.

Breach Risk

The FRA does not explore the risk of a breach of the defences. The Castle Point Strategic Flood Risk Assessment (SFRA) indicates that during the 1 in 200 (0.5%) annual probability event, including allowances for climate change the flood depth on site due to overtopping would be 0.5-1m and due to breaching would be 0.5-1m. The SFRA indicates that during the 1 in 1000 (0.1%) annual probability event, including allowances for climate change, the flood depth on site due to both overtopping and breaching would be 1-2m.

Non-Tidal Flood Risk

In 2015, Anglian Water, Essex County Council and ourselves completed an Integrated Urban Drainage (IUD) model for Canvey Island. This provides detailed information on non-tidal flood risk on Canvey Island. We have consulted the predicted flood extent and depth maps for the 1% annual event probability with climate change from the IUD model for this site. We have high confidence that the site is not vulnerable to flood risk from a designated main river watercourse. We are only a statutory consultee for tidal and fluvial flood risk, therefore you should ensure

Essex County Council LLFA and Anglian Water provide you with further flood risk advice before the application is determined.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environmental Permitting Regulations (2010)

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 16m from the river and from any flood defence structure or culvert of the Pitsea Tidal Reaches, Sluice Farm Dyke and Charfleets Dyke, designated as 'main rivers'. We would still require access to the site in order to maintain the seawall and Holehaven Sluice to the north of the site.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under either one or more of the below:

- 'Exemption,
- 'Exclusion',
- 'Standard Risks Permit'
- 'Bespoke permit.

New forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Anyone carrying out these activities without a permit where one is required is breaking the law. Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at:

floodriskactivity@environment-agency.gov.uk

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Essex County Council – Highway Authority

The proposal will utilise the existing vehicular access that is of adequate width to accommodate the type of vehicles that would use this facility, therefore;

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

1. The public's rights and ease of passage over footpath no. 26 in Canvey shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

2. The vehicle parking areas indicated on the planning drawing no F647/09 Rev A shall be provided. The vehicle parking 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.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

3. Prior to occupation of the development, vehicular turning facilities, as shown on the planning drawing no F647/09 Rev A shall be constructed and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes:

- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO3, Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, CM13 3HD or emailed to development.management@essexhighways.org

*

RSPB

Does not object to this application.

As managers of part of the Canvey Wick SSSI neighbouring the proposed site, the RSPB would welcome engaging with the site owners to discuss future access arrangements.

*

ITEM 2

Application Number:	16/0890/FUL
Address:	Birches View Great Burches Road Thundersley Benfleet Essex (St Peter's Ward)
Description of Development:	Single storey rear extension to provide ancillary accommodation
Applicant:	Mr And Mrs Abbott
Case Officer	Mr Keith Zammit
Date of Expiry	19.01.2017

Summary

The application seeks permission for an extension to an existing bungalow to be used as annexe accommodation.

Such a form of development, together with previous extensions to the property, is felt to result in disproportionate additions to the original dwelling which amount to inappropriate development within the Green Belt.

The applicants submit that the proposal represents appropriate development but even if it were inappropriate development very special circumstances exist to justify it.

Officers are of the view that the proposed development is inappropriate and that none of the circumstances put forward in support of the proposal amount to very special circumstances. It is therefore recommended for REFUSAL.

The application is presented to the committee at the request of Councillor Dick in order that the committee may consider the proposals in the context of Green Belt policy and whether there are any very special circumstances in this case.

Site Visit

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

Introduction

The application property is a detached bungalow on the south side of Great Burches Road. The site also contains a number of other buildings which the applicants use for keeping horses. It has also been stated that the applicant has a flock of around 15-20 chickens.

It is located within an area of sporadic development with Coniston Farm to the west and dwellings at Plum Cottage and Poundfield to the east.

The Proposal

Permission is sought for a single storey rear extension to the dwelling to provide self-contained annexe accommodation for the applicants, which would have its own external door and a door to

an existing bedroom in the main dwelling. The applicant's relatives would then occupy the existing part of the dwelling. This would enable the applicants and their other family members to live in the same house, but with a degree of separation and independence. Several reasons have been cited within the application as to why this would be beneficial, which may be summarised as follows:

- o the applicants' advancing years is making it difficult for them to manage the site
- o it would enable the applicants to have assisted living in old age
- o the applicants' 21 year old grandson who has to travel to the site to visit his horses would have reduced travelling, and better opportunities for training at horseback archery
- o the relocation of the rest of the family to application site would release a home for occupation by another family elsewhere

These claims will be examined in the evaluation of the proposal.

The proposed extension would have a width of some 7.3m, depth of some 7.4m and pitched roof with a central valley to an overall height of some 4.2m. Materials to match the existing building are proposed.

Supplementary Documentation

The applicant is accompanied by a statement containing supporting information from where the bullet points set out above have been drawn from.

Planning History

1988 – permission granted for single storey hipped roofed side extensions (CPT/1632/88)

September 2016 – permission refused for single storey rear extension to provide ancillary accommodation (16/0606/FUL) for the following reasons:

1. The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The proposal, together with previous extensions to the dwelling, represents a disproportionate and inappropriate enlargement of the original dwellinghouse, which if allowed would have an adverse impact on the openness and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be permitted and the proposal is therefore contrary to Government guidance as contained in the National Planning Policy Framework.
2. The design of the proposed roof, by reason of its large flatted upper section, is considered to be incompatible with the design of the host dwelling and roof forms in the surrounding area to the detriment of the character and appearance of the Green Belt, contrary to Appendix 2 of the Council's Adopted local Plan, RDG7 of the Council's Residential Design Guidance and government guidance as contained in the National Planning Policy Framework.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework
Paragraphs 87-89.

Local Plan (Adopted November 1998)

EC2	Design
EC20	Landscape Improvement Area
T8	Parking standards
Appendix 2	Development in the Green Belt

Residential Design Guidance

RDG3	Building lines
RDG6	Amenity space
RDG7	Roof development

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

Policy GB 4 Extensions and alterations to buildings in the Green Belt

Consultation

No statutory consultees notified of this application

Public Consultation

No response to neighbour notification

Evaluation of Proposal

The proposal as amended is not considered to raise any design issues, or issues of neighbour impact or car parking. The proposal is also not considered to raise any issues in respect of Policy EC20 of the Local Plan (Great Burches Landscape Improvement Area).

The main issue here is the impact of the proposal on the Green Belt.

Government guidance in the NPPF (paragraph 89) is that extensions to buildings are not inappropriate development within the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building.

The Council uses guidance within Appendix 2 of its Local Plan to determine what will constitute a proportionate or “reasonable” addition, to provide a consistent approach and a degree of certainty to applicants. The guidance states that a dwelling may be enlarged by any unimplemented permitted development allowance (based on the provisions of the 1995 General Permitted Development Order), plus a further 25m³.

In the case of the application property, this would provide a figure of 95m³ as a reasonable addition to the dwelling.

The General Permitted Development Order largely no longer refers to volume and instead uses a series of dimensional criteria designed primarily to limit the impact of proposals on adjacent residents. Whilst this is acknowledged, and the determination of whether proposals are permitted development is now largely not dependent on their volume, it is considered reasonable to continue to use a volume-based approach when determining whether proposals constitute disproportionate additions to a dwelling.

The property has been extended in the past. The applicant has provided calculations which show that it originally had a volume of 338.1m³. Extensions have been added with a volume of 198.3m³ which the applicant acknowledges have already surpassed the level of extensions that would now be considered reasonable or proportionate.

The proposal now seeks to add a further 207.4m³ to the property. This represents a reduction of some 22m³ compared to the recently refused proposal, which sought to add 229.7m³. The Council does not seek to challenge these figures.

The proposal now seeks to provide total additions of 405.7m³, 120% of the volume of the original dwelling.

Notwithstanding the 22m³ reduction in volume compared to the previous scheme, owing to the alteration of the roof design, it is still considered that the proposed extension would be a disproportionate addition over and above the size of the original building, when assessed cumulatively with the previous additions to the dwelling. The proposal therefore represents inappropriate development, which by definition is harmful to the Green Belt and should not be approved except in very special circumstances (NPPF paragraph 87).

The guidance in the NPPF on the existence of very special circumstances is that they will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88).

The applicant has advanced a number of circumstances which have been summarised in the description of the proposal above. Looking at each of these in turn:

- o the applicants' advancing years is making it difficult for them to manage the site

Whilst it is clearly beneficial for the applicants' relatives to move onto the site with them as they would be relieved of the site management tasks which they now find challenging, there are other means by which this may be achieved. For example, the site could be sold, or the applicants' younger family could move into Birches View and the applicants could move elsewhere, perhaps even into the house that the relatives currently occupy.

The applicants have animals on the land which consist of six horses and a small flock of around 15 to 20 chickens. Were the applicants to move, these animals would have to be housed elsewhere. However, there are horse stabling facilities within Castle Point and chickens are often kept in domestic gardens so could be taken with the occupiers to a new home.

It is not considered that the applicants' animals are a reason why they can live only at this site.

- o it would enable the applicants to have assisted living

It would appear to be quite common these days for families to care for their elderly relatives either adjoining or in close proximity to their home in some sort of annexe accommodation, as is evident from the increasing numbers of applications that the local planning authority receives for such developments. Such proposals are often permitted in residential areas, where no harm to neighbours' amenity or adverse parking implications arise. In the Green Belt, however, such proposals will often constitute inappropriate development and therefore very special

circumstances must be demonstrated. The 'bar' for such development is higher in the Green Belt than in a residential area.

It would clearly be desirable for the applicants to have relatives on site to care for them as they age and may become more dependent on others for their day to day needs. However, the provision of this need such is not limited to the application site. It may be possible to provide annexe accommodation at the applicants' relatives' home.

The accompanying statement explains that both daughters' homes are impractical for this purpose, but the families could of course move into another non-Green Belt property. This option does not appear to have been given consideration. Whilst the proposal represents the easiest option for the applicants, it is certainly not the only option.

It should also be noted that the applicants are currently living in the property unaided and the need for care is a circumstance that is being predicted, not one which currently exists.

Many of us will require a degree of care in later years as we age. However, given the ubiquitous nature of this situation it is hard to conclude that this argument should constitute a very special circumstance as it could be used to extend any dwelling in the Green Belt with disproportionate additions.

In addition to the above, Members should note that the proposed extension is a permanent structure whilst the circumstances of the applicants are not. The extension would remain long after the applicants cease to occupy the property and their circumstances were no longer relevant.

- o the applicants' 21 year old grandson who has to travel to the site to visit his horses would have reduced travelling, and better opportunities for training at horseback archery

It is clear that at least one of the family members has an interest in horses, which are kept on the site. The reduction in travelling time to and from the site for him is clearly of personal benefit, and also of a very minor benefit to congestion on local roads. However, such an argument could be used frequently by applicants and so is not considered to amount to a very special circumstance.

The benefit of the grandson being able to access the site to improve his horseback archery skills and expertise is acknowledged. However that benefit is available now, he is not being denied it in the absence of the proposed development. Whilst he may have slightly more time with the horses each day as a result of less travelling, as above this is not a benefit that amounts to very special circumstance.

The application site is quite clearly suited to horse keeping due to its rural location. It would be an inconvenience for the family if the site had to be sold and the horses relocated to other stables elsewhere. However, such inconvenience is not considered to amount to a very special circumstance.

It is also noted that the applicants allow occasional use of their horses for "open days" by the Riding School for the Disabled and Cedar Hall Special School. However, there is no reason why this equestrian activity could not continue on the site without the applicants being in full-time residence should the property be retained by the applicants' family.

- o the relocation of the family to Birches View would release a home for occupation by another family elsewhere

It is not considered that one dwelling being freed up for occupation for another family would make a significant contribution to the availability of housing the area and to use such an argument to justify approving the proposal would set a dangerous precedent.

With regard to the 'permitted development' fallback position the applicant has suggested that a single storey rear extension projecting 8m from the original rear wall could be erected as permitted development.

Such a form of development would be subject to the householder prior approval process and if an objection from a neighbour was received this is likely to reduce the potential for this form of development to a single storey rear projection of only 4m.

Even if no neighbour objection was received the Householder Prior Approval proposal would be over 2m shorter, albeit slightly wider. The existence of permitted development rights is therefore not considered be of significant weight in favour of the proposal.

The applicant has submitted a visual impact assessment of the proposal which seeks to demonstrate that it will have little visual impact on the area or on views. In the Council's experience, it is the impact on openness *per se* not just the view from public vantage points that is important in determining whether proposals would have a detrimental impact on openness. By its very nature, the proposed extension would introduce built form into an area where none currently exists and therefore would affect its openness, even if this is not readily viewed by passersby. To adopt the approach suggested by the applicant would mean that Green Belt restrictions would effectively not apply to large houses in private grounds within the countryside to which the public do not have access and cannot be seen.

The local planning authority is unaware of any other factors which might be capable of amounting to very special circumstances.

Consideration also needs to be given to the policy position within the emerging New Local Plan, which was submitted to the Secretary of State for examination as to its soundness on 25th August 2016.

Policy GB4 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 Extensions - December 2005).

The criteria permit extensions and alterations to existing buildings in the Green Belt subject to the following criteria:

- a. There is no material impact on the character, appearance or openness of the Green Belt;
- b. The individual and cumulative size, scale, form, massing and height is proportionate to that of the original building and its plot;

- c. The design and siting ensures sufficient space around the building, between neighbouring buildings and between boundaries;
- d. The design, siting and materials is sympathetic to the existing building and its surrounding;
- e. The design and materials are of high quality;
- f. 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;
- g. It only provides ancillary accommodation to the existing building; and
- h. The proposal is compliant with all other relevant policies in the plan.

The dwellinghouse as originally constructed had a width of some 10m and depth of approximately 7m, giving a footprint of some 70sqm. The proposal, excluding previous additions to the dwelling, measuring a maximum of 10m deep by 7.2m wide would itself have a footprint of similar proportions. When the previous extensions to the property are also taken into account these additions would cumulatively result in a more than doubling of the original footprint of the dwelling, which is considered to be a significant and disproportionate enlargement of the original dwelling. As such it is considered that the proposal would have a material impact on the openness of the Green Belt.

The proposal is considered to be satisfactory in terms of the criteria (c) to (h).

Conclusion

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

The proposed extension occupies a similar footprint to that of the original dwelling at the site, which has already been previously extended. The proposal, together with previous additions to the property, is considered to be a disproportionate addition over and above the size of the original dwelling and to represent inappropriate development in the Green Belt.

As such, it fails to comply with Green Belt guidance in both the Council's Adopted Local Plan and emerging New Local Plan.

The reasons put forward by the applicant to justify the proposal are not considered to constitute very special circumstances that would outweigh the harm to the openness of the Green Belt arising from this development.

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 reason:

- 1 The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The proposal, together with previous extensions to the dwelling, represents a disproportionate and inappropriate enlargement of the original dwellinghouse, which if allowed would have an adverse impact on the openness and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be permitted and the proposal is therefore contrary to Government guidance as contained in the National Planning Policy Framework.

Informative:

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

ITEM 3

Application Number:	16/0916/FUL
Address:	76 Kenneth Road Thundersley Benfleet Essex SS7 3AW (St Peter's Ward)
Description of Development:	Demolish existing conservatory and construct a single storey rear extension
Applicant:	Mr & Mrs Roberts
Case Officer	Mr Robert Davis
Date of Expiry	26.01.2017

Summary

The application seeks planning permission for the demolition of an existing conservatory and construction of a single storey flat roofed side extension to provide an enlarged lounge and dining /kitchen room.

The proposal satisfies all policy and design guidance requirements and is recommended for APPROVAL.

The application is presented to the Committee because one of the applicants is employed by the Council.

Site Visit

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

Introduction

This application relates to a rectangular shaped site located within a residential area of the Borough measuring 13 metres wide by approximately 33 metres deep located on the western side of Kenneth Road some 8 metres north of its junction with Coombewood Drive. The site is currently occupied by a semi-detached bungalow that has previously been extended to the side and to rear. The property is surrounded by residential dwellings.

The Proposal

Permission is sought for the demolition of the existing rear conservatory and the construction of a flat roofed 'L' shaped rear extension measuring a maximum of 2.7m deep by 6.5m wide and 3.1m high. The proposal includes an extension to the rear of the existing dining room of some 1.2m. The proposed alterations provide an enlarged kitchen/diner and lounge with bi-fold doors. The development is to be finished externally in materials to match the existing.

Supplementary Documentation

No additional information was submitted with the application

Planning History

2008 – Permission was granted for a single storey side extension (CPT/808/07/FUL)

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework

Planning Practice Guidance

Current Local Plan (Adopted November 1998)

EC2	Design
H17	Housing Development – Design and Layout

Residential Design Guidance

RDG2	Space Around Dwellings
RDG3	Building Lines
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing

Consultation

No statutory consultees were notified of this application

Public Consultation

Five neighbours have been consulted on this application. To date no responses have been received.

Evaluation of Proposal

Policy EC2 of the adopted Local Plan seeks a high standard of design in all proposals for alterations and extensions to existing buildings. Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG2 states that space around all new development should be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling, with at least 1m provided between the property and the boundary.

RDG3 states that where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in a disruption to this pattern. It further states

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

RDG6 states that individual dwellings should be provided with at least 15m² of amenity space per habitable room.

RDG7 requires the design of any development to be compatible primarily with the dwelling but also to be informed by the prevailing character of development within the surrounding area and surrounding forms of roof development.

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling. They must not result in prominent, dominant, alien or incongruous features which detract from the visual appearance of the dwelling or the public realm. The design of all development should result in well proportioned and balanced properties.

The proposed extension is a single storey structure of rudimentary design in line with what one might expect in terms of a domestic rear extension. Several flat roofed extensions are present within the locality and the proposal would not look out of place in this context.

The proposal does not project beyond the flank walls of the existing dwelling house and will therefore not be seen from Kenneth Road.

Its single storey structure would not give rise to any overlooking of adjacent sites and activities associated with the use of the extension would be unlikely to result in any unacceptable levels of noise and disturbance to neighbours.

The depth of the extension where it is to replace the conservatory would not be materially deeper than at present. The infill behind the dining room of 1.2m would not project past the rear of the adjoining neighbour's rear wall. No overshadowing or visual dominance to either neighbour would arise from this proposal.

The application dwelling, after the implementation of the proposal, would exceed the minimum requirements set out in the Council's Residential Design Guidance in respect of amenity space.

There are no parking implications arising from this proposal.

Conclusion

The proposed extension is considered to be acceptable in design terms, meets all the Council's relevant residential design standards and would not result in any undue loss of amenity to surrounding residents.

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 proposed development shall be finished externally in materials to harmonise with the existing development.

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

Informative:

- 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.