



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCI
Chief Executive

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 1st October 2013 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs King, Mrs Liddiard, Skipp, Smith, and Mrs Wass.

Canvey Island Town Councillors : Greig and Ms Swann

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

Enquiries: Cheryl Salmon, Ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 3rd September is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

Application No.	Address	Page
1. CPT/122/13/FUL	Land to the South of Jotmans Lane, Benfleet (St Mary's Ward)	1
2. CPT/287/13/FUL	Land off Kiln Road, Thundersley (Cedar Hall Ward)	58
3. CPT/421/13/FUL	Land off Kiln Road, Thundersley (Cedar Hall Ward)	66
4. CPT/422/13/FUL	Land off Kiln Road, Thundersley (Cedar Hall Ward)	70
5. CPT/434/13/FUL	Land opposite 'Chatsworth', Swale Road, Thundersley (Cedar Hall Ward)	74
Appendix 1	Standard Conditions	84
6. Enforcement Update		86
	Report of the Head of Regeneration and Neighbourhoods is attached	

Agendas and Minutes can be viewed at www.castlepoint.gov.uk
Copies are available in larger print & audio format upon request
If you would like a copy of this agenda in another language or alternative format:
Phone: 0207 520 1431 or email translations@languageline.co.uk

DEVELOPMENT CONTROL COMMITTEE

3rd SEPTEMBER 2013

PRESENT: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs Liddiard, Skipp, Smith and Mrs Wass and Canvey Island Town Councillor Greig.

An apology for absence was received from Canvey Island Town Councillor L Swann.

12. MEMBERS' INTERESTS

Councillor Blackwell disclosed an interest in Agenda Item 5(3), as shown under Minute No. 14(c).

Councillor Mrs Liddiard disclosed an interest in Agenda Item 5(3), as shown under Minute No. 14(c).

Councillor Mrs Govier disclosed an interest in Agenda Item 6 as shown under Minute No. 15.

Councillor Mrs Wass disclosed interests in Agenda Items 5(1) and 5(2) as shown under Minutes Nos.14(a) and 14(b).

13. MINUTES

The Minutes of the meeting held on 30th July 2013 were taken as read and signed as correct.

14. DEPOSITED PLANS

(a) CPT/300/13/FUL – LAND ON THE CHASE BETWEEN SWALE ROAD AND WENSLEY ROAD, THUNDERSLEY (CEDAR HALL WARD) – ERECTION OF 1 NO. 5 BED DETACHED DWELLING WITH INTEGRAL GARAGE – (PLOT 4 – REVISED SCHEME) – R.J.JEFFERY & SONS LTD

(Councillor Mrs Wass declared a disclosable pecuniary interest in this item as her property was in close proximity to the application site, and left the Chamber during its consideration).

The application sought permission for one five bed roomed house with integral garage. Within the adopted Local Plan the site formed part of a larger area of land, safeguarded for the long-term provision of housing.

The application was a revision to the originally approved dwelling at Plot 4 under planning application CPT/378/12/FUL. The revised application sought to widen

the plot and the dwelling by some 0.5m compared to the previously approved application.

The dwelling was of an acceptable design and met the requirements of the Residential Design Guidance. It was also considered that within the context of the existing neighbouring dwellings and the recently approved four new dwellings to the east of the application site, the proposal would not have an adverse impact on the character or appearance of the area.

For the development to be acceptable, it was considered necessary for the road to be made up to provide satisfactory access to and from the dwellings. Such provision would be achieved through a Section 106 Agreement and it was for this reason that the application was presented to Committee for determination.

Resolved – That the application is granted conditional approval.

(b) CPT/302/13/FUL – LAND ON CORNER OF THE CHASE AND WENSLEY ROAD, THUNDERSLEY (CEDAR HALL WARD) – ERECTION OF 1 NO. 5 BED DETACHED DWELLING WITH INTEGRAL GARAGE – R.J.JEFFERY & SONS LTD

(Councillor Mrs Wass declared a disclosable pecuniary interest in this item as her property was in close proximity to the application site, and left the Chamber during its consideration).

The application sought permission for one five bed roomed house with an integral garage. Within the adopted Local Plan the site formed part of a larger area of land, safeguarded for the long-term provision of housing.

The dwelling was of an acceptable design and met the requirements of the Residential Design Guidance. It was also considered that within the context of the existing neighbouring dwellings and the recently approved four new dwellings to the east of the application site, the proposal would not have an adverse impact on the character or appearance of the area.

For the development to be acceptable, it was considered necessary for the road to be made up to provide satisfactory access to and from the dwellings. Such provision would be achieved through a Section 106 Agreement and it was for this reason that the application was presented to Committee for determination.

Resolved – That the application is granted conditional approval.

(c) CPT/386/13/FUL – FOOTPATH ON SEA WALL ADJACENT TO CPBC GATE 18, EASTERN ESPLANADE, CANVEY ISLAND (SOUTH WARD) – INSTALLATION OF FRESHWATER SHOWER PEDESTAL – FRIENDS OF CONCORD BEACH

(Councillor Blackwell disclosed a non-pecuniary interest in this item as a member of the Canvey Island Town Council, a consultee on this application, and remained in the Chamber during the consideration of the item).

(Councillor Mrs Liddiard disclosed a non-pecuniary interest in this item as a member of the Canvey Island Town Council, a consultee on this application, and remained in the Chamber during the consideration of the item).

The application sought permission for the installation of a shower facility on the sea wall adjacent to Concord Beach.

Whilst the desire to provide the facility was noted, it was considered that it would be likely to lead to poor conditions on the walkway on which the shower would be installed and potential pollution to the estuarine environment. The application was therefore recommended for refusal.

Mr Letchford, a local resident and member of Friends of Concord Beach, spoke in support of the application.

The Committee debated the application and considered that the installation of a beach shower in this location would provide a much needed facility, enhancing further this section of the amenity frontage. Members of the Committee commended the initiative of Friends of Concord Beach but were concerned that the water supply to the shower must be adequately protected where it was routed over the seawall. It was therefore,

Resolved – That the application is approved and that the Head of Regeneration and Neighbourhoods is authorised, in consultation with the Chairman and Vice Chairman of the Committee, to agree suitable conditions.

15. CONFIRMATION OF TREE PRESERVATION ORDER – 390 CHURCH ROAD, THUNDERSLEY (ST. PETER'S WARD)

(Councillor Mrs Govier disclosed a non-pecuniary interest in this item as a member of the St. Peter's Parochial Church Council, and remained in the Chamber during the consideration of the item).

The Committee considered a report seeking confirmation of Tree Preservation Order 1/2013 in respect of a Lime Tree at 390 Church Road, Thundersley.

A tree preservation order had been placed on the tree on 6 March 2013, and occupiers and owners of land affected by the Order had been invited to submit any objections or comments to the Council in writing.

One letter of objection had been received from the owner of the property who wished to remove the tree in the interests of public safety.

A meeting had taken place with the owner of the tree on 28 May 2013 to determine whether those concerns could be removed by carrying out alternative works. Following examination of the tree, it was recommended that a crown lift to clear overhead cables, the removal of deadwood and crossed and rubbing branches and some crown thinning be undertaken. The owner of the tree had sought advice from her tree surgeon and had verbally agreed to proceed with the

Development Control Committee – 3rd September 2013

works as a means of removing her public safety concerns and enabling the tree to be retained. However, despite indicating her acceptance of alternative works and the retention of the tree, the owner had maintained her objection to the Order. Unless it was confirmed, the Order would lapse on 6 September 2013 and the tree would remain at risk.

The Committee noted that the Lime Tree was a significant specimen of considerable age and with a fine form. Prominently sited at the crown of Church Hill, the tree formed an attractive feature in the street scene and had significant amenity value.

Resolved – That Tree Preservation Order 1/2013 concerning one Lime tree at 390 Church Road, Thundersley is confirmed.

Chairman

Committee	DEVELOPMENT CONTROL
Date	1st October 2013
Subject	Deposited Plans
Report of the	Head of Regeneration and Neighbourhoods
Report Author	Kim Fisher

Item	Application No.	Address	Page No
1.	CPT/122/13/FUL	LAND TO THE SOUTH OF JOTMANS LANE, BENFLEET (St Marys Ward)	2 - 58
2.	CPT/287/13/FUL	LAND OFF KILN ROAD, THUNDERSLEY (Cedar Hall Ward)	59 - 66
3.	CPT/421/13/FUL	LAND OFF KILN ROAD, THUNDERSLEY (Cedar Hall Ward)	67 - 70
4.	CPT/422/13/FUL	LAND OFF KILN ROAD, THUNDERSLEY (Cedar Hall Ward)	71 - 74
5.	CPT/434/13/FUL	LAND OPPOSITE 'CHATSWORTH', SWALE ROAD, THUNDERSLEY (Cedar Hall Ward)	75 - 84
Report Item No. 1			
Enforcement Update.			85 - 89
Appendix 1	Standard Conditions		90 - 91

Site Visits

Members are advised that a site inspection is recommended in respect of Item 1 attached to this agenda. Members are asked to confirm their attendance on the site visit by contacting Cheryl Salmon on 01268 882545 by Wednesday 25th September 2013.

In the event that no confirmations are received the site visit will be cancelled.

Members are asked to assemble in the Members Room at 1:50pm on:

MONDAY 30th SEPTEMBER 2013.

ITEM 1

Application Number: CPT/122/13/OUT

Address: LAND TO THE SOUTH OF JOTMANS LANE,
BENFLEET
(St MARYS WARD)

Description of Development: UP TO 265 DWELLINGS WITH ASSOCIATED
ACCESS, PARKING, FOOTPATH
IMPROVEMENTS, ECOLOGICAL
ENHANCEMENTS, OPEN SPACE AND
LANDSCAPING.

Applicant: CHARLES CHURCH AND BURROWS AND
DUNN LTD

Case Officer: K.FISHER

Summary

The application seeks outline permission for the erection of up to 265 dwellings and various associated works on the site, which is allocated for Green Belt purposes.

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

The Proposal is therefore recommended for **REFUSAL**.

Site Visit

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

Supplementary Documentation

The submitted application was accompanied by the following documents, all of which may be viewed on the Council's website.

Planning Statement
Statement of Community Involvement
Design and Access Statement
Environmental Statement
Environmental Statement – Non Technical Summary
Transport Assessment
Travel Plan

Open Space Assessment
Energy and Sustainability Statement
Surface Water and SUDs Design
Utilities Capacity Assessment and
S106 Planning Obligations: Heads of Terms.

The Site

The application site extends to 8.61ha and includes two distinct parcels of land. The first parcel relates to the area where housing is proposed. This extends to 8.33ha and is bounded by existing residential properties fronting Watlington Road to the east, Jotmans Lane to the north, the railway line to the south and open farmland to the west. The open farmland to the west does not form part of these proposals and is not within the control of the developer. Further to the west of this area is the raised carriageway of the A130 (Canvey Way), which defines the boundary with Basildon. Access to the application site is taken from three points: Jotmans Lane, Perry Road and Loten Road. The application site also includes the existing public footpath that runs along the southern boundary of the site which is proposed to be upgraded as part of this proposal. This footpath forms the second parcel of land and extends to 0.28ha in area.

The entire site slopes down from north to south from approximately 25m – 10m AOD with the railway line to the south on a raised embankment.

The site is in agricultural use and is currently grazed. The site is divided into paddocks by timber post and rail fences. Vegetation is limited to the boundaries with scattered scrub along the railway line.

The site is currently accessed by car via Jotmans Lane. A public right of way runs along the southern and part of the western site boundary following the railway line. This route is part of a national cycleway route and strategic greenway linking South Benfleet to Basildon in the west and Southend-on-Sea and Shoeburyness to the east along Benfleet Creek. There is currently no access from Perry Road or Loten Road; both are fenced along the site boundary.

Existing development to the east of the site comprises a regular grid of residential streets with a mix of one and two storey detached and semi detached dwellings largely developed in the 1930's.

An area of land to the south west of the site, which does not form part of the application site, and which is within the boundaries of Basildon District Council, is proposed to be provided as an ecological enhancement area.

The Proposal

Outline permission is sought for the erection up to 265 dwellings on the site. These are likely to comprise a mix of dwelling sizes and types ranging from 2 bedrooled apartments to 4 bedrooled houses.

In detail the currently proposed provision is as follows:

82 x two bedroomed apartments
59 x two bedroomed houses
71 x three bedroomed houses and
53 x four bedroomed houses.

The population of the site is predicted to be approximately 645.

Up to 35% of the homes provided would be affordable and lifetime compliant properties.

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

However, an indicative design is included in the Design & Access Statement which suggests a layout providing a single spine road leading from Jotmans Lane and generally running south down the length of the site exiting at Loten Road, with dwellings arranged along the spine road and various side roads. Pedestrian access only will be provided from Perry Road.

The Design and Access Statement indicates that development within the scheme will either two or two-and-a-half storeys in height and would fall into one of four 'character areas': 'The Gateway', which essentially fronts the spine road, 'The Neighbourhood', which will largely back onto the existing residential development on Watlington Road, with a small pocket provided to the north west of the site, 'The Farm' which will create an interface between the proposed dwellings and the farm buildings to the north west and the 'Linear Park' which will extend along the western boundary of the site.

The submitted indicative drawings suggest higher densities of development on the central part of the site with lower density development on the eastern and western boundaries.

Planting is shown to be provided along the eastern boundary of the site where it abuts the existing residential development and a series of 'green fingers' are shown to extend along the east-west routes through the site. An open space is identified close to the boundary of the site with Perry Road and a local Play Area is proposed adjacent to the western boundary of the site. In total some 1.52ha of open space is provided within the development, together with cycle routes and an adult fitness trail. In addition the developer has indicated a willingness to make a financial contribution towards improvements at the South Benfleet Playing Fields and/or Hadleigh Castle Country Park.

Ecological enhancement and mitigation is proposed within the application site, and in addition off-site enhancements are proposed. The landowner controls substantial areas of land around the application site, part of which is situated within the Greater Thames Marshes Nature Improvement Area, (GTMNIA). As such it is intended that some of this land, extending to some 7.84ha in area would be the subject of an

Ecological Enhancement Plan which essentially involves improvements to the ecological features within the site and a long-term management plan for the area.

These off-site improvements which include planting of hedges, provision of hibernacula and refugia and the provision of bat and bird boxes, etc do not constitute development and as such planning permission is not required for this element of the proposal. This land is used for agricultural/grazing purposes and the improvements will maintain this use. However, the implementation of these enhancement works and the long-term management proposals will be secured through the proposed housing development and it is intended that this is to be secured by a legal agreement.

Relevant Planning History

The current application was the subject of pre application discussion and a request for a screening and scoping opinion. This process identified the need for an Environmental Impact Assessment to accompany the application.

It should be noted that the Council has recently had a notable success in defending a planning appeal where housing had been proposed on open Green Belt land between the existing settlement boundary and the A130, somewhat further to the north, at Glebelands, Thundersley. Although there are some differences in the circumstances of the two sites, there are also a great many similarities and logical parallels between them which require further consideration.

The decision of the Secretary of State in the Glebelands case, dated 26th June 2013, was taken against the recommendation of the Inspector who had held the Inquiry, and is currently the subject of a legal challenge in the High Court. If the aggrieved appellants there were to succeed in the High Court on some technical point, the Secretary of State would have to redetermine the Glebelands appeal on its planning merits.

The strong support of the Secretary of State in respect of most of the particular line(s) of argument taken on behalf of the Council on the Glebelands appeal is a striking feature of his decision and clearly supports the Council's interpretation and application of current Green Belt policy.

The Glebelands appeal was conducted in circumstances where the Council had, by national standards, an extremely poor Housing Land Supply, in terms of identified and deliverable sites, a poor record in terms of delivery of affordable housing, and a delay in the preparation of a new Local Plan.

It also needs to be noted that the appellants at Glebelands were, as well as offering a site for market housing to meet some of the shortfall, maintaining strongly that they would be providing 35% affordable housing on their site, the same proportion as the applicants are offering at Jotmans Lane.

Yet in spite of that, and in spite of the importance of providing affordable housing, the Secretary of State supported the Council in saying that, where important Green Belt

is concerned, there are other things of even greater weight than the early provision of affordable housing.

The Council's case at Glebelands was based on the premise that it was particularly important to defend open field Green Belt stretching out from the established edges of existing settlements (and even more so when it is in a gap between settlements), fulfilling thereby a number of the 'classic' Green Belt functions. Although the Secretary of State did not use precisely this terminology in his Decision Letter, it is quite clear that he did in fact accept those arguments – particularly in the context of 'ad hoc' planning decisions being taken outside the context of a Local Plan review.

The views of the Secretary of State in the determination of the Glebelands case are considered to be a material planning consideration in the determination of the current application.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework;

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

Current Local Plan

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

Residential Design Guidance

Consultation

CPBC – Strategic Planning Officer

No response received.

CPBC Legal Services

A S.106 agreement will be required to secure the delivery of affordable housing and other developer contributions.

CPBC Environmental Health officer
No response received

CPBC Street Scene/Recycling
Insufficient information to properly consider application.

Basildon Council
No response received

Natural England

SSSIs

This application falls within or is in close proximity to Pitsea Marsh, Benfleet & Southend Marshes and Holehaven Creek Sites of Special Scientific Interest (SSSIs). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.

Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system. Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue for particular developments. This also sets out, when, following receipt of survey information, the authority should undertake further consultation with Natural England (Paragraph 98 and 99 of ODPM Circular 06/2005).

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Local landscape

Natural England does not hold information on local landscape character; however the impact of this proposal on local landscape character (if any) is a material consideration when determining this application. Your authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assessed the impacts of this development (if any) as part of the determination process.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for

bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Environmental Services Essex County Council

Recommendation: No objection subject to the following conditions:

On the basis of the information provided within the application details it is considered that planning permission be granted for the proposed development subject to the imposition of the planning condition(s) set-out below:

With regard to the 'Biodiversity Strategy' - associated with the creation and long-term delivery of the on-site and off-site mitigation and enhancement measures - a Section 106 agreement may be more appropriate than a planning condition (See NPPF paragraph's 203 to 206 and NPPF Technical Guidance paragraph's 49 to 51). However, it is noted that the applicant has proposed a number of legal obligations in the submitted Planning Statement, one of which appears to address the long-term management of natural green-space.

The Environmental Statement (ES) addresses ecology in a comprehensive manner; and outlines a robust approach to mitigation. Particularly welcome the proposed enhancement measures and the connections with the Greater Thames Marshes Nature Improvement Area (NIA). The suggestion to utilise Biodiversity Offsetting to secure the long-term management of the Ecological Enhancement Land (EEL) is also positive and would encourage the applicant to contact the Essex Biodiversity Offsetting Pilot's Project Officer to develop these proposals in more detail (Details are available at this link: <https://www.gov.uk/biodiversity-offsetting>).

However, disagree with the assertion (Para. 6.5.20 of the ES) that the completed EEL will be of regional value for biodiversity. Much larger and longer established Local Wildlife Sites (LoWS) in the vicinity of the application are considered only of 'County' importance for their biodiversity interest. Therefore, it is unlikely that a 7.84 hectare site, which may take many years to establish its full biodiversity potential, warrants a higher value.

Recommended Conditions

Wildlife Protection Plan

No development shall take place until a Wildlife Protection Plan for the site has been submitted to and approved in writing by the Planning Authority. The details shall include how mitigation measures for Legally Protected Species and/ Priority Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements where appropriate. Should pre-construction inspections identify the presence of Legally Protected Species, construction works shall cease immediately until such time as further surveys have been completed (during the appropriate season) and mitigation measures have been agreed in writing with the Planning Authority and Natural England where necessary.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy EC13.

Fixed Lighting

No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy EC13.

Update of Survey before Commencement of Development

Should the development hereby approved not have been commenced within one year of the date of this planning permission, a further biodiversity survey of the site shall be carried out to update the information previously submitted with the application ["Environmental Statement" February 2013] together with an amended mitigation and/or compensation strategy to mitigate/compensate the impact of the development upon the identified protected or priority species. The new biodiversity survey and mitigation/compensation strategy shall be submitted to and be approved in writing by the Planning Authority prior to the commencement of the development hereby permitted and thereafter the development shall be implemented in accordance with the approved biodiversity survey and mitigation/compensation strategy.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy EC13.

Biodiversity Mitigation Plan

No development shall take place until a Biodiversity Mitigation Plan has been submitted to and approved in writing by the Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted (as outlined in the "Environmental Statement" February 2013 and "Ecosystem Services within the Greater Thames Marshes Nature

Improvement Area” February 2013) and shall, without prejudice to the foregoing, include:

- (i) Aims and objectives of mitigation;
- (ii) Extent and location of proposed works;
- (iii) A description and evaluation of the features to be managed;
- (iv) Sources of habitat materials;
- (v) Timing of the works;
- (vi) The personnel responsible for the work;
- (vii) Disposal of wastes arising from the works;
- (viii) Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation;
- (ix) Appropriate management options for achieving aims and objectives; prescriptions for management actions;
- (x) Ecological trends and constraints on site that may influence mitigation measures;
- (xi) Personnel responsible for implementation of the Plan;
- (xii) The Plan shall include demonstration of the feasibility of the implementation of biodiversity mitigation plan for the period specified in the Plan;
- (xiii) Monitoring and remedial / contingencies measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full. Monitoring shall review agreed targets at five year intervals and allow for remedial action to be agreed with the Planning Authority.

The development hereby permitted shall be implemented in accordance with the approved plan.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with policies EC13 and EC14.

Other comments

The mitigation measures proposed to minimise operational impacts from recreation upon the Benfleet and Southend Marshes SPA are well-considered, but further integration with the Thames Estuary Path (TEP) should be sought (Page 12 of the Ecosystem Services Report). TEP is currently investigating design solutions to positively manage access to the SPA on a length of the path starting immediately south of the application boundary and stretching to Hadleigh Country Park. Therefore, recommend the applicant discusses the mitigation proposals with the TEP Project Team particularly in light of the commitment within the ES (Para. 6.4.17) to “... improve facilities for users of Hadleigh Country park and to discourage use of the part of the Country Park which is SPA during particularly sensitive times of the year and tides.”

Finally, the following guidance notes, published by Essex County Council, may be of assistance to the applicant in the detailed design of the Biodiversity Mitigation and Enhancements Measures:

- Essex Tree Palette: A guide to choosing the most appropriate tree species for Essex sites according to landscape character and soil type.
- Sustainable Drainage Systems: Design and Adoption Guide
- Essex Biodiversity Offsetting Pilot Strategy

Urban Design Essex County Council

In summary, our review questions the sustainability of the location given this is allocated greenbelt, relatively remote to local amenities and employment, noise and visual impact from the A130 and railway, and the lack of exceptional quality in the proposals to address and compensate for the location's shortcomings.

Our more detailed comments are in the form of a Building for Life 12 assessment, which is the industry standard, endorsed by the Government, for well designed homes and neighbourhoods. This might act as prompt for design dialogue between interested parties and for targeting improvements.

Building for Life 12 Assessment

Key:

- | | |
|-------|--|
| Red | identifies aspects which need to be changed. |
| Amber | means either that the characteristics of the scheme make full compliance with one of the Buildings for Life 12 principles impossible, OR that further consideration is needed to improve the design. |
| Green | implies the principle has been fully met (relative to outline planning stage) |

Integrating into the neighbourhood

1. Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

AMBER

The layout offers a good choice of pedestrian routes and connections with the surrounding street network. Nevertheless access to surrounding countryside appears convoluted in places, and greater effort should be made to explore how this might be improved beyond the boundaries of the defined site, i.e. through partnership, funding and offering more land. In general greater clarity and thinking is required with regard to the path and design of pedestrian and cycle only routes.

Vehicle access points are well reasoned off two relatively strategic roads, which aptly join together to form a primary loop serving the development, though proposals for Jotmans Lane are needed to ensure it can accommodate predicted traffic levels and pedestrians.

The backs of existing properties are mostly backed onto for mutual protection and garden depths provide a suitable buffer. However, we are concerned that the adjoining Neighbourhood Character Area (D&AS, p.28) proposes continuous built frontage. Instead adjoining properties should provide gaps in the built frontage ensuring transition with the local detached/semi-detached built form, allowing existing residents glimpsed extended views and considering they currently have an open aspect. A suitably protective landscape buffer also needs to be clarified to ensure those properties backing onto the proposed pond space would not be vulnerable to public intrusion.

2. Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

RED

The site is remote to facilities and services, with the only amenity in the vicinity being a small food store 300-700m away by foot, with the town centre and nearest school about 1000-1400m away. Despite this and the size of the scheme, no new facilities and services are proposed. On reflection we would recommend the inclusion of a small local centre on the primary road overlooking the central space, e.g. corner shop, pub, community space, and other small business/commercial unit/s. This would also lend the development greater meaning, character and community value.

3. Public transport

Does the scheme have good access to public transport to help reduce car dependency?

RED

Access to public transport would be poor with the railway station over a mile away by foot, whilst the nearest bus stop would be 400-800m away. The development does not propose any measures to improve matters, nor does there seem much scope for alternative measures.

4. Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

RED

It is suggested that affordable homes will be indistinguishable from private and will form up to 35% of the development (i.e. linked to planning policy), but is silent on location, e.g. will this be pepper potted? The applicants states a “broad range” of homes will be provided, though there would be no one bed units, a disproportionate percentage of two bed apartments (31%) and no identified homes for specific groups, e.g. the elderly. No evidence is provided to suggest the mix is linked to local housing need.

5. Creating a place

Does the scheme create a place with a locally inspired or otherwise distinctive character?

AMBER

The local vernacular and materials research is welcomed though might have gone further to inform proposals, i.e. looking at national best practice for similar edge of countryside sites, local pre-industrial villages and garden city concepts (considering the immediate context).

Four character areas are identified, though the text and illustrative material often contradict each other and do not go far enough in ensuring genuinely distinctive places. For example, looking at the 2D masterplan there appears little distinction between the size and articulation of blocks, nature of building frontages (e.g. terraces, detached/semis). Similarly proposed building heights, densities and architecture (represented by the illustrations) appear relatively generic and arbitrary. Text is more suggestive of potential character but is too vague on how this might be achieved. Looking at the individual character areas:

- ‘The Farm’ has potential but should explore a genuinely more farm-like/rural layout and architectural approach.
- The ‘Linear Park Edge’ might explore eco-housing complementing the landscape setting, greater interaction between development and landscape (e.g. balconies, more useable public space, visually interesting settlement edge) and materials which are more coherent with the landscape setting (possibly including timber).
- ‘The Gateway’ has a potentially appealing avenue character which will help define the loop road.
- ‘The Neighbourhood’ appears to cover any other parts and is far too generic.

We support the proposed use of landmark and focal point buildings to define key routes, gateways, spaces and vistas identify, though this needs further clarity on how this might look and should include features within the public realm, e.g. public art.

6. Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?

AMBER

The green edge has the potential to provide spaces and habitats which complement the adjoining countryside, though might be widened considering the loss of Green Belt, whilst the Pond area would benefit from further information to ensure it becomes an attractive, useable and integral part of the plan. The design builds in a number of open spaces and street vistas offering views to surrounding countryside.

A major concern is that noise and visual impact mitigation measures do not appear to be proposed with regard to the A130 and railway, despite the impact on quality of life for new and existing residents.

7. Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

GREEN

At this outline stage and from the information provided, it would appear streets, spaces and corners would benefit from a suitable street hierarchy, and from being well defined by active building frontage, though building heights might be increased to better define and spatially enclose key spaces and the (wide) loop road.

8. Easy to find your way around

Is the scheme designed to make it easy to find your way around?

AMBER

The proposal describes a logical street hierarchy, promotes key views and identifies a reasonable network of visual markers, though given its importance further indicative/illustrative information is required on the latter. The line of the northern section of the loop road, defined by the building frontage, is not altogether obvious and might be more naturally join with Jotmans Road, i.e. rather than Perry Road.

Street & Home

9. Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

RED

The proposal loosely talks about controlling speeds, though appears to rely too heavily on the separation of vehicles and pedestrians instead of promoting a more attractive and liveable experience, such as adopting shared space and play space approaches for lower hierarchy streets. Another priority is to confirm how speeds

would be controlled on the loop road, i.e. to not exceed 20mph. The focus on active frontage bodes well for promoting the natural surveillance of streets.

10. Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

RED

Information on parking is far too brief and vague considering its impact on density and design. We would suggest the need for further work including research (best practice and local parking needs), engagement (parking authority), key principles and indicative arrangements to demonstrate and reassure that the stated housing numbers can be achieved without adversely impacting on design quality.

11. Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

AMBER

The landscape strategy shows promise with highlights including ecological aspects, a linear park edge and central community space looking out over countryside. However, the provision of open space appears too mean and vague in places, considering this is allocated Green Belt, currently providing open aspect to a number of properties and in an area which does not possess much public open space. Relevant to this is the applicant's potentially misleading assertion that the scheme provides 1.81 ha of open space given this appears to include significant amounts of non-recreational verges etc. On reflection we would suggest the need to increase the amount of useable open space by reducing the developed area and/or extending the green parkland edge to the east and introducing defined areas the wider community might appreciate (e.g. a community orchard, mown useable grassland, accessible ecological areas, sports infrastructure, attractively defined walks and destinations). Similarly, further information is required on the pond which might offer significant community value or just be a peripheral and unmanaged predominantly dry sunken area. Addressing potential local concerns, the sense of open countryside should be more immediately accessible, e.g. through a wider green corridor lining Jotmans Lane and buildings not impeding views from Loten Road.

The relationship between public space and housing design suggests this will generally be appropriate, though would benefit from further information on street and car parking design, i.e. avoiding unnecessary separation between houses and spaces and increasing the potential for spill out activity, social interaction and views.

12. External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

AMBER

This suggests the provision of on plot cycle storage and that refuse collection points have been identified, but does not give further details.

Please note the scheme would currently score 38/100 based on this Building for Life 12 assessment.

RSPB

We have **no objection** to the proposed development providing that the following conditions are imposed:

Nature Conservation

The proposed development is located approximately 2kms from the Benfleet and Southend Marshes Special Protection Areas (SPA). This has been designated for its internationally important numbers of dark-bellied Brent geese, grey plover and knot. It is also approximately 2kms from Pitsea Marsh SSSI, which supports an outstanding range of invertebrates, The Fleet supports a typical breeding bird community which includes large populations of reed and sedge warblers, as well as providing an important feeding and roosting site for passage migrants such as yellow wagtails.

We note that wintering and breeding birds surveys have been carried out for the site of the proposed development and these have not shown any SPA species using the site. We are satisfied that the proposed development will not have a direct impact on the Benfleet and Southend Marshes SPA, but could have indirect impacts such as increased noise, lighting, discharge from the surface water drainage system and recreational disturbance.

We remain concerned about the potential increase in recreational disturbance to the SPA and whether the proposed mitigation measures will be effective.

Green Infrastructure

We note from paragraph 6.4.17 of the Environment Statement (ES) that the developer is proposing to provide greenspace on the site. The ES has mentioned Natural England's Suitable Alternative Natural Greenspace which requires for every 1000 people 8ha of greenspace to be provided to offset recreational pressures on designated sites. However, the ES has estimated the site as needing to provide only 2.27ha of alternative greenspace. It is not clear exactly how this figure has been reached bearing in mind paragraph 6.4.16 of the ES earlier estimated the maximum number of people as 615. Even if the figure of 2.27 ha is accepted at face value it still falls short of the ES's own recommended 3.3 ha. It is essential that any greenspace is adequate to accommodate the increased number of people which will result from the proposed development. We note that the applicant owns the adjacent areas to the site and we would recommend that additional greenspace is provided as part of this development. In addition it is important that any circular walks/cycle tracks that are provided as part of the Green Infrastructure (GI) are designed to meet

the requirements of dog walkers and other recreational users i.e. are long enough to provide an alternative to a coastal walk.

Mitigation

A series of measures have been proposed to minimise the construction and operational impact of the development. These include the use of EA guidelines on working near water ways, the writing of method statements, and a capture and translocation plan for Great Crested Newts and reptiles. In addition the provision of an upgraded foot and cycle path, suitable litter disposal points and ecological information boards and education of residents about species present and their ecology by the provision of information boards.

It is important that these measures are captured through the use of a suitably worded condition.

Condition 1: No development shall take place until an Ecological Mitigation and Monitoring Strategy has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented as approved. The strategy shall include the following measures:

- Method statements to minimise the construction impacts of the development;
- Ecological information boards;
- Nesting boxes and tubes for solitary bees and wasps;
- Creation of bat roosting features within the fabric of buildings;
- Creation of bird nesting features within the fabric of buildings;
- Low impact lighting for the site;
- Ecological enhancement of the balancing pond
- Replacement and enhancement of the eastern scrub boundary
- Creation of a 3m wide linear native scrub and tree belt along the whole western boundary

Reason: To ensure no net loss of biodiversity in line with the National Planning Policy Framework (NPPF).

Ecological Enhancement Area (EEA)

We note that the developer is proposing to provide an Ecological Enhancement Area (EEA). We welcome that this may be used to add to the farmland bird habitat on the nearby RSPB Bowers Marsh reserve. In this regard we would be able to offer expert advice on the farmland bird species which could be targeted through improved nesting habitat and the provision of summer and winter food.

The RSPB has recently launched a campaign to save the Turtle Dove and suitable habitat could be created on the EEL for Turtle Dove. From the 1970s the Turtle Dove has declined severely across Europe and disappeared from many places where they had previously been common. Turtle Doves breed in woods and agricultural areas and evidence from research suggests scrub is the preferred nesting habitat. Their main food is the seeds and a fruit of weeds (i.e. fumitory, chickweed and knotgrass) and cereals, found mostly on the ground. It is at real risk of disappearing as a breeding species in the UK within a decade unless action is taken.

Condition 2: No development shall take place until a Habitat Management Plan (HMP) has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme. The HMP shall include at least 7.84ha of farmland habitat mosaic and will include expert advice from the RSPB in regard to the following measures:

- Species rich hedgerows;
- Insect rich habitat;
- Infield nesting habitat;
- Seed rich habitat
- Species rich wildflower meadow
- Ponds
- Shallow invertebrate bays
- Monitoring
- Ongoing management

Reason: To ensure no net loss of biodiversity in line with the National Planning Policy Framework (NPPF) and the integration of landscape scale conservation measures on the proposed Ecological Enhancement Area to benefit birds and wildlife.

Essex Bat Group

No response received

Essex Badger Protection Group

No objection

Buglife

No response received

Environment Agency

Surface Water Management

The application is for residential development on a site which is 8.61 hectares in area. Our maps show the site lies in Flood Zone 1, which is the area of low flood risk (1 in 1000 year event), and as the site exceeds 1 hectare, a Flood Risk Assessment (FRA) is required, in accordance with Footnote 20 of paragraph 103 of the National Planning Policy Framework, that provides details of how surface water is to be managed on the site.

An FRA prepared by WSP, referenced 11501642 and dated 18th February 2013, has been submitted in support of this application, as well as a Surface Water and SuDS Design Statement, referenced 11501642 and dated 18 February 2013. The proposed development will be acceptable if a planning condition is included requiring the following drainage details:

Condition

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and

hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm inclusive of future climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason

To prevent the increased risk of flooding, both on and off site.

Proposed Surface Water Scheme

The site is currently Greenfield Land. The proposed surface water scheme, taking a hybrid approach, uses SuDS and then drainage into a surface water sewer at Watlington Road, at a maximum rate of 10 l/sec. Supporting calculations have been submitted to show that the surface water drainage strategy provides adequate capacity to manage the volume of water produced by the site in the 1 in 100 year return period rainfall event, including allowances for climate change.

Surface water storage has been provided for 2060 cubic metres for the 1 in 30 year rainfall event and 4150 cubic metres for the 1 in 100 year rainfall event, inclusive of climate change. The discharge to the receiving system has been restricted to the appropriate Greenfield runoff rate for an equivalent return period event for a range of events from the 1 in 1 year up to and including the 1 in 100 year return period rainfall event. The rate has been reduced to 4.61/s for the 1 in 1 year, 26.71/s for the 1 in 30 year, and 37.61/s for the 1 in 100 year return period rainfall event.

It is proposed that the SuDS and exceedance features could be offered to the Essex County Council SuDS Approval Board, while the surface water sewers will be offered to Anglian Water for adoption.

Sustainability

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources. Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:

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

- Resource efficiency (including water and waste): see additional advice provided in the technical appendix.
- Net gains for nature: see additional advice provided in the technical appendix.
- Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated?

This approach is in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108.

Anglian Water

ASSETS

Section 1 - Assets Affected

Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Foul Sewerage Network

The sewerage system at present has available capacity for the foul drainage strategy outlined in the Utilities Capacity Assessment dated February 2013 which will discharge gravity flows to manhole 6801 in Watlington Road. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Section 4 - Surface Water Disposal

The surface water strategy to discharge 10 litres per second into the 375mm public surface water sewer in Watlington Road as outlined in the flood risk assessment dated 18 February 2013 submitted with the planning application is acceptable.

Agreed strategy should be reflected in the planning approval

Section 5 - Suggested Planning Conditions

Recommend the following planning condition

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

REASON

To prevent environmental and amenity problems arising from flooding.

Police Architectural Liaison Officer

Essex Police do not object to this application but would seek planning conditions at any full planning consent, that all housing, education, health and commercial properties achieve Secured by Design certification.

London Green Belt Council

No response received

County Planner

No response received

County Highways

The Highway Authority does not wish to raise an objection to the above proposal subject to the following:

1. Prior to commencement of the development, the new road junction onto Jotmans Lane at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. 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 and manoeuvring of all vehicles, including construction traffic and site workers parking shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

4. The gradient of the proposed vehicular access / garage drive / hardstanding shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety in

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

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

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

Additional Note:

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

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

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

7. The public’s rights and ease of passage over the adjacent public footpath 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

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

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

11. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

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

12. Any garage erected with its vehicular door(s) facing the highway shall be set back not more than 0.5m from the highway boundary (or flush with the Highway Boundary where inward opening gates or roller shutter doors are provided), unless a full 6m parking space is provided in front of the garage.

Reason: To prevent vehicles parking and overhanging the highway in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

13. Vehicular parking spaces shall be in accordance with the EPOA Parking Standards, Design and Good Practice September 2009.

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

14. Prior to the commencement of the development the details of the amount, location and design of powered two wheeler parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure and shall be provided prior to occupation of the development and retained for that purpose at all times.

Reason: To ensure an appropriate level of parking facility for powered two wheelers is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

15. Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

16. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Residential Travel Plan to include a commitment to provide a Travel Plan co-ordinator within the residential sales office to give advice to the new residents of the development.

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

17. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator) to each of the new dwellings on the development and to the nearest 500 (five hundred) existing residential dwellings in the surrounding area.

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

18. Prior to occupation of the proposed development the provision of improved bus waiting facilities to the two stops on High Road adjacent to Jotmans Lane to include where required but not limited to real time information, raised kerbing, shelters including seating, lighting, bins, timetable info and flag poles shall be provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for improved sustainable transport provision as a result of the proposed development.

19. Prior to occupation of the proposed development the provision of improvements at the junction of High Street/Jotmans Lane/Benfleet Park Road to include resurfacing and lining as part of a safety measures package has been provided and completed entirely at the Developer's expense to the satisfaction of the Highway Authority.

Reason: To make adequate provision within the highway for junction improvements as a result of the proposed development.

20. Prior to occupation of the proposed development Jotmans Lane shall be made up and provided with a 2m wide footway from the site access along its southern side to the existing facility and completed entirely at the Developer's expense to the satisfaction of the Highway Authority.

Reason: To make adequate provision within the highway for junction improvements as a result of the proposed development.

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 made to the Essex County Council on 0845 603 7631
- The Highway Authority cannot accept any liability for cost associated with a developer's improvement. This includes design check safety audits, site supervision a commuted sum for maintenance and any potential claims under Part 1 and Part 2 of the land compensation act 1973.
- Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Street Lighting Section, which shall thereafter be maintained in good repair.
- Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
- All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- The Applicant should be advised to liaise with the appropriate agency(s) regarding the water course to ensure that all necessary precautions are taken to protect the integrity of the site and more importantly, the condition of the water course. This section of watercourse could form part of the Environment Agency's "**Flood Warning Areas**" and may also be affected by PPG25.

- Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via:

watercourse.regulation@essex.gov.uk.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

County Education

With regard to early years and childcare provision, the latest Essex County Council's Sufficiency Audit indicates that there will be insufficient early years and childcare provision in the locality of the proposed development to serve the needs of the

development. Essex County Council's Children's Community Commissioning Officer for the area has also confirmed the lack of early years and childcare provision. It is thus clear that additional provision will be needed to accommodate the pre-school children likely to be generated by this development.

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

Therefore request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on early years and child care provision. The formula for calculating the contribution is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition and our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. For information purposes only, should the final development result in a net increase of 265 houses with two or more bedrooms, the contribution would be £282,980 index linked to April 2013 costs.

If minded to turn down the application, the lack of early years and childcare provision in the area can be noted as an additional reason for refusal

County Archaeologist

The Historic Environment Record shows no known or recorded archaeological deposits within the proposed development area; however, there are Roman and medieval remains in the surrounding area and there is the potential for below-ground remains, possibly associated with Jotmans Hall or earlier settlement activity. The lack of previous development in the area means that any undisturbed archaeological deposits within the proposed area could be well preserved.

The desk based assessment undertaken by Cotswold Archaeology again shows no known archaeological deposits on the site; however, there are deposits in the vicinity. Therefore to ensure appropriate recording of the archaeological deposits that are likely to survive within the development area a phased archaeological approach is recommended which can be undertaken if Outline Consent is obtained.

The recommended wording for the conditions is stated below:

RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation.

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of Investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

2. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

3. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the initial excavation of trial trenches across the site followed by targeted open area excavation of archaeological deposits identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief will be produced by this office detailing the work required on request.

Essex Fire and Rescue Service

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 -Section 13.

Access for fire service purposes is considered satisfactory

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Water Supplies

The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters.

Essex Police Contingency Planning

No response received

Essex County Council – Public Rights of Way Officer

No response received

British Railway Property Board

No response received

British Rail Network South East

No response received

British Rail Estates Manager

No response received

Network Rail

There is no objection in principle to this proposal; however as a matter of course the council should insert the following within the decision notice as a condition or informative as the council deems fit.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicants land. The applicant must ensure that *any* construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 3m from Network Rail's boundary. The reason for the 3m stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 3m and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for *any* third party access to its land. No structure/building should be built hard against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance Information. The current level of usage *may* be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Due to the close proximity of the proposal to the embankment and Network Rail property the application should immediately contact Network Rail's asset protection team on AssetProtectionAnglia@networkrail.co.uk who will assist in managing the construction and commissioning of the project.

Reason: To ensure the safe operation of the railway during construction and commissioning of the project.

Gas

No response received

National Grid Co. PLC

No response received

UK Power Networks

No response received

British Telecom

No response received

DEFRA

No response received

Health Authority.

No response received

Public Consultation

Responses to neighbour notification, press and site notices

580 letters of objection have been received.

The issues identified by objection may be summarised as follows:

- Impact on/Loss of the Green Belt
- No very special circumstances
- Lack of need for housing
- Not identified in Five Year Housing Land Supply
- Will result in Benfleet extending to the Basildon boundary
- More suitable sites elsewhere
- Traffic congestion
- Roads cannot take additional traffic
- Cemetery Corner – congestion/accident blackspot/poor pedestrian crossing facilities
- Adjoining roads will become rat runs
- Construction traffic will cause problems on narrow roads
- Noise/vibration
- Pollution and air quality
- Impact on Wildlife
- Impact on local services and utility infrastructure, (doctors/schools/police/ sewage/drainage etc)
- Impact on character of area
- Loss of privacy
- Need to retain agricultural land for food production/horse grazing
- Loss of children's playspace
- On street parking an issue due to lack of on site parking
- No benefit for local community
- More antisocial behaviour caused by too many people in the area
- Loss of view
- Loss of light

- Overcrowding of commuter trains as no local jobs
- Access should be from Canvey Way
- Development of site will leave rest of farm vulnerable
- Empty homes should be brought into use before new development allowed
- Development will result in upheaval for local families
- Surface water flooding will increase
- Do not need social housing
- Shop on Jotmans Lane causes traffic congestion now.
- Council should buy up empty houses to meet housing shortage
- Pond is a disaster waiting to happen
- Lower parts of site are too wet to develop
- Site is not sustainable
- Affordable housing should be for local people.

Comments on Consultation Responses

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

Evaluation of Proposal

The proposal has raised a number of issues for consideration, on a strategic level, a policy level and in terms of local perception of the scheme.

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

- (i) Prematurity
- (ii) The principle of the development
- (iii) The existence of very special circumstances
- (iv) Loss of Farmland
- (v) Impact on adjoining Residents
- (vi) Impact on Ecology
- (vii) Impact on Landscape
- (viii) Impact on Archaeology.
- (ix) Impact on infrastructure, (social and physical)
- (x) Noise
- (xi) Vibration
- (xii) Air Quality

- (xiii) Flood Risk
- (xiv) Other policy issues and matters of detail.

Each will be considered in turn.

(i) Prematurity

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

- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and
- b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made)

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

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

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

Within the context of Government guidance and in the light of the Secretary of State's determination of the appeal at 'The Glebelands', it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the new Local Plan. It is considered that the current proposal represents an attempt to circumvent the Local Plan process and, if allowed, it is considered that the release of this site for residential development would prejudice the ability of the Council to achieve a high level of sustainability in meeting its housing needs.

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

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

(ii) The Principle of Development

The application site lies within an area allocated for Green Belt purposes in the adopted Local Plan.

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

Para 80 of NPPF sets out the five main purposes of Green Belts:

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

Para 83 states that once established Green Belt boundaries should only be altered in the most exceptional circumstances, through the preparation or review of the Local Plan. This has recently been confirmed with regard to a specific site within the Borough by the Secretary of State.

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

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

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

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

Such purposes do not include large scale residential development.

As a consequence it can be concluded that residential development of the site constitutes inappropriate development in the Green Belt.

The proposal should therefore attract a recommendation of refusal. However, the NPPF states that inappropriate development may be justified by the identification of very special circumstances.

Whether such very special circumstances exist will be examined in the next section of this evaluation.

(iii) The existence of 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.

The Planning Authority also considers that a very special circumstance 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.

The applicant suggests a number of issues as very special circumstances. These are:

- a) The proposed development will afford an opportunity for ecological enhancement adjacent to a recently identified Nature Improvement Area and within an area identified by the RSPB and Essex Wildlife Trust as areas capable of enhancement for ecological and recreational purposes.
- b) That a past shortfall in housing land provision and the housing needs of the Borough for the next five years creates a recognised need to release land from the Green Belt for housing purposes.
- c) That the development of the site will not undermine the function of the wider Green Belt.
- d) That development of the site would be undertaken in a manner that would result in no adverse impact on the character and appearance of the wider Green Belt.
- e) The proposal affords improved cycle and footpath access to the wider countryside.
- f) The proposal offers an opportunity for improved open space provision in an area of identified deficiency.

Other circumstances, not specifically identified as 'very special' have also been cited as supportive of the development of this site; these are:

- the proximity of the site to existing residential development and the opportunities for linkages

- the sustainable location
- the lack of unacceptable highway impact
- the adequacy of local infrastructure
- the opportunity for the provision of affordable housing and
- the lack of adverse impact on adjoining residents.

Each if these circumstances shall be considered in turn.

(a) Ecological Enhancement

The applicant has identified that the site currently has low ecological value as a consequence of past management of the site, but suggests that development of the site provides an opportunity to provide ecological improvements on adjoining land as well as providing for ecological enhancements on the site.

In particular the applicant refers to the opportunities available to provide Ecological Enhancement Land (EEL) as a part of the package of benefits attached to the proposal and to contribute to the Wildlife Trust 'Living Landscapes Initiative' and 'The Greater Thames Marshes Nature Improvement Area'.

Whilst the location of the site is opportune in so far as it shares a relationship with land within both initiatives, it is not considered that the opportunity to contribute is so significant as to represent a very special circumstance. In much the same way that the applicant suggests that contributions can be made to initiatives beyond the site boundary or control of the applicant, such as at the South Benfleet Playing Fields and at Hadleigh Castle Country Park, contributions to secure better management of land under either of these projects could be sought from any developer on any site. The circumstance is not therefore unique or incapable of repetition, although it is acknowledged that ownership of the land in question is a significant factor which is more likely to result in delivery of improved management than might be possible through reliance on financial contributions from elsewhere.

To this extent the circumstances of this site are therefore more favourable than might be experienced on other sites.

It is not considered however that this factor alone is sufficient to override the presumption against inappropriate development.

(b) The Shortfall in Housing Land Provision, Housing Need and Affordable Housing

The applicant has suggested that there is a shortfall in land available for residential development in the Borough and an unmet need for housing. It is the view of the applicant that the development of this site would contribute towards meeting that need.

In 2012, the Council undertook work to identify housing sites to meet the requirements of paragraph 47 of the National Planning Policy Framework to have a five year housing land supply. It was clear from a review of the Strategic Housing Land Availability Assessment that there was insufficient land within the existing urban area (non Green Belt) to accommodate any significant increase in the provision of housing. At April 2012, the SHLAA identified a capacity of just 392 deliverable homes from the urban area compared to a requirement for at least 1,000 homes, plus an additional 20% allowance to provide flexibility in the supply.

In order to ensure a five year housing land supply, the Council undertook an exercise to identify additional sites for housing. The Green Belt in Castle Point is tightly drawn around the existing urban area, and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the accommodation of housing in December 2012, of which 4 were within the Green Belt. The capacity of these sites when combined with capacity within the existing urban area could accommodate in excess of 1,200 homes. The application site was not identified on this list.

The site has not therefore been identified for development purposes in the next five years.

Whilst it is undoubtedly the case that development of this site could contribute towards meeting housing needs, this could be said of any large site in the Green Belt. The site has not been specifically identified to meet housing needs in the next five year period and consequently the site cannot be said to benefit from the very special circumstance created by the Council in its identification of specific sites to meet housing needs in December 2012.

The Planning Authority is considering its further housing needs and the means to achieve sustainable development and growth within the context of the new Local Plan. To seek to determine these matters within the context of an application for the development of a single site would be inconsistent with the advice of the Secretary of State, as provided in the determination of the recent appeal in respect of residential development in the Green Belt to the west of Glebelands, Benfleet, and would fail to provide appropriate strategic consideration of the issue of housing needs and delivery and is considered unacceptable.

The applicant has also indicated that the development of the site represents an opportunity to provide affordable housing. It is acknowledged that at Para 89 of the NPPF it is stated that *limited* affordable housing for local community needs can be appropriate development within Green Belts; however the proposed development is primarily intended to provide market housing on a significant scale, the affordable housing provision being a by-product of the scale of the development.

It should be noted that the proposed scheme will attract a requirement for the provision of 93 affordable dwellings. The applicant recognises the need for affordable housing in their planning statement. Were permission to be granted for this development, the provision of affordable housing at the stated level would be

secured by way of an agreement under Section 106 of the Town and Country Planning Act.

It should be noted that any large scale residential development would attract a requirement for the provision of affordable housing. The opportunity afforded by the current proposal is not therefore a unique or rare opportunity and cannot therefore constitute a very special circumstance sufficient to outweigh harm to the Green Belt.

It should be noted that in determining the appeal for residential development on land adjacent to 'The Glebelands' to the north of the application site, which has previously been identified as sharing many of the same attributes and features as the current application site, the Secretary of State concluded that the proposed development would cause harm to the Green Belt that would not be outweighed by the provision of affordable housing.

It is considered that this finding constitutes a material planning consideration which supports the Council in its consideration of this matter.

(c) Lack of Impact on the Strategic Function of the Green Belt

The applicant has argued that releasing this site for housing and developing this part of the Green Belt would have no impact on the strategic function of the wider Green Belt boundary and that this provides a very special circumstance.

The Planning Authority rejects this argument.

The application site forms part of a larger parcel of Green Belt land that is situated between the western extent of the built development and the Borough boundary. At a local level the land of which the application site forms part, fulfils three of the Green Belt functions identified in the NPPF; it checks urban sprawl, ensures that Benfleet does not merge with neighbouring urban settlements within the boundaries of Basildon District and safeguards the countryside from any further encroachment. From a strategic viewpoint this area of Green Belt denotes the western extent of Castle Point Borough and provides an important linkage to wider Green Belt systems outside of the Borough as well as buffer between adjoining urban areas. This area of land is therefore considered important in terms of the Green Belt function.

It is considered that the effectiveness of this part of the Green Belt would be eroded if part of the land were released for residential development.

It is not therefore considered that the site lacks strategic importance as implied by the applicant and consequently it is not considered that this allegation constitutes a very special circumstance.

In the determination of the 'Glebelands' site the Secretary of State concluded that the proposed development would cause harm to the strategic functions of the Green Belt in that such development would contribute to urban sprawl and encroach into the countryside and diminish the openness of the Green Belt. It is considered that the proposed development would have similar adverse consequences for the

strategic function of the Green Belt to the west of the urban area around Jotmans Lane and supports the Council's objection to the proposal on this basis.

(d) Impact on the character and Appearance of the Green Belt

The applicant suggests that the development of this site with good quality development and the use of extensive screening and landscaping would result in the proposed development having no significant adverse impact on the local landscape

The Planning Authority disagrees with this conclusion.

This area can be seen as providing a rural edge to the housing areas and a rural landscape corridor beside the A130.

The development of this site for residential purposes would compromise the strategic function of this part of the Green Belt by allowing the adjoining urban area to sprawl towards the edges of the Borough, encroaching into the countryside and contributing to the merging of settlements. The landscape value of this part of the Green Belt would be diminished. The western edge of Benfleet would become less rural in nature as a result of this land being developed.

Furthermore, the tract of open land between the western edge of Benfleet and the A130 dual carriageway would be eroded. This would have the effect of changing the character of the A130 from a road through the countryside to a 'bypass' skirting an urban area. This would alter the perception of the area for more than just the immediate residents.

It is not considered that the ability of the applicant to provide good quality development and to provide significant landscaping and screening of the site represents a very special circumstance sufficient to mitigate the harm to the Green Belt.

(e) Improved Footpath and Cycle Access.

The applicant argues that improvements to the existing footpath on the southern edge of the site would facilitate access to the wider countryside and that this represents a very special circumstance that would justify development of the site.

Whilst it is acknowledged that improvements to the footpath may facilitate use it is not considered that the applicant's commitment to such improvements represents a unique or rare opportunity sufficient to qualify as a very special circumstance. Any developer may opt to undertake improvements to footpaths in the area and consequently it is not considered that the commitment to undertake such works in isolation represents the very special circumstances required to justify inappropriate development in the Green Belt.

It is acknowledged however that the particular location of this site lends itself to the improvement of links not only to other parts of the Borough, but also to areas beyond the Borough boundary. This can only be achieved at a limited number of sites within

the Borough, however, it is not considered however that this factor alone is sufficient to override the presumption against inappropriate development.

(f) Improved Open Space Provision

The applicant suggests that development of the site can facilitate the provision of improved open space provision. Whilst such provision would be welcome within an area which has been identified as deficient in open space, it is not considered that the provision of such a facility represents a unique or rare opportunity in the Borough. Other sites may exist which can provide similar contributions to the provision of open space (as opposed to areas placed under enhanced ecological management).

An examination of such sites will occur as part of the preparation of the New Local Plan.

It is not therefore considered that the provision of open space represents a very special circumstance which would justify inappropriate development in the Green Belt.

Furthermore, it is considered that the potential existence of such opportunities draws further attention to the prematurity of the current proposal.

Other Circumstances

Proximity to Existing Residential Development and Opportunity for Linkages

The applicant contends that the application site offers the opportunity for linkages to and with the existing residential areas and wider area of Benfleet and contends that this represents a very special circumstance which would justify release of the land for development purposes.

The site represents a peripheral expansion of the urban area. As such it is considered that the site offers the same opportunities for linkages and integration with the existing urban area as any other Green Belt site on the urban periphery.

It is not considered that the location of the site adjacent to an existing residential area represents a unique or rare situation within the Borough. This aspect of the proposal does not therefore represent a very special; circumstance.

Sustainability of Location

Local residents have objected to the proposal on the basis that the location is not sustainable.

The applicant suggests that the application site represents a sustainable location. As already stated, this is a site located on the periphery of the urban area. Development of the site represents an expansion of the existing urban area.

Analysis of the proposal by the Essex County Council Urban Design Team suggests that the site is relatively remote to local amenities, services, employment and public transport routes. It is doubtful therefore if the site can be identified as a sustainable location.

Nevertheless, even if the site were to be identified as sustainable it is not considered that the applicant has demonstrated that the existence of sustainable locations for development within the Borough are so limited to identify the location of this site as a very special circumstance.

It is considered that there are a number of peripheral sites, all of which may be stated to be sustainable. It is considered that proper consideration can only be given to this aspect of the proposal in the context of the preparation of a new Local Plan.

This again clearly demonstrates the prematurity of the current proposal.

Lack of Unacceptable Highway Impact

It is acknowledged that the Highway Authority has raised no objection to the proposal. However, in the absence of a detailed assessment of all potential sites which could be released from the Green Belt for development purposes, it is not considered that the lack of objection on this particular site represents a very special circumstance. There may be other sites which similarly raise no highway objection.

The fact that this is the case reflects the prematurity of this proposal and the need to ensure that any future releases from the Green Belt are considered in the context of a new Local Plan.

Adequacy of Local Infrastructure

It is acknowledged that the water supplier and drainage provider have indicated that sufficient capacity exists within their systems to accommodate the proposed development; to date no other undertakers or service providers, with the exception of the Education Authority, has indicated their ability to meet the needs of this site. It is not therefore possible to confirm the adequacy of all local infrastructure.

It is possible to confirm the current inadequacy of early years and child care provision in the area; development of the site would exacerbate this deficiency, however, this can be remedied by an appropriate contribution.

It is not considered that the applicant has demonstrated that the situation concerning the adequacy or otherwise of infrastructure serving this site is any different from that which could be experienced at other sites and it is not therefore considered that a very special circumstance has been demonstrated to exist in this case.

Affordable Housing

As stated above, the applicant has indicated that the development of the site represents an opportunity to provide affordable housing. It should be noted that the proposed scheme will attract a requirement for the provision of 93 affordable

dwellings and were planning permission to be granted, the provision of affordable housing at the stated level would be secured by way of an agreement under Section 106 of the Town and Country Planning Act.

However, this would be the case in any proposal for large scale residential development and is not a consideration unique to this site.

The applicant's commitment to provide affordable housing is not therefore a very special circumstance sufficient to outweigh the proposed harm to the Green Belt.

A local resident has commented that any affordable housing provided should be for local people. It should be noted that the Council will expect any agreement in respect of the provision of affordable housing to include nomination rights being provided to the Council in respect to the occupation of the affordable homes. Subject to such a provision the Council can ensure that any affordable housing provided meets local needs.

Despite the comment of some local residents the Borough does have a need for affordable housing. This need cannot be met by the purchase by the Council of existing vacant properties.

Lack of Impact on Adjoining Residents.

The applicant has stated that the proposed development will have no adverse impact on local residents. Local residents have strongly disagreed with this statement and it is clear that local residents feel that they will be affected by the proposal, either as a consequence of additional traffic in the area, increased pressure on local resources and services or perceived loss of amenity. Analysis of the comments received and consideration of the submitted documentation in the following report will identify whether an adverse impact will arise as a result of the proposed development.

In terms of whether the absence of impact represents a very special circumstance, it is considered that this case could be argued on many sites in the Green Belt, particularly those that are remote from residential development. As such it is not considered that the stated lack of impact on adjoining residents represents a very special circumstance.

Conclusion in Respect of the Existence of Very Special Circumstances

Whilst the specific location of the site and its relationship to existing identified areas of nature conservation importance is considered unique, it is not considered that this alone is sufficient to adequately mitigate the harm to the Green Belt that would arise from the proposed development. None of the other circumstances identified by the applicant are considered to constitute, either in isolation or combination, the very special circumstances needed to justify inappropriate development in the Green Belt.

(iv) The loss of farmland

This site has previously been used for agricultural purposes and local residents have expressed concern at the loss of farmland and the implications this may have for food production.

Local Plan Policy EC9 recognises that farming makes a significant contribution to the appearance and conservation of the countryside and states that development which would cause the sterilisation or fragmentation of commercial farmland will be refused. Local Plan Policy EC10 states that development which would result in the loss of high quality agricultural land will be refused.

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

The report prepared on behalf of the applicant states that the land is used for grazing horses and providing a hay crop. The site is not therefore directly used on food production and it is considered unlikely that an appeal on this basis could be sustained.

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

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

(v) Impact on adjoining residents

During the construction phase construction traffic can have a significant impact on existing residents through noise, disturbance and the deposition of mud and debris from the site onto local highways. The issues of noise and vibration are discussed in sections (x) and (xi) of this report.

With regard to the issue of the deposition of mud on the highway, the Highway Authority has requested that provision should be made for the effective cleaning of the wheels of vehicles leaving the site to ensure that material is not deposited onto local roads.

If the Committee was minded to grant consent for the proposal it is recommended that a condition be imposed requiring the submission of details of routes for construction traffic and the wheel washing facilities to be provided.

A number of local residents have objected to the proposal on the basis of loss of privacy, light and view. Others have referred to the potential for antisocial behaviour and commuting difficulties.

It should be noted that loss of view, potential for antisocial behaviour arising from perceived overcrowding and a lack of capacity on the railway system are not material

planning considerations in this case and can have no weight in the determination of this application.

With regard to loss of privacy, this is an outline application with no details of the layout provided. As a consequence it is not possible to determine the proximity of new dwellings to site boundaries or the potential for overlooking and loss of privacy. It should be noted however that the development of this site will be required to have regard to the Council's Residential Design Guidance (RDG) which establishes appropriate parameters for new development, sufficient to achieve appropriate levels of privacy and amenity for existing residents. Compliance with the requirements of the RDG will ensure no undue loss of privacy or amenity to local residents.

(vi) Impact on Ecology

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

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

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

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

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

The applicant has submitted an extensive analysis of the nature conservation value of the site. This identifies that whilst Great Crested Newts, Adders, Slow Worms, birds, bats and invertebrates are all present on the site the numbers are limited and the site is of relatively low ecological value, as a consequence of past agricultural management.

The analysis also identifies that the site is in close proximity to Pitsea Marsh, Benfleet & Southend Marshes and Holehaven Creek Sites of Special Scientific Interest (SSSIs) and lies within the Greater Thames Marshes Nature Improvement Area (GTNIA). Nature Improvement Areas (NIAs) 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.

In addition land to the south of the railway line, to the south of the site, has been identified by the Essex Wildlife Trust as part of the 'Living Landscape'. This initiative seeks to respond to the threats arising from climate change and development and

seeks to conserve wildlife over more than just Nature Reserves. The Living Landscapes vision is to bring private land under some form of ecological management agreement to restore, recreate and reconnect wildlife habitats including SSSIs, Local Wildlife Sites and Nature Reserves, so that the species living within them can move through the landscape more easily, and continue to survive and thrive long into the future. Living Landscapes is not purely focused on wildlife, but also seeks to improve links within the community and promote local economies. This is a vision shared by all 47 Wildlife Trusts in the UK and by the UK government as outlined in the Natural Environment White Paper.

The site and surrounding area is therefore important in ecological terms for the opportunities it provides for habitat improvement, the site being of relatively low ecological value at the present time due to its past management. It is unlikely however that such improvement will happen spontaneously.

The applicant has clearly stated that redevelopment of the site will provide an opportunity for the implementation of an ecological enhancement plan.

The enhancement plan will broadly cover two areas: the application site and the adjoining land.

Within the site the applicant states the intention to undertake translocation of sensitive species to appropriate receptor sites prior to the commencement of development and to undertake the provision of enhanced habitats within the proposed development. In particular it is intended to provide native planting within the open areas, including the provision of species rich grasslands and a wildflower meadow. Native tree planting will take place within the green corridors through the site and the provision of SuDs pond/swales which will serve the dual purpose of a sustainable drainage system and habitat. Improved hedge planting along the eastern and western boundaries will further add to the range of habitat and biodiversity provided on site.

On adjoining land, the applicant proposes to create an area of ecological enhancement (Ecological Enhancement Land - EEL) through the implementation of a management plan for agricultural land to the south west of the application site, within the GMTNIA. This EEL will create a mosaic of quality farmland habitat which will connect and enhance the habitats found in the Bowers Marsh Reserve and GTMNIA.

It should be noted that the EEL does not form part of the application site, and indeed does not fall within the boundaries of Castle Point, being located within Basildon. It is intended that this land will be managed to provide a quality farmland habitat that will connect to the habitats in Bowers Marsh to the west.

Natural England, Essex County Council and the Badger Protection Group have raised no objection to the proposal on the basis of nature conservation issues and have welcomed the opportunity for ecological enhancement. The RSPB has expressed concern about recreational pressure on the Special Protection Area and doubt as to the effectiveness of the mitigation measures. This concern however is not shared by other statutory consultees and under the circumstances, subject to the achievement of appropriate mitigation and habitat enhancement; it is not considered

that a sustainable objection can be raised to the proposal on the basis of adverse ecological impact.

Whilst the proposal will have an initial adverse impact on habitat, the development of the site, appropriately managed could have a significant positive impact on biodiversity and would therefore be consistent to that extent with the provisions of the NPPF and Policy EC14.

The proposal would not be prejudicial to the interests of wildlife and their habitats and would therefore be consistent with the provisions of Policy EC13.

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

(vi) Impact on Landscape

The applicant has stated that the proposed development has been designed to minimise landscape and visual impact, create a positive edge to South Benfleet and retain existing landscape features.

The site is highly visible from a number of vantage points and its landscape will be fundamentally altered by the proposed development. However, whilst it is acknowledged that the development would affect the character and quality of the landscape in this area, it is not considered that the value of the landscape is so high that a reason for refusal on the basis of adverse impact on the landscape could be sustained on appeal.

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

(viii) Impact on Archaeology.

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

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

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

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

(ix) Impact on infrastructure

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

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

Highways

A significant cause for concern amongst local residents, as expressed in the responses received to the consultation exercise, is that of traffic, traffic congestion and the potential for accidents at the junction of Jotmans Lane and High Road.

The County Highways Engineer has stated that there is no highway objection to the proposal subject to conditions, as set out under 'Consultations' above. In particular the Highway Authority has identified a need for the provision of a new junction onto Jotmans Lane, improvements to the junction of Jotmans Lane, High Road and Benfleet Park Road, to include resurfacing and lining, as part of a package of safety measures and improvements to adjacent bus stops.

In the light of the comments of the Highway Authority it is not considered that an objection to the proposal on the basis of traffic concerns could be sustained on appeal.

With regard to the proposed conditions, most are considered to be reasonable requirements which it would be possible to accommodate, in a slightly modified form, on any planning permission.

There is therefore no highway objection to the proposal on the basis of Policy CF1 of the current Local Plan.

Education

Many local residents have objected to the proposal on the basis of the limited number of school places available to meet the needs of new residents.

The latest Essex County Council's Sufficiency Audit indicates that there will be insufficient early years and childcare provision in the locality of the proposed development to serve the needs of the development. Essex County Council's Children's Community Commissioning Officer for the area has also confirmed the lack of early years and childcare provision. It is thus clear that additional provision

will be needed to accommodate the pre-school children likely to be generated by this development.

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

The applicant recognises the need for additional early years provision and is prepared to make a financial contribution to mitigate this deficiency.

Subject to the applicants entering into a S106 Agreement to achieve an appropriate level of contribution in this respect (currently identified as £282,980 index linked to April 2013) no objection can be raised to the proposal on the basis of pressure on school places.

Water Supply/Sewerage Provision

Many local residents have objected to the proposal on the basis of pressure on local utilities, particularly water supply and sewerage provision.

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

Anglian Water has commented that the foul drainage from this development is in the catchment of Benfleet Sewage Treatment Works. Both the Treatment Works and the sewer system serving it have sufficient capacity to accommodate the proposed development.

Local Plan Policy CF14 states that where development would result in significantly increased surface water runoff, the Council will require appropriate improvements to watercourse capacity.

Anglian Water has also commented that the proposed surface water is also acceptable.

Despite local concern therefore no objection can be raised to the proposal on this basis.

Gas Supply

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

Open space

Local residents have objected to the proposal on the basis of loss of playspace.

Para 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

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

The Open Space Appraisal Update prepared in September 2012 identified Benfleet, (comprising St. Mary's, Appleton and Boyce Wards) as being deficient in open space provision.

In particular the Study identified deficiencies in the availability of parks and public gardens, natural and semi-natural areas and amenity green space.

The current proposal seeks to provide some 1.52ha of open space. This takes the form of green buffer on the western boundary of the site, a green corridor along the railway line on the southern boundary of the site and a network of green streets through the site. In addition it is proposed to provide a locally equipped area of play.

The applicants have suggested that the proposed development will generate a population of some 645 people which will generate a need for the provision of some 2.05ha of open space.

The scheme provides some 1.52ha of open space which represents an absolute deficiency in open space provision within the site.

However, South Benfleet Playing Fields lies approximately 400 metres to the east of the site and is directly accessible by footpath or cycle route. This park is 23.85ha in extent and comprises grassland used for recreation, particularly football, walking, dog-walking, jogging, cycling and outdoor sports. In order to further encourage the use of this space and to deflect pressure from the designated sites the applicants have suggested the provision of a financial contribution to assist in the improvement of the cycle tracks and footpaths, improvement of disability access, improvement of CCTV and surveillance and improvement of dog-fouling facilities.

In light of this offer and given the availability of accessible natural green space at West Canvey Marshes, Hadleigh Country Park, Wat Tyler Country Park and Central South Essex Marshes, it is not considered that an objection to the proposal on the basis of inadequate access to open space could be sustained on appeal.

It is considered important however that a Local Equipped Area of Play space of not less than 0.16ha is provided within the confines of the site, in order to provide readily accessible and safe playspace for children.

The RSPB have expressed concern over the impact of additional persons visiting the SPA site for recreational purposes.

The applicant acknowledges that indirect disturbance is possible due to the inevitable increase in the local population following the implementation of any consent; this could increase recreational disturbance to breeding and wintering bird species on the RSPB reserve and Special Protection Area. In response the applicant has stated that potential increased use of footpaths across the RSPB reserve will be mitigated by encouraging residents to consider walking elsewhere unless undertaking an appropriate activity, e.g. bird watching, to keep any dogs on leads if accessing the reserve and to highlight alternative more attractive walking routes, e.g. circular walks to the east. This will be done through a combination of on-site signage, web-site facilities and distribution of leaflets when units are sold.

Increased recreational pressure on the SPA and Ramsar site is largely expected to arise from increased visits for walking, including dog walking, along the existing footpaths at the edge of the SPA shore. This has the potential to lead to disturbance of the over wintering/passage birds in particular during the winter season affecting feeding habits and increasing energy expenditure as a result of sudden flight when disturbed, as well as excluding access to otherwise suitable feeding or roosting areas, leading to a potential subsequent decrease in numbers.

However, it should be noted that the application site is some 2.25km in a direct line from the closest boundary of the SPA and separated from it by the existing development of South Benfleet. There are direct public footpaths from the application site to the SPA of some 2.4km length and by car the application site is over 3km from the SPA. There is no public parking at the SPA, nor are there visitor facilities.

It is considered that these factors are likely to dissuade use of the Reserve and SPA by residents of the proposed development for recreational purposes, particularly if more accessible space is available at South Benfleet Playing Fields. However the possibility of such use remains and appropriate mitigation is required.

Natural England's 'Suitable Accessible Natural Green Space' (SANGS) guidance states that 8ha per 1000 population provides an appropriate level of alternative greenspace to offset recreational pressures on designated sites. This equates to 2.27 ha of alternative greenspace associated with the proposed development.

A total of 1.27ha of alternative greenspace will be provided on-site. This represents a deficiency in the level of open space required to offset impact. However, the guidelines state that SANGS may be created from an 'existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA'. The main visitor group from the development who may visit the SPA and cause disturbance are walkers, particularly dog-walkers. These visitors may walk the 2.4km to access the SPA directly, or may drive closer so that they can walk a shorter

distance to access the SPA. Based on this guidance the following measures are proposed to compensate for the 1 ha deficit of SANGS on-site:

- Upgrade the Green Infrastructure with an upgrade of footpath and creation of cycle track west of site,
- The creation of a footpath and cycle route to the east to create a safe and direct access to South Benfleet Playing Fields,
- A financial contribution to improve facilities for users of South Benfleet Playing Fields,
- A financial contribution to improve facilities for users of Hadleigh Castle Country Park and
- The discouragement of the use of that part of the Country Park which is SPA during particularly sensitive times of year and tides.

Subject to the applicant entering into a S106 agreement to secure the above measures, it is not considered that an objection to the proposal based on indirect impact on designated sites in the wider area could be sustained on appeal.

No objection is therefore raised to the proposal on the basis of loss of playspace or the provision of inadequate open space.

(x) Noise

The NPPF states at para 109 that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Para 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The Noise Statement for England (2010) seeks to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development and through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type

proposed. However, development of large sites such as is currently proposed can extend over several years and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment.

Local residents have objected to the current proposal on the basis of the potential for noise generation and vibration both from the construction and operational phases of the development.

Consideration must also however be given to the potential for residents of the proposed development to experience noise and vibration from the elevated section of the A130 and railway line.

With regard to the potential impact on existing residents it should be noted that following the grant of any consent the construction programme will span approximately four years, from 2015 to 2018. Any noise experienced as a result of the development of the site will therefore only be experienced for a temporary period.

Bearing in mind the operations required and the scale of development proposed, four years would appear to be a reasonable period for the completion of such works.

It is anticipated that the working hours will be as set out below:

- 08.00 - 18.00 Monday to Friday; and
- 08.00 - 13.00 Saturday.

The applicant indicates that any work outside these hours will only be undertaken with the agreement of the Planning Authority.

These hours appear reasonable and any nuisance arising from operations during these hours or any other hours as may be agreed can be controlled under the provisions of the Control of Pollution Act 1974.

It should be noted that Planning Authorities are cautioned against using planning conditions where other powers exist to resolve or control problems. Given the powers available to the Local Authority under the Environmental Protection Act (EPA) 1990 it is not considered appropriate to impose a condition on the grant of any consent in respect of the hours of operation on the site.

Concern has been raised about construction traffic accessing the site with the comment that such traffic should only access the site from Canvey Way.

Given the topography of the local area, the absence of an existing access and the limitations on access points from major routes, it is not possible to achieve access to this site from Canvey Way. All traffic will therefore use local roads, accessing the site from Jotmans Lane.

In order to minimise the amount of construction vehicles using the public highway, the applicants intend to recycle materials on site, where possible and prepare a site waste management plan.

All construction traffic entering and leaving the site will be closely controlled. Vehicles making deliveries to the site or removing spoil or demolition material etc, will travel via designated routes, which will have been previously agreed with the Council, and all deliveries will be phased and controlled on a 'just in time' basis, and clearly marked to show their destination in order to minimise travel time around the site and any associated noise.

Site management and workers will be encouraged to travel to the Application Site by public transport. The use of public transport for workers will be consideration during pre-tender discussions.

In addition construction methodologies to minimise generation of noise, vibration and dust will be adopted and there will be a requirement for engines to be switched off on site, when not in use. The use of quieter plant, regular plant maintenance and screening of plant (if appropriate) will also take place in order to minimise disturbance.

It is considered that these measures represent an appropriate response to the need to minimise constructional noise impact on local residents. It is not considered that the noise generated by the development of the site would be so significant or unusual that a reason for refusal on this basis would be justified. No objection is therefore raised to the proposal on this basis.

The proposal comprises the development of 265 dwellings. There is no evidence to suggest that the noise generated by the occupiers of these dwellings would be significantly different from that generated by the occupiers of the existing dwellings. It is not considered that an objection can be raised to the proposal on the basis that neighbours may be noisy. Should this situation arise in the future, appropriate legislation exists to deal with the matter.

With regard to traffic noise generated by the proposed development, it is inevitable that the development of the site for residential development will attract vehicles and that these vehicles will generate noise. The environmental statement submitted by the applicant indicates that noise levels are unlikely to exceed 55dB. Noise levels of this magnitude are considered to be negligible to minor adverse in the Noise Exposure Category Bands. (Noise Exposure Category bands are used to determine the suitability of a proposal for residential development. The 4 Noise Exposure Categories described in PPG24 take account of both day and night time noise levels from road, rail and air transport. Category A represents the circumstances in which noise is unlikely to be a determining factor. Category D relates to the situation in which development should normally be refused. Categories B & C deal with situations where noise mitigation measures may make the development acceptable. The current proposal anticipated traffic noise falls within Category A).

More recent draft guidance suggests that whilst noise may be noticeable following development of the site, it is not likely to be intrusive.

On this basis it is not considered that a reason for refusal based on noise could be supported on appeal, however, consideration has been given to the means by which such noise may be mitigated.

Barriers along relevant routes could clearly not be used as access is clearly required to the site and adjoining properties and low noise road surfaces are only effective where speeds exceed 50mph,. Speed humps and variants therefore are not recommended as these can increase noise generation. No appropriate mitigation measures are therefore proposed. Given the low levels of noise anticipated from this source however, it is not considered that the lack of available mitigation represents a sustainable objection to the proposal.

With regard to the potential impact of noise from the adjoining railway and major road on future occupiers of the dwellings proposed, it should be noted that the proposed development site is bordered on the southern side by the elevated railway line and that further to the west is the elevated A130 dual carriageway road

Noise levels across the site have been measured and found to fall within Category B (situations where noise mitigation measures may make development acceptable). As a consequence it is considered that significant mitigation measures are not required. However, where possible, the distance between the railway and the dwellings and the road and the dwellings should be maximised and/or bedrooms and living rooms should be located so they do not directly overlook the railway or A130.

Even without such measures, suitable internal noise levels can still be achieved through the use of appropriate glazing and passive ventilation systems.

Based on the relevant guidance in BS 8233 and the WHO Guidelines, a daytime noise level of 55 dB LAeq,16hr is typically adopted as the upper limit for noise in rear gardens. The noise levels measured at the site exceed this by 0.5 dB. This degree of exceedence however is very small and it is considered that careful attention to the layout of the site, ensuring that rear gardens are screened from the railway by the properties themselves would satisfactorily mitigate this deficiency.. Alternatively, appropriate fencing may be required on the boundary of the gardens nearest to the railway. This should ensure that noise levels are below 55 dB.

With mitigation, therefore, there is likely to be a direct, permanent, long-term effect on the future residential properties of only negligible significance.

(xi) Vibration

With regard to construction vibration, it is possible that works undertaken in close proximity to adjoining dwellings may result in ground borne vibration. An analysis submitted by the applicant indicates however that such vibration will not result in damage to existing properties.

No significant vibration effects from the railway on the new dwellings is anticipated, even based on a worst case position of 15m from the railway and no mitigation measures are deemed necessary.

(xii) Air Quality

Local residents have raised concern over air quality in the locality, both from the A130 and the sewage treatment works.

A qualitative assessment of the potential effects on local air quality from construction activities has been carried out for this phase of the proposed development based on the IAQM (Institute of Air Quality Management) construction assessment procedure. This assessment identified that the development is considered to be a High Risk Site overall for demolition, earthworks, general construction activities and track-out. However, through good site management practice and the implementation of suitable mitigation measures, including

- vehicles carrying loose aggregate and workings being sheeted at all times;
- the implementation of design controls for construction equipment and vehicles and use of appropriately designed vehicles for materials handling;
- completed earthworks being covered or vegetated as soon as is practicable;
- regular inspection and, if necessary, cleaning of local highways and site boundaries to check for dust deposits (and removal if necessary);
- minimisation of the surface areas of stockpiles (subject to health and safety and visual constraints regarding slope gradients and visual intrusion) to reduce area of surfaces exposed to wind pick-up;
- where appropriate, windbreak netting/screening being positioned around material stockpiles and vehicle loading/unloading areas, as well as exposed excavation and material handling operations, to provide a physical barrier between the Application Site and the surroundings;
- where practicable, stockpiles of soils and materials being located as far as possible from sensitive properties, taking account of prevailing wind directions and seasonal variations in the prevailing wind;
- during dry or windy weather, material stockpiles and exposed surfaces being dampened down using a water spray to minimise the potential for wind pick-up;
- use of dust-suppressed tools for all operations;
- ensuring that all construction plant and equipment is maintained in good working order and not left running when not in use;
- a restriction on-site movements to well within site and not near the perimeter, if possible; and

- no unauthorised burning of any material anywhere on site.

It is considered that the effect of dust and particulate matter releases will be reduced and excessive releases prevented. The residual effects of the construction phase on air quality are therefore considered to be temporary, short-medium term, local and of slight adverse to negligible significance according to IAQM's significance criteria.

A quantitative assessment of the potential effects during the operational phase was undertaken using advanced dispersion modelling to predict the changes in nitrogen dioxide and particulate matter concentrations that would occur due to traffic generated by the Proposed Development.

The results show that the proposed development would cause small to imperceptible changes in nitrogen dioxide, concentrations and imperceptible changes in particulate matter concentrations at the assessment receptors. There is therefore likely to be a direct permanent long-term effect on local air quality of negligible significance.

Overall, the proposed development and air quality are considered to be a low priority consideration in the planning process and no significant air quality effects are anticipated as a result of the construction or operation of the proposed development

Furthermore, given the distance of the Sewage Treatment Plant from the site and the local prevailing wind direction, odour resulting from the plant operation is expected to have an insignificant effect on the new residents.

No objection is therefore raised to the proposal on the basis of impact on air quality.

However, it is noted that there does not appear to be an assessment of the impact of the proximity of the proposed development to the A130 and railway line on the air quality that will be experienced by new residents.

It is considered that this issue needs to be addressed in any future submission.

(xiii) Flood Risk

The proposed development site is located within Flood Zone 1, the area with the lowest probability of flooding. Application of the Sequential Test, with reference to the flood risk vulnerability and flood zone 'compatibility' table in Annex D of PPS25, indicates that dwellinghouses are an appropriate use within Flood Zone 1. There is consequently no objection to the proposal on the basis of fluvial Flood Risk.

Development of the site will result in an increase in the hard surfaced area with obvious implications for surface water run off.

The submitted Flood Risk Assessment contains a drainage strategy which outlines the surface water drainage measures that would be implemented on site. This will comprise the formation of a surface water drainage network which utilises SuDs measures such as swales, lined porous paving, bio-retention planters and a large

pond in the south east corner of the site. The system will discharge into the existing surface water sewer in Watlington Road.

A surface water management plan will be implemented to ensure the system operates at an acceptable level throughout the lifetime of the development.

Foul water drainage will discharge into the existing Anglian Water sewer network.

Both the Environment Agency and Anglian Water have confirmed the proposed scheme is acceptable.

No objection is therefore raised to the proposal on the basis of flood risk.

(xiv) Other policy issues and matters of detail

Design and Layout

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

Residential Design Guidance (RDG)

Local Plan Policy H17 states that in designing proposals, regard must be had to the design and layout guidelines contained within Appendix 12 of the Local Plan.

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

Density

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

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

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

The application proposes up to 265 dwellings which equates to some 32 dwellings per hectare. Within a suburban context this density of development is considered acceptable in principle.

Mix of development

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

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

Although the application is in outline form only the applicants have indicated the mix of development proposed as follows:

In detail the provision is as follows:

82 x two bedroomed apartments
59 x two bedroomed houses
71 x three bedroomed houses and
53 x four bedroomed houses.

The mix of 2 – 4 bedroomed accommodation, both in the form of flats and houses is considered suitable to meet the identified needs of the Borough and no objection is therefore raised to the proposal on the basis of housing mix.

Landscaping

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

As identified above, the indicative layout shown would provide the opportunity for retention of existing trees on the site, the provision of open space and water features and the provision of new indigenous planting.

The landscaping scheme is considered acceptable and no objection is therefore raised to the proposal under Policy EC22 of the adopted Local Plan.

Resource efficiency

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

The applicant has submitted an energy and sustainability statement that identifies the energy and water efficiency features of the proposed development. These features include the use of solar powered heating systems, the provision of water butts and water efficient fittings and the use of energy efficient materials.

The integration of such features within the scheme would be in compliance with RDG9.

Car Parking

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

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

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

Benefit to the Local Community

Some local residents have objected to the proposal on the basis that it would not have any benefit for the local community.

This argument cannot be sustained. It is considered likely that at the very least development of the site could potentially generate local employment and increased spend in local shops. It is also considered that the provision of affordable housing will provide a direct benefit to those members of the local community unable to access market housing.

In addition improvements to local footpaths and recreational facilities would be of benefit to all local users, not just new residents of the development and improvements to the ecology of the area would have long term positive implications for the whole community.

It is not therefore considered that an objection to the proposal based on lack of community benefit could be sustained on appeal.

Conclusion

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

In addition within the context of Government guidance and in the light of the Secretary of State's decision of the 26th June 2013, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan.

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

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

My **RECOMMENDATION** is: REFUSAL, for the following reasons:

1. The site is allocated as Green Belt where National Planning Policy as set out in National Planning Policy Framework states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.
2. Within the context of Government guidance and in the light of the Secretary of State's decision of the 26th June 2013, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan. The allocation of land for development on the basis of individual applications would lead to poorly planned growth and would fail to deliver housing in a managed way. To achieve sustainable growth within the borough the decision on which sites to allocate for development should be taken at a strategic level as part of the Local Plan process, which this application seeks to circumvent.

ITEM 2

Application Number:	CPT/287/13/FUL
Address:	LAND OFF KILN ROAD, THUNDERSLEY (Cedar Hall Ward)
Description of development:	REVISED SITE LAYOUT OF 23 DWELLINGS ON PLOTS 66-82 AND 87-92
Applicant:	DAVID WILSON HOMES
Case Officer:	MR K. ZAMMIT

Summary

The application seeks permission for revisions to 23 plots in the north eastern corner of the site currently under development with 150 dwellings on the north side of Kiln Road. It is not considered that the proposal would lead to any adverse impacts on the character and appearance of the development or the amenity of adjoining occupiers and is therefore recommended for APPROVAL.

The application is presented to the Committee as the proposed amendments will require amendments to the extant legal agreement for the site.

Site Visit

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

Introduction

The application site forms part of a larger development site with planning permission for 150 dwellings that is located to the north of Kiln Road. This application relates to an area of land in the north eastern corner of the large site.

The Proposal

Revisions to the approved layout and dwelling types are sought for 23 dwellings in the north eastern corner of the site. One notable difference is that most of the proposed dwellings would now have garages. Minor changes to the layout and house types are also proposed.

The revised layout reflects a change in the level of affordable housing to be provided on the site. It was originally envisaged that 53 affordable properties would be provided, but in the event of the developer not being able to enter into a suitable arrangement with a registered social landlord, the legal agreement contained a

clause whereby a reduced amount of affordable housing, 30 properties, could be provided instead of the original 53. The reduction in affordable housing provision is therefore consistent with the extant consent and is not a matter for consideration in the context of the current application.

The location of the remaining affordable housing, consisting of eight houses and 22 flats on land to the south of the area the subject of this application is not proposed to be changed.

Supplementary Documentation

The application is accompanied by:

- a Design and Access Statement,
- a Planning Statement,
- a Sustainable Design and Construction Statement,
- an Addendum to the previously submitted Tree Report,
- Car Parking Provision Statement and
- Schedule of Materials,

all of which can be viewed on the Council's website.

Planning History

January 2013 – permission granted for 150 dwellings, new access and associated open space (CPT/697/11/FUL)

Relevant Government Guidance and Local Plan Policies

The site is allocated for long-term residential purposes in the adopted Local Plan.

Local Plan

EC2 – Design

EC13 – Protection of Wildlife and their Habitats

EC22 – Retention of Trees, Woodlands and Hedgerows

T8 – Car Parking Standards

Residential Design Guidance

Residential Design Guidance

RDG1 - Plot sizes

RDG2 - Space around dwellings

RDG3 - Building lines

RDG4 - Corner plots

RDG5 - Privacy and living conditions

RDG6 - Amenity space

RDG10 - Enclosure and boundary treatment

RDG12 - Parking and access

RDG13 - Refuse and recycling storage

Consultation

Refuse and recycling

No issues with main layout. Plots that are set back from the main highway: Plots 66, 67 and 70-72 will require a concrete pad at the edge of the highway of approx 2m² for presentation of their waste.

Public Consultation

One objection received citing privacy, overlooking and dominance issues.

Comments on Consultation Responses

The impact on adjacent residents is assessed as part of the evaluation of the proposal.

Evaluation of Proposal

Policy EC2 of the current Local Plan requires a high standard of design in all proposals. This is consistent with paragraphs 56 to 58 of the NPPF. More detailed design guidance is found in the Council's Residential Design Guidance Supplementary Planning Document.

The designs of the proposed dwellings are consistent with the style of development currently under construction on the site and would not cause visual detriment to the area. No objection is raised on the basis of Policy EC2.

Local Plan Policy EC22 requires trees that are to be retained during development to be adequately protected. There are some trees located on adjoining land to the west which form part of the retained landscaping for the development of the wider site (TPO 15/95). This proposal would provide dwellings with their front aspects in quite close proximity to the retained trees which it is considered could lead to pressure for the removal of these trees. When compared to the approved plan for dwellings in this area, however, it can be seen that this also showed dwellings sited in close proximity to the trees and in the case of the current submission, it is not considered that this is so significantly different to the approved plan that an objection to the proposal on this basis would be sustainable.

It is further noted that the parking spaces to plot 82 would both be beneath the canopy of a tree; however this was also the case with the approved scheme. Under these circumstances it is not considered that an objection to the proposal on this basis would be justified.

Within the Council's Residential Design Guidance SPD, guidance at RDG1 deals with plot sizes. It states that new large scale developments can create their own character, if accompanied by a robust design rationale. This proposal is not accompanied by a specific design rationale, although the varying plot sizes within the proposed development are considered to create an acceptable mix, would not be

visually detrimental to the area and would integrate satisfactorily with the wider development of which this forms part. No objection is therefore raised to the proposal on the basis of plot size.

Guidance at RDG2 deals with space around dwellings and states that new large scale developments may create their own character with varying degrees of space around dwellings, if accompanied by a design rationale. This application is not accompanied by a specific design rationale but the spaces provided around the proposed dwellings are considered typical of an urban environment, consistent with the character of the wider development and would not make the dwellings appear unduly cramped or lacking setting. No objection is therefore raised to the proposal on this basis.

Guidance at RDG3 seeks to protect established building lines from inappropriate incursions and adjacent properties from undue overshadowing or dominance. It states that within new large scale developments varying building lines are acceptable provided that this is accompanied by a robust design rationale. This proposal is not accompanied by a specific design rationale but nevertheless the proposal is considered to provide a varied building line that would add interest to the streetscape but without leading to poor living conditions for occupiers of the existing or proposed dwellings. No objection is therefore raised to the proposal on the basis of building lines.

Guidance at RDG4 requires development on corner plots to be designed to turn corners, with articulation and fenestration at all floor levels and avoiding the need for excessive amounts of high level garden screening along return frontages. The dwellings are not considered to turn the corners particularly well; however, the style and character of the development reflects that which it is to replace and in the context of the approved development is considered acceptable. No objection is therefore raised to the development under RDG4.

Guidance at RDG5 deals with privacy and living conditions. It requires properties to have their primary windows placed on the principal elevations with only windows such as bathrooms and landings in the side elevations. A significant number of the proposed dwellings would have windows in their first floor side elevations which have the potential to overlook either existing residential properties, proposed residential properties within the development, or adjacent land, the future development of which could be prejudiced by the provision of clear windows within the proposed development. It is therefore recommended that, in order to preserve privacy and not to prejudice future development of adjoining land, the first floor side windows to plots 69, 72, 73, and 87-92 should be obscure glazed and fixed to 1.7m from floor level.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided in proportion to the size of the dwelling. It suggests 15m² per habitable room, with a minimum of 50m². These dwellings would each have five habitable rooms for which an amenity area of 75m² would be appropriate. Some of the rear garden areas provided would be significantly below this figure, for example there are rear gardens of less than 50m². These could certainly be described as modest. However, it must be remembered that at the time of the Inquiry into the refusal of application CPT/459/09/FUL, an earlier scheme for development of this site, the Inspector was

critical of the Council's application of minimum space standards for matters such as garden sizes to new developments as they could not be reasonably met where, for example, terraced houses were proposed. New design guidance has been adopted since that Inquiry which now seeks the provision of amenity areas that are proportionate to the size of accommodation proposed (number of habitable rooms). It is not considered that the failure of some gardens within the development to meet the required sizes could form a robust reason for refusal, taking into account the comments that were made by the Inspector.

It is also recognised that garden size is a matter of personal preference and that people who are not keen gardeners may not want a large garden to maintain. The amenity areas are not considered to be so limited that grossly unsatisfactory living conditions for occupiers would be provided and taking this into account, it is not considered that an objection to the proposal on the basis of amenity space provision would be justified.

RDG10 deals with means of enclosure and boundary treatment, stating that these should not dominate the public realm. The proposal is considered to perform reasonably well at avoiding long lengths of high garden screening to return frontages. The application makes mention of the use of boundary walls for some properties in the materials schedule. The application form at Q9 also mentions close boarded fencing. There are insufficient details provided regarding the location and heights of these walls and fences to be able to judge whether or not they would be visually acceptable. Therefore it is recommended that a condition be imposed requiring details of all boundary treatments to be submitted and approved prior to their erection.

RDG13 requires appropriate provision to be made for recycling and refuse storage. As these are single family dwellings with gardens it is not considered that there would be any issue with storage of refuse materials. It has however been identified that there are some areas where the dwellings are set back from the highway and therefore a location will need to be identified from where refuse materials can be collected. This applies to plots 66 and 67. A condition to this effect may be attached to any grant of consent.

Policy T8 requires appropriate amounts of car parking to be provided in accordance with adopted standards, which require the provision of two car parking spaces for properties with two or more bedrooms. Garages will only be counted as a car parking space where they have internal dimensions of 3m x 7m.

Each property would have two (or sometimes three) car parking spaces which are of adequate dimensions. The properties themselves would therefore have adequate car parking. It is noted that 0.25 unallocated visitor spaces per dwelling (a further six spaces) are not provided as required by the parking standards document; however it is considered that in an urban area with good access to public transport there is scope for this requirement to be relaxed as there is the potential for non-car trips to be made to the development. On this basis it is not considered that inadequate visitor car parking could form a valid reason for refusal.

RDG12 requires car parking not to be visually dominant or cause loss of residential amenity. Parking spaces would generally be to the sides of dwellings which is considered to be a suitable location that would minimise the visual impact of parked vehicles. There are some instances of parking to the fronts of properties e.g. plot 79 however this is fairly limited and it is not considered that this would spoil the appearance of the streetscene as a whole. It is noted that there would be a garage and parking located to the side of plot 71 where none existed previously. This has the potential to lead to disturbance to existing residential properties in Hackamore but as the garage and parking area would only serve one dwelling it is not considered that use of this area would be so frequent as to cause undue disturbance to adjacent residents.

On the matter of ecological impacts, the on-site mitigation measures that were identified as part of the approved scheme centred on the retention of strips of woodland. The minor changes to these 23 plots would not affect any of the woodland strips that were to be retained as part of the approved scheme. Subject to a condition requiring the previously approved mitigation strategy to be adhered to, there is no objection to the proposal on the basis of its ecological impact.

Conclusion

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 that subject to the satisfactory amendment of the existing S106 agreement, the Head of Regeneration and Neighbourhoods be authorised to APPROVE the proposal subject to the following conditions:

1. CON2.
2. The development hereby permitted shall be constructed in accordance with the approved schedule of finishes, from which there shall be no departure without the written agreement of the local planning authority.

Reason: In the interest of visual amenity.

3. The windows in the side elevations above ground floor level on plots 69, 72, 73, and 87-92 shall be obscure glazed to at least level 3 on the Pilkington scale and fixed shut to a height of 1.7m from internal finished floor level, and permanently retained as such.

Reason: To protect the privacy of adjacent residential properties.

4. The development shall be carried out in accordance with the Addendum to Kiln Road Tree Report version 18 dated 31 May 2013, prepared by D F Clark Bionomique Ltd.

Reason: To ensure that construction is carried out with minimal impact on trees which are of high amenity value.

5. No boundary walls or fences shall be erected until details of their height, position and materials, with reference to an accurately scaled drawing, have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity, to protect the amenity of existing residents and because the details submitted were insufficient for consideration of this aspect of the proposal.

6. No dwelling shall be occupied until the car parking space(s) associated with it have been provided and hard surfaced in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Thereafter any car parking spaces shall be retained for that purpose and not used for any other purpose without the written consent of the local planning authority.

Reason: In the interest of visual amenity and to retain provision for parking off the highway in the interest of highway safety.

7. No unbound material shall be used in the surfacing of any car parking space, forecourt or driveway area.

Reason: To avoid displacement of loose material onto the highway in the interest of highway safety.

8. Prior to occupation of the dwellings on plots 66 and 67, details of a location for the collection of refuse and recycling from those dwellings, within 25m of the highway, shall be submitted to and approved in writing by the local planning authority. Thereafter, that location shall be kept for that purpose and not used for any other purpose without the written consent of the local planning authority.

Reason: To ensure the provision of adequate refuse collection facilities and to ensure that refuse materials are not placed on the highway in the interest of not obstructing the highway.

9. Unless previously agreed in writing with the local planning authority, all mitigation measures identified for this site in the MLM Ecological Surveys, Impact Assessment and Mitigation Strategy dated December 2011 (Ref: DMB/731605/R1/AC Rev1), shall be fully implemented in accordance with that strategy, details of which shall have previously been submitted to and approved in writing by the local planning authority.

REASON: In order to protect the natural amenity of the site.

10. All garages shall be retained for car parking purposes and not converted to living accommodation.

Reason: In order to ensure the retention of satisfactory off-street parking provision.

CON101. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 3

Application Number: CPT/421/13/FUL

Address: LAND OFF KILN ROAD, THUNDERSLEY
(Cedar Hall Ward)

Description of development: REVISED SITE LAYOUT OF HOUSES TO
PLOTS 25 AND 26 AND GARAGE TO PLOT 25

Applicant: DAVID WILSON HOMES

Case Officer: MR K. ZAMMIT

Summary

The application seeks amendment to the approved layout, in so far as it relates to the proposed dwellings on Plots 25 and 26 within a development of 150 dwellings granted planning permission in January 2013. The proposed revised layout is not considered to raise any significant issues in terms of design or layout and the proposal is therefore recommended for APPROVAL.

The application is presented to the Committee as the proposed amendment will would require amendments to the extant legal agreement for the site.

Site Visit

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

Introduction

The application relates to two plots on the western side of a larger site which received planning permission for 150 dwellings following the completion of the relevant legal agreement in January 2013. The plots to which this application relates are located on the western side of the site, close to the existing property at 'St Francis' on Wensley Road.

This revision is necessitated as it has become apparent that the initial application included land not within the control or ownership of the applicant.

The Proposal

Permission is sought for a change to the layout of plots 25 and 26. The proposal seeks to relocate the dwellings so that they are located wholly on land within the control and ownership of the applicant and have a stronger relationship with the proposed highway.

In addition Plot 25 would now be provided with a double garage in place of the previously proposed single garage.

Supplementary Documentation

The application was accompanied by a:

- Design and Access Statement and
- Schedule of finishes

which can be viewed on the Council's website.

Planning History

January 2013 – permission granted for 150 dwellings, new access and associated open space (CPT/697/11/FUL)

Relevant Government Guidance and Local Plan Policies

The site is allocated for long-term residential purposes in the adopted Local Plan.

The following Local Plan Policies are of relevance:

EC2 – Design

T8 – Parking standards

The following paragraphs from the Residential Design Guidance Supplementary Planning Document are also of relevance:

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and overlooking

RDG6 – Amenity space

RDG12 – Parking & access

Consultation

No statutory consultation undertaken.

Public Consultation

No responses received to neighbour notification.

Evaluation of Proposal

The application seeks a minor revision to the layout of two plots within the larger development site. The proposed changes do not raise any issues in terms of design,

impact on the amenity of adjoining occupiers or car parking and accords with the Council's Residential Design Guidance in all other respects.

Conclusion

The proposed minor revisions would not materially affect the character of the development as a whole and would not have a detrimental affect on the amenity of existing residents or the area generally.

My **RECOMMENDATION** is that subject to the satisfactory amendment of the existing S106 agreement, the Head of Regeneration and Neighbourhoods be authorised to APPROVE the proposal subject to the following conditions:

1. CON2
2. The development hereby permitted shall be constructed in accordance with the approved schedule of finishes, from which there shall be no departure without the written agreement of the local planning authority.

Reason: In the interest of visual amenity.

3. The windows created in the side elevations above ground floor level shall be obscure glazed to at least level 3 on the Pilkington scale and fixed shut to a height of 1.7m from internal finished floor level, and permanently retained as such.

Reason: To protect the privacy of adjacent residential properties.

4. No boundary walls or fences shall be erected until details of their height, position and materials, with reference to an accurately scaled drawing, have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity, to protect the amenity of existing residents and because the details submitted were insufficient for consideration of this aspect of the proposal.

5. No dwelling shall be occupied until the car parking space(s) associated with it have been provided and hard surfaced in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Thereafter any car parking spaces shall be retained for that purpose and not used for any other purpose without the written consent of the local planning authority.

Reason: In the interest of visual amenity and to retain provision for parking off the highway in the interest of highway safety.

6. No unbound material shall be used in the surfacing of any car parking space, forecourt or driveway area.

Reason: To avoid displacement of loose material onto the highway in the interest of highway safety.

7. The garage serving plot 26 shall be retained for car parking purposes and not converted to living accommodation.

Reason: In order to ensure the retention of satisfactory off-street parking provision.

CON101. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 4

Application Number:	CPT/422/13/FUL
Address:	LAND OFF KILN ROAD, THUNDERSLEY (Cedar Hall Ward)
Description of development:	REVISED LAYOUT TO PLOTS 63, 64 AND 65 AND GARAGE TO PLOT 65
Applicant:	DAVID WILSON HOMES
Case Officer:	MR K. ZAMMIT

Summary

The application seeks amendment to the approved layout, in so far as it relates to the proposed dwellings on Plots 63, 64 and 65 within a development of 150 dwellings granted planning permission in January 2013. The proposed revised layout is not considered to raise any significant issues in terms of design or layout and the proposal is therefore recommended for APPROVAL.

The application is presented to the Committee as the proposed amendment will would require amendments to the extant legal agreement for the site.

Site Visit

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

Introduction

The application relates to three plots in the north western corner of a larger site which received planning permission for 150 dwellings following the completion of the relevant legal agreement in January 2013. The plots to which this application relates are located close to the existing properties at 'Fernleigh' and 'Bywood' on Wensley Road and 'Rosemary' and 'Swanley' on Swale Road.

The Proposal

Permission is sought for revisions to the layout and house type of three plots. The changes in house type result in some minor cosmetic differences and the siting of the dwellings is not materially different from the approved layout.

It is no longer proposed to provide sheds to the rear gardens.

Supplementary Documentation

The application was accompanied by a:

- Design and Access Statement and
- Schedule of finishes,

which can be viewed on the Council's website.

Planning History

January 2013 – permission granted for 150 dwellings, new access and associated open space (CPT/697/11/FUL)

Relevant Government Guidance and Local Plan Policies

The site is allocated for long-term residential purposes in the adopted Local Plan.

The following Local Plan Policies are of relevance:

EC2 – Design
T8 – Parking standards

The following paragraphs from the Residential Design Guidance Supplementary Planning Document are also of relevance:

RDG1 – Plot size
RDG2 – Space around dwellings
RDG3 – Building lines
RDG5 – Privacy and overlooking
RDG6 – Amenity space
RDG12 – Parking & access

Consultation

Refuse and Recycling
To be reported

Public Consultation

No responses received to neighbour notification.

Evaluation of Proposal

The application seeks a minor revision to the layout of two plots within the larger development site. The proposed changes do not raise any issues in terms of design, impact on the amenity of adjoining occupiers or car parking and accords with the Council's Residential Design Guidance in all other respects.

Conclusion

The proposed minor revisions would not materially affect the character of the development as a whole and would not have a detrimental affect on the amenity of existing residents or the area generally.

My **RECOMMENDATION** is that subject to the satisfactory amendment of the existing S106 agreement, the Head of Regeneration and Neighbourhoods be authorised to APPROVE the proposal subject to the following conditions:

1. CON2.
2. The development hereby permitted shall be constructed in accordance with the approved schedule of finishes, from which there shall be no departure without the written agreement of the local planning authority.

Reason: In the interest of visual amenity.

3. The window in the south facing side elevation of the dwelling on plot 65 at first floor level shall be obscure glazed to at least level 3 on the Pilkington scale and fixed shut to a height of 1.7m from internal finished floor level, and permanently retained as such.

Reason: To protect the privacy of the adjacent residential property.

4. No boundary walls or fences shall be erected until details of their height, position and materials, with reference to an accurately scaled drawing, have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity, to protect the amenity of existing residents and because the details submitted were insufficient for consideration of this aspect of the proposal.

5. No dwelling shall be occupied until the car parking space(s) associated with it have been provided and hard surfaced in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Thereafter any car parking spaces shall be retained for that purpose and not used for any other purpose without the written consent of the local planning authority.

Reason: In the interest of visual amenity and to retain provision for parking off the highway in the interest of highway safety.

6. No unbound material shall be used in the surfacing of any car parking space, forecourt or driveway area.

Reason: To avoid displacement of loose material onto the highway in the interest of highway safety.

7. The garage serving plot 63 shall be retained for car parking purposes and not converted to living accommodation.

Reason: In order to ensure the retention of satisfactory off-street parking provision.

CON101. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 5

Application Number:	CPT/434/13/FUL
Address:	LAND OPPOSITE CHATSWORTH, BENFLEET (Cedar Hall Ward)
Description of development:	ERECTION OF 1 No. 5 BEDROOMED DETACHED HOUSE
Applicant:	R & J BUILDING DEVELOPERS LIMITED
Case Officer:	MR K. ZAMMIT

Summary

The application seeks permission for one detached house on a plot which already benefits from outline planning permission for a 4/5 bedroomed house.

The dwelling is of acceptable design and meets the standards for dwellings set out in the Council's Residential Design Guidance.

The site is located close to the Thundersley Plotlands Local Wildlife Site; however the submitted ecological report demonstrates that the site has little ecological value.

Within the context of the adjoining existing and proposed dwellings it is not considered that the proposal would have an adverse impact on the character or appearance of the area. For the development to be acceptable, however, it is considered necessary for Swale Road to be made up to provide satisfactory access to and from the dwellings. Such provision would form the subject of a S.106 agreement.

Subject to the applicant being willing to enter into such a S.106 Agreement, the proposal is recommended for APPROVAL.

Site Visit

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

Introduction

The site is located on the western side of Swale Road, some 55m south of its junction with The Chase. The plot has a maximum depth of some 37m and a frontage to the unmade Swale Road of some 16m. The only structure currently on the site is a dilapidated single garage, adjacent to an existing vehicular access point.

To the south is a detached chalet at 'Woodview'. Opposite the site is a detached chalet at 'Chatsworth'. To the rear is a detached dwelling at 'Helena Cottage' and to the north is a currently undeveloped parcel of land which has consent for a 5 bed roomed house.

The Proposal

Permission is sought for the erection of a detached house on the land. This would have a width of some 11.5m, a depth of 15m and a pitched roof to a height of some 8.5m. A rendered finish is proposed, with quoin detailing and grey roof tiles. A hard surfaced frontage for car parking is proposed, with some planting beds. The accommodation proposed would be five bed roomed (one in the roofspace), with an open plan lounge/kitchen/diner.

Supplementary Documentation

The application is accompanied by a:

Design and Access Statement and Ecology Survey,

which can be viewed on the Council's website.

Planning History

July 2013 – Outline permission granted for erection of 4-5 bed dwellinghouse.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework.

Paras: 35, 39, 56, 57, 58, 74, 118

Current Local Plan

The site is allocated for long-term residential purposes in the adopted Local Plan.

Local Plan policies relevant to the proposal are:

H5 – Safeguarding of Land for Long Term Housing Need

H12 – Piecemeal Development

EC2 – Design

EC7 – Natural & Semi Natural Features in Urban Areas

EC13 – Protection of Wildlife & their Habitats

EC22 – Retention of Trees, Woodland & Hedgerows

H17 – Housing Development – Design & Layout

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines
RDG5 – Privacy and living conditions
RDG6 – Amenity space
RDG12 – Parking and access

Developer Contributions Guidance Supplementary Planning Document

Consultation

County Planner

No response received.

County Ecology

No response received.

Natural England

There are no likely adverse impacts on Thundersley Great Common SSSI. The LPA should consider impacts on any locally designated wildlife sites.

Highways

No objection subject to conditions.

Public Consultation

No responses received to neighbour notification, press and site notices.

Evaluation of Proposal

Principle

The principle of providing a single dwelling on the site has been established by the granting of application CPT/671/11/OUT. Therefore there can be no objection in principle to the provision of a dwelling on the site.

Ecology and Wildlife

Policy EC13 of the current Local Plan states that the Council will refuse development which is prejudicial to the interests of wildlife and the retention and management of important habitats. This is, however, inconsistent with paragraph 118 of the National Planning Policy Framework (NPPF) which states that a hierarchical approach must be taken. Significant harm to wildlife or their habitats should be avoided, if that is not possible it should be mitigated, if mitigation is not possible then as a last resort it should be compensated for, and if none of these are possible then planning permission should be refused.

Policy EC7 of the current 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. This is generally consistent with paragraph 74 of the NPPF.

Policy EC22 of the current Local Plan states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction. This is broadly consistent with paragraphs 58 and 118 of the NPPF.

Whilst the site itself is not identified as an important wildlife habitat it is located in close proximity to woodland and the Thundersley Plotlands, a recognised Local Wildlife Site (LoWS CP23) and therefore has the potential to provide wildlife habitat. It is therefore incumbent upon the Planning Authority to consider the implications of the proposed development for local wildlife.

The applicant has submitted a biodiversity survey as part of the application. This found no evidence of protected species such as bats and badgers on the site. It did, however, find evidence of an apple tree containing mistletoe, a 'BAP' (Biodiversity Action Plan) species, and identified that the site generally provided bird nesting habitat which would be affected by the proposal. The report makes several recommendations including that the apple tree and mistletoe be retained, bird boxes be provided on site, consideration be given to the provision of a native species hedge boundary with Swale Road, planting to be insect-encouraging and that site lighting should be directional, on a timer and not illuminate site vegetation.

Domestic lighting is not normally subject to planning control therefore the provision of external lighting cannot be prevented. On the matter of the landscaping of the site, the apple tree would be in the back garden as shown on the site plan, therefore it would be possible to require its retention by condition. The landscaping proposals for the site frontage as originally submitted were not satisfactory; they contained an excessive amount of hard surfacing and the provision of a boundary wall to the front would have given the site too urban an appearance for the area. Following the submission of amended plans to show a lesser amount of hard surfacing and the provision of a hedge rather than walls, it is considered that the frontage of the site would have a more appropriate appearance for the area. It is also considered reasonable to require the provision of bird boxes as recommended by the biodiversity survey to mitigate any impact on local bird populations from removal of site vegetation. Subject to such conditions, no objection is raised to the proposal on the basis of the NPPF or Policies EC7 and EC22 of the current Local Plan.

The pre-amble to Policy EC7 also states that features such as trees can contribute to the character and identity of an area.

The trees on site, as confirmed by the submitted biodiversity survey, are largely immature, deciduous and self-set. There are no tree preservation orders affecting this site. With the exception of the apple tree as discussed above, it is not considered the loss of any of the site trees would be prejudicial to the biodiversity or visual amenity value of the area and no objection is raised under Policy EC7.

Design/Layout

Policy EC2 of the current Local Plan requires development to be of a high standard of design. Regard is to be had to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping. This is consistent with paragraphs 56 to 58 of the NPPF.

The proposed dwelling is of a fairly traditional design and is to be finished primarily in render. The area is fairly mixed in terms of house style with examples of houses, chalets and bungalows present in the vicinity of the application site and a variety of materials such as render, facing brickwork and hanging tiles. The proposed design would integrate satisfactorily into the context created by the surrounding development.

The proposed dwelling would have a ridge height of some 8.5m. There are varying ridge heights in the surrounding area, for example, the chalet to the south 'Woodview' has a maximum height of some 6.5m, the bungalow on the opposite side of the road 'Holly Lodge' has a maximum height of some 6.3m and the house further to the north-east of the application site 'Hawkstone' has a ridge height of some 8.9m. Furthermore the Council has resolved to grant planning permission for a house with a height of some 8.9m on land immediately to the north of this site. Given this mixture, and the fact that the proposed dwelling does not exceed the height of the highest dwelling in the street (Hawkstone), it is not considered that the proposed height would have a significant adverse impact on the character and appearance of the area.

The proposed dwelling is of an acceptable design and appearance in relation to its surroundings and as such no objection is raised to this element of the proposal under Policy EC2 of the current Local Plan.

Policy H17 of the current Local Plan states that in assessing the design aspects of proposals for housing development, the Local Planning Authority will have regard to its adopted design guidelines as contained in Appendix 12 of the Local Plan. These have been replaced by the Residential Design Guidance Supplementary Planning document, which has been prepared in accordance with the provisions of section 7 of the NPPF.

Within this document, RDG1 requires plot sizes to be informed by the prevailing character of plot sizes. The proposal would provide a dwelling on a plot with a frontage of some 16m decreasing to 13m at the rear. This would be in keeping with the width of surrounding plots and therefore no objection is raised to the proposal on this basis.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The application proposes to construct a dwelling with isolation spaces of approximately 1m between its flank

walls and the side boundaries of the site. This would be in keeping with the character of the area and therefore no objection is raised to the proposal on the basis of guidance at RDG2.

RDG3 requires proposals to respect established building lines and not to cause excessive overshadowing or dominance of adjoining properties. The front and rear elevations of the proposed dwelling would be broadly consistent with the front and rear elevations of the adjacent existing and approved dwellings and would not therefore result in overdominance or overshadowing to adjacent residents. No objection is raised to the proposal on this basis.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundary of the site, increasing to 15m at second floor level, except in the case of secondary windows or those serving non habitable rooms where obscure glazed and fixed windows may be considered appropriate.

The first floor windows in the front and rear elevations would be located a minimum of 9m from the boundary of the site. A side window is shown serving an ensuite, which could potentially overlook the plot to the north, but such a window can be required by condition to be obscure glazed and fixed without leading to unsatisfactory living conditions within the dwelling.

At second floor level a bedroom with ensuite is to be provided in the roofspace served by roof lights. The rear windows are located an acceptable distance from the boundary and the front ones would overlook the road which is considered acceptable from a privacy viewpoint. The side roof lights would be located a minimum of 1.7m above floor level so would not lead to loss of privacy to adjacent sites. Subject to a condition requiring obscure glazing of the first floor side windows no objection is raised to the proposal on the basis of loss of privacy.

RDG6 requires appropriate amounts of outdoor amenity space to be provided. 15m² per habitable room is suggested, with a minimum of 50m². The proposal would provide potentially eight habitable rooms which would require an amenity area of 120m². 185m² would be provided which meets the spatial requirement.

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

RDG12 requires parking not to appear visually dominant.

The adopted parking standards require the provision of two car parking spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have internal dimensions of 3m by 7m. Application of the parking standards to this development generates a parking requirement of two spaces.

The proposal would provide a garage but it is of insufficient dimensions to be considered a valid parking facility. A parking area is however proposed to the front of

the property which is considered of adequate size to accommodate two cars. Following revisions to the plans, to provide a lesser amount of hard surfacing and a hedge to the front boundary, it is not considered that the car parking would be visually dominant.

The Highway Authority has requested that a number of conditions be imposed should permission be granted. The first requires the provision of 1.5m x 1.5m pedestrian visibility splays at the vehicular access. This is considered a reasonable requirement in the interests of pedestrian safety.

The second requires hard standings of 2.9m x 5.5m to be provided. The plans clearly show an adequate area for car parking so such a condition would be unnecessary.

The third requires the garage to be sited a minimum distance of 6m from the highway boundary. The proposal quite clearly meets this requirement so such a condition would be unnecessary.

The fourth requires no unbound material to be used within 6m of the highway boundary. It is recognised that loose material can lead to poor conditions on the highway so this is considered a reasonable requirement.

The fifth requires details to be submitted of the means to prevent the discharge of surface water onto the highway. The application states that permeable paving will be used however no details of this have been submitted. Details are required before the hard surface is provided.

The sixth requires details to be submitted of an area within the site for storage of building materials. It is considered that a condition that no materials be placed within the highway would satisfy this objective.

The seventh requires implementation of a Travel Information and Marketing Scheme for sustainable transport, which would consist of free travel tickets. Whilst this might be justified in a larger development where the impact of new residents to an area could be significant it is not considered that development of a single property would warrant such an approach.

Local Plan Policy T7 states that in all applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway. Such improvements would be at the developer's expense and include the provision of footpaths, drainage and lighting. The NPPF does not specifically address this matter, but paragraph 35 states that development should, *inter alia*, accommodate the efficient delivery of goods and supplies, create safe and secure layouts and give priority to pedestrian and cycle movements.

Swale Road is an unmade road which is in a poor state of repair. Whilst it is recognised that the unmade nature Swale Road provides it with a semi-rural 'feel', it is considered that the introduction of additional traffic onto this surface will result in deterioration in its quality and the general character and appearance of the area and as such it is considered appropriate to seek a contribution from the developer in accordance with the provisions of the Developer Contributions Guidance

Supplementary Planning Document – Adopted 1st October 2008, to ensure the provision of an appropriate means of pedestrian and vehicular access to the site.

Subject to the applicant being willing to enter into a S106 agreement to achieve this objective, no objection is raised to the proposal on this basis.

Conclusion

This land is allocated for long term residential purposes and benefits from extant consent for a detached four bedroomed dwelling. The provision of a dwelling on this site is therefore acceptable in principle.

The design shown is considered acceptable in its context and meets the provisions of the Council's Residential Design Guidance. It is not considered that the proposal would have an adverse impact on the character or appearance of the area or on wildlife conservation interests. For the development to be acceptable, however, it is considered necessary for the road to be made up to provide appropriate access to and from the dwelling. This would require the applicant to enter into a S106 agreement.

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: that subject to the applicants entering into a Section 106 Legal Agreement to secure the provision of acceptable vehicular and pedestrian access, the Head of Regeneration and Neighbourhoods be authorised to APPROVE the proposal subject to the following conditions:

1. CON2
2. CON17
3. CON18
4. The window serving an ensuite at first floor level in the north facing side elevation shall be obscure glazed to at least level 3 on the Pilkington scale and non opening below a height of 1.7m as measured from the finished floor level within the room.
Reason: To protect the privacy of adjacent residential occupiers.
5. The roof lights that are installed in a roof slope facing a side boundary of the site shall be high level windows, with no parts located below a height of 1.7m as measured from the finished floor level of the room.
Reason: To protect the privacy of adjacent residential occupiers.
6. Prior to occupation of the dwelling, the vehicular access shall be provided with 1.5m x 1.5m pedestrian visibility splays on either side, as measured from and along the highway boundary. Such visibility splays shall not form part of the vehicular surface of the access. Following their provision the visibility splays shall be retained free of obstruction in perpetuity.
Reason: To provide adequate inter-visibility between users of the access and pedestrians in the adjoining highway in the interest of highway safety.

7. Prior to provision of the forecourt parking area, details of the means to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the local planning authority.
Reason: In the interest of sustainable drainage and to prevent hazards caused by water or ice on the highway.
8. Prior to occupation of the dwelling, the car parking area shall be provided and hard surfaced in accordance with the approved details. Thereafter, this area shall be retained for the parking of vehicles and not used for any other purpose. The area hard surfaced for parking shall be limited to that shown on approved plan number 2716-08 Revision B. The rest of the area in front of the principal elevation of the dwelling shall be retained as planted garden area.
Reason: To retain satisfactory provision for parking off the highway and in the interest of visual amenity to ensure that the development is in character with its setting.
9. In the first available planting season following completion of the development, a hedge of species native to the UK, which shall first have been agreed in writing with the local planning authority, shall be planted in the locations shown on approved plan number 2716-08 Revision B (except where it is necessary to reduce the extent of hedge planting to comply with condition 6). Any parts of the hedges dying or becoming diseased or destroyed or uprooted, whether wilfully or by accident, within 5 years of completion of the development, shall be replanted in accordance with such details as may be approved in writing by the local planning authority.
Reason: In the interest of visual amenity and to ensure that the development is in character with its setting.
10. Notwithstanding the provisions of Class A, Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, no gates, walls, fences or other means of enclosure shall be erected forward of the principal elevation of the dwelling without the approval in writing of the local planning authority.
Reason: In the interest of visual amenity and to ensure that the development is in character with its setting.
11. No unbound material shall be used in the surfacing of any vehicle parking or access area within 6m of the highway.
Reason: To avoid displacement of loose material onto the highway in the interest of highway safety.
12. CON51
13. Prior to occupation of the dwelling hereby approved, four bird boxes, open fronted and with 32mm entrance holes, shall be erected on site in accordance with details which shall first be submitted to, and approved in writing by, the local planning authority. Any such bird boxes shall thereafter be permanently retained on site.
REASON: In order to minimise the impact of the proposed development on birds currently resorting to the site.

14. The apple tree shown on approved plan number 2716-08 Revision B shall be protected with fencing to BS1722 Part 4 during development and then shall be retained following completion of the development, unless otherwise agreed in writing with the local planning authority.
Reason: In the interest of biodiversity.

15. CON100

16. CON102

REPORT ITEM NO. 1

QUARTERLY ENFORCEMENT UPDATE

Case Officer: R.DAVIS

Introduction

This is the ninth quarterly enforcement report presented to the Development Control Committee in order to inform Members of all formal planning enforcement action and investigations that have been undertaken by the Council's Planning Enforcement Officer.

The report commences with cases resolved informally and formally, follows this with cases where new enforcement action has been undertaken since the last quarterly enforcement update and concludes with those cases still outstanding.

Cases resolved informally and formally.

Land at Thirlmere Road, Thundersley.

An enforcement notice in respect of land in the Green Belt for the storage of a mobile home, campervan and caravan and use as a leisure plot was issued on the 11th June 2012. An appeal was lodged and was dismissed on the 13th November 2012. The requirements of the notice have now been fully met and the case is closed.

Land south of Lychgate Farm, Arterial Road, Rayleigh.

An enforcement notice in respect of a material change of use of land to a mixed use for stabling horses and as a leisure plot incorporating the stationing of a caravan for leisure purposes was issued on 6 October 2010. The occupier vacated the site, removed the structures but left the caravan. The new occupiers have now fully met the requirements of the notice and the case is closed.

Dance Studio r/o 25 Kents Hill Road, Benfleet.

A breach of condition notice was issued on 30th April 2013 in respect of a business operating on Sundays contrary to a planning condition attached to its original planning consent. The site has been monitored and it would appear that the requirements of the notice have been met. The case is now closed.

It should be noted that the applicant has lodged an appeal in respect of the restrictive planning condition. Determination is awaited.

New Enforcement Action

30 The Crescent, Benfleet.

An enforcement notice in respect of an external staircase located to the side of a rear extension and first floor balcony was issued on 25th June 2013. In response to the notice two planning applications for alternative schemes were submitted. Further enforcement action in this matter has been suspended pending consideration of these applications.

396 London Road, Thundersley.

Members will recall that in recent years this site has been the subject of extensive enforcement action. Further breaches of the notice issued in December 2008 have been noted and legal proceedings against the individual responsible for the breach have commenced. The defendant pleaded not guilty at the initial hearing and a date for the trial was initially set for 30th September 2013.

However, the defendant has since submitted an application to vary his planning permission and in the light of this development the Council has agreed to temporarily suspend legal proceedings. The occupier has paid £2,450.00 towards the Council's costs to date, which represents a significant proportion of the cost of officer time spent investigating this case to date.

Acres Way Great Burches Road, Thundersley.

An enforcement notice in respect of an unauthorised residential use of part of the commercial kennels operating at this site was issued on 7th August 2013. The notice requires the residential use to cease, internal works within the building occupied to take place and several surrounding structures associated with use to be removed. No appeal has been lodged and the occupiers are in the process of complying with the notice.

In the course of the enforcement investigation several structures without permission were noted to have been erected on the site. Many of these are now immune from enforcement action. Action in respect of one large isolation block not immune from enforcement action has been deferred in order to allow the occupiers an opportunity to submit an application for its retention and for the Council to consider this matter more fully.

Orchard Place, Arterial Road, Rayleigh.

Members will recall that permission for use of this site for 2 travellers' pitches, boundary walls, gates, hardstanding, lighting and landscaping, reference CPT/370/09/FUL was granted on appeal by the Planning Inspectorate on 5th August 2010. The use of the site was limited to 4 caravans, of which no more than 2 were to be a static caravan or mobile home.

The number of caravans on the site was recently noted to exceed permitted levels. The occupiers were provided with a period in which to address this problem but failed to respond adequately. Accordingly a breach of condition notice was issued on 23rd August 2013. The notice requires the occupiers to comply with the terms of their planning permission by 20th September 2013.

Outstanding Notices

201 Cumberland Road, Benfleet.

An enforcement notice in respect of a material change in use of the above residential property to a mixed use for the storage of motor vehicles, parking of commercial vehicles and use for residential purposes was issued on the 4th October 2012. The notice requires the storage of vehicles and parking of commercial vehicles to cease. An appeal against the notice was dismissed on 6th August 2013. The occupier has until 17th September 2013 to comply with the notice.

196 High Road, Benfleet.

An enforcement notice in respect of the use of a building as a barbers shop and a self contained two-bedroomed residential unit of accommodation at the above site was issued on 25th March 2013. The notice has been appealed and a decision is awaited.

1 Point Road, Canvey Island.

An enforcement notice in respect of a change of use from residential to office (B1) at the above site was issued on 12th February 2013. No appeal has been lodged however a planning application for an alternative scheme has been approved. The applicant has until 18th March 2014 to comply with the notice or carry out the permitted works.

Yard off Fane Road, south of Lychgate Farm, Benfleet.

On 10th April 2013 an enforcement notice was issued in respect of the storage of vehicles and the depositing, sorting and processing of materials at the above site. No appeal has been lodged and a recent site visit confirmed that good progress is being made in remediating the land. The compliance date by which these works should be completed has been extended to 18th January 2014 in order to assist the occupier to fully comply with the notice.

'Reditus', Keswick Road, Benfleet.

An enforcement notice in respect of a material change of use of this land to a mixed use for the storage of commercial and domestic items and the stationing of a trailer for residential use was issued on 24th October 2011. The requirements of the notice were not met and the Council undertook legal proceedings against the occupier. The case was heard in the Crown Court and for technical reasons the defendant found not guilty. A revised enforcement notice was issued on 13th June 2013. The occupier has now appealed the revised notice.

Shisha Lounge, 370 London Road, Hadleigh.

The requirements of the enforcement notice issued in respect of the unauthorised use of the front part of this premises have been met. However, the appeal lodged by the appellant has not been withdrawn. The appeal site visit has now taken place and a decision in this matter is awaited.

48 High Road, Benfleet.

Members were advised in the last enforcement report that the occupier was moving out of the above premises and that a site visit would take place to identify any building works outstanding. The internal works required by the enforcement notice have not been satisfactorily carried out and a final offer has been made to the occupier in an attempt to find a negotiated position. This however has not been responded to satisfactorily. The matter has been referred to the Council's Legal services for further action.

Janda Field, Fane Road, Benfleet.

Members will recall that planning permission for the use of this land for three Traveller pitches was refused consent at the Development Control meeting of 4th December 2012. An enforcement notice for the cessation of the use was subsequently issued on 5th December 2012. Both the enforcement notice and refusal of planning permission were appealed and a hearing took place on 1st May 2013. On 9th July 2013 the Secretary of State advised that he shall be determining these appeals rather than an Inspector. The decision will be made on or before 28th October 2013.

'Danebury', Rhoda Road, Benfleet.

An enforcement notice in respect of land used for the purposes of conducting a limousine hire business within the curtilage of a residential property in the Green Belt was issued on the 10th April 2012. The notice was appealed and dismissed. The operation of the limousine hire business has ceased to operate from the premises but the hardstanding and building associated with this use still remain. The occupier has until 25th September 2013 to remove them.

34 Crescent Road, Benfleet.

An enforcement notice in respect of the construction of an outbuilding in the rear garden of the above property for residential use was issued on 7th December 2012. The notice requires the unauthorised use to cease and the building to be removed. The notice has been appealed. The site visit has taken place and a decision in this matter is now awaited.

638 High Road, Benfleet.

An enforcement notice in respect of a change of use of the above property from residential to use as a security system business was issued on 11th January 2013. The notice requires the cessation of the use of the building for business purposes. The notice has been appealed. The site visit has taken place and a decision in this matter is now awaited.

571 London Road, Hadleigh.

Enforcement action in respect of three unauthorised dormers was upheld on appeal and successfully concluded in April 2012. However, the use of the site in connection with the motor trade and the stationing of a mobile home in the rear garden were not part of this action. These matters are the subject of a fresh notice issued on 28th January 2013. The vehicles have now been removed. The compliance date for the mobile home is 4th March 2014.

Land at Keswick Road, Benfleet.

This site is located at the junction of Keswick Road and Church Road Benfleet. An enforcement notice for the removal of gates and a fence to the boundary of the site with Keswick Road was issued on the 9th March 2011. The notice was not complied with and legal proceedings to secure compliance were accordingly commenced. However, in the course of these proceedings interested parties the Council was not previously aware of came to light. The notice was therefore withdrawn. A fresh notice in respect of the fencing and gates was issued on the 11th July 2012.

A second notice in respect of the use of the land for the deposition and storage of materials and various items was also issued together with the above notice. No appeals against these notices were lodged and the notices have not been complied with. The matter has been referred to the Council's Legal Services for further action.

2 Waterside Cottages, Canvey Road.

An enforcement notice in respect of a concrete base, outbuilding and high fence in the front garden of the above property, which is located in the Green Belt, was issued on the 22nd October 2012. The notice requires the structures and concrete base to be removed. An appeal has been lodged against the notice.

Standard Conditions

CON1	Outline Time Limit and Reserved Matters
CON2	Full Application Time Limit
CON3	Vehicular Access Visibility Splay
CON4	Junction Visibility Splay
CON5	Screen Wall / Fencing
CON6	Submission of Evergreen Hedge details
CON7	Implementation of Evergreen Hedge
CON8	Retention of Trees
CON9	Submission of Landscaping Scheme
CON 10	Implementation of Landscaping Scheme
CON 11	Maintenance of Landscaping Scheme
CON 12	Submission of Tree Planting Scheme
CON 13	Implementation of Tree Planting Scheme
CON 14	Maintenance of Tree Planting Scheme
CON 15	Schedule of External Surfaces
CON 16	Materials to Harmonise With Existing
CON 17	Submission of Materials
CON 18	Implementation of Materials
CON 19	Submission of Hardsurfacing Details
CON 20	Implementation of Hardsurfacing
CON 21	Pd Rights Removed Small Site
CON 22	Pd Rights Removed Relationship With Other Buildings
CON 23	Pd Rights Removed Green Belt
CON 24	Demolition of Existing Dwelling
CON 25	Forecourt Depth Unclassified Roads
CON 26	Forecourt Depth Classified Roads
CON 27	Protection of Trees
CON 28	Retention of Parking Spaces
CON 29	Obscure Glazed Non Opening Windows
CON 30	Luminance Control Highway Safety
CON 31	Luminance Control Residential Amenity
CON 32	Levels Submission
CON 33	Levels Implementation
CON 34	Filter Details Submission
CON 35	Filter Details Implementation
CON 36	Ecological Survey Submission
CON 37	Ecological Survey Implementation
CON 38	Badger Survey Submission
CON 39	Badger Survey Implementation
CON 40	Bat Survey Submission
CON 41	Bat Survey Implementation
CON 42	Balcony Terrace Screen
CON 43	Annexe Only Not Independent Dwelling

CON 44	Extension Only Not Independent Dwelling
CON 45	Vehicular Crossover Widening
CON 46	New Vehicular Crossover
CON 47	Tree Works In Accordance With British Standards
CON 48	Tree Works Supervision
CON 49	Environment Agency Desktop Study
CON 50	Environment Agency Implementation of Pollution Control
CON 51	Storage of Building Materials within the site.
CON52	Submission Of Flood Response Plan.
CON53	Enactment Of Flood Response Plan
CON54	Provision Of Badger Ramp.
CON55	Badgers - Hand Digging Of Foundations.
CON 56	Protection Of Badgers - Changes In Levels.
CON57	Badgers – Pathways.
CON58	Badgers - Security Fencing.
CON59	Travel Scratch cards.

Informatives

CON 100	Party Wall Etc. Act Note.
CON101	Application Approved Without Amendment
CON102	Application Approved Following Revisions
CON103	Application Refused Following Discussion - No Way Forward
CON104	Application Refused With Discussion - With Way Forward
CON105	Application Refused Without Discussion

DEVELOPMENT CONTROL COMMITTEE

1ST OCTOBER 2013

Subject: Quarterly Enforcement Update
Report of the Head of Regeneration and Neighbourhoods
Case Officer Robert Davis

Introduction

This is the ninth quarterly enforcement report presented to the Development Control Committee in order to inform Members of all formal planning enforcement action and investigations that have been undertaken by the Council's Planning Enforcement Officer.

The report commences with cases resolved informally and formally, follows this with cases where new enforcement action has been undertaken since the last quarterly enforcement update and concludes with those cases still outstanding.

Cases resolved informally and formally.

Land at Thirlmere Road, Thundersley.

An enforcement notice in respect of land in the Green Belt for the storage of a mobile home, campervan and caravan and use as a leisure plot was issued on the 11th June 2012. An appeal was lodged and was dismissed on the 13th November 2012. The requirements of the notice have now been fully met and the case is closed.

Land south of Lychgate Farm, Arterial Road, Rayleigh.

An enforcement notice in respect of a material change of use of land to a mixed use for stabling horses and as a leisure plot incorporating the stationing of a caravan for leisure purposes was issued on 6 October 2010. The occupier vacated the site, removed the structures but left the caravan. The new occupiers have now fully met the requirements of the notice and the case is closed.

Dance Studio r/o 25 Kents Hill Road, Benfleet.

A breach of condition notice was issued on 30th April 2013 in respect of a business operating on Sundays contrary to a planning condition attached to its original planning consent. The site has been monitored and it would appear that the requirements of the notice have been met. The case is now closed.

It should be noted that the applicant has lodged an appeal in respect of the restrictive planning condition. Determination is awaited.

New Enforcement Action

30 The Crescent, Benfleet.

An enforcement notice in respect of an external staircase located to the side of a rear extension and first floor balcony was issued on 25th June 2013. In response to the notice two planning applications for alternative schemes were submitted. Further enforcement action in this matter has been suspended pending consideration of these applications.

396 London Road, Thundersley.

Members will recall that in recent years this site has been the subject of extensive enforcement action. Further breaches of the notice issued in December 2008 have been noted and legal proceedings against the individual responsible for the breach have commenced. The defendant pleaded not guilty at the initial hearing and a date for the trial was initially set for 30th September 2013.

However, the defendant has since submitted an application to vary his planning permission and in the light of this development the Council has agreed to temporarily suspend legal proceedings. The occupier has paid £2,450.00 towards the Council's costs to date, which represents a significant proportion of the cost of officer time spent investigating this case to date.

Acres Way Great Burches Road, Thundersley.

An enforcement notice in respect of an unauthorised residential use of part of the commercial kennels operating at this site was issued on 7th August 2013. The notice requires the residential use to cease, internal works within the building occupied to take place and several surrounding structures associated with use to be removed. No appeal has been lodged and the occupiers are in the process of complying with the notice.

In the course of the enforcement investigation several structures without permission were noted to have been erected on the site. Many of these are now immune from enforcement action. Action in respect of one large isolation block not immune from enforcement action has been deferred in order to allow the occupiers an opportunity to submit an application for its retention and for the Council to consider this matter more fully.

Orchard Place, Arterial Road, Rayleigh.

Members will recall that permission for use of this site for 2 travellers' pitches, boundary walls, gates, hardstanding, lighting and landscaping, reference CPT/370/09/FUL was granted on appeal by the Planning Inspectorate on 5th August 2010. The use of the site was limited to 4 caravans, of which no more than 2 were to be a static caravan or mobile home.

The number of caravans on the site was recently noted to exceed permitted levels. The occupiers were provided with a period in which to address this problem but failed to respond adequately. Accordingly a breach of condition notice was issued on

23rd August 2013. The notice requires the occupiers to comply with the terms of their planning permission by 20th September 2013.

Outstanding Notices

201 Cumberland Road, Benfleet.

An enforcement notice in respect of a material change in use of the above residential property to a mixed use for the storage of motor vehicles, parking of commercial vehicles and use for residential purposes was issued on the 4th October 2012. The notice requires the storage of vehicles and parking of commercial vehicles to cease. An appeal against the notice was dismissed on 6th August 2013. The occupier has until 17th September 2013 to comply with the notice.

196 High Road, Benfleet.

An enforcement notice in respect of the use of a building as a barbers shop and a self contained two-bedroomed residential unit of accommodation at the above site was issued on 25th March 2013. The notice has been appealed and a decision is awaited.

1 Point Road, Canvey Island.

An enforcement notice in respect of a change of use from residential to office (B1) at the above site was issued on 12th February 2013. No appeal has been lodged however a planning application for an alternative scheme has been approved. The applicant has until 18th March 2014 to comply with the notice or carry out the permitted works.

Yard off Fane Road, south of Lychgate Farm, Benfleet.

On 10th April 2013 an enforcement notice was issued in respect of the storage of vehicles and the depositing, sorting and processing of materials at the above site. No appeal has been lodged and a recent site visit confirmed that good progress is being made in remediating the land. The compliance date by which these works should be completed has been extended to 18th January 2014 in order to assist the occupier to fully comply with the notice.

'Reditus', Keswick Road, Benfleet.

An enforcement notice in respect of a material change of use of this land to a mixed use for the storage of commercial and domestic items and the stationing of a trailer for residential use was issued on 24th October 2011. The requirements of the notice were not met and the Council undertook legal proceedings against the occupier. The case was heard in the Crown Court and for technical reasons the defendant found not guilty. A revised enforcement notice was issued on 13th June 2013. The occupier has now appealed the revised notice.

Shisha Lounge, 370 London Road, Hadleigh.

The requirements of the enforcement notice issued in respect of the unauthorised use of the front part of this premises have been met. However, the appeal lodged by

the appellant has not been withdrawn. The appeal site visit has now taken place and a decision in this matter is awaited.

48 High Road, Benfleet.

Members were advised in the last enforcement report that the occupier was moving out of the above premises and that a site visit would take place to identify any building works outstanding. The internal works required by the enforcement notice have not been satisfactorily carried out and a final offer has been made to the occupier in an attempt to find a negotiated position. This however has not been responded to satisfactorily. The matter has been referred to the Council's Legal services for further action.

Janda Field, Fane Road, Benfleet.

Members will recall that planning permission for the use of this land for three Traveller pitches was refused consent at the Development Control meeting of 4th December 2012. An enforcement notice for the cessation of the use was subsequently issued on 5th December 2012. Both the enforcement notice and refusal of planning permission were appealed and a hearing took place on 1st May 2013. On 9th July 2013 the Secretary of State advised that he shall be determining these appeals rather than an Inspector. The decision will be made on or before 28th October 2013.

'Danebury', Rhoda Road, Benfleet.

An enforcement notice in respect of land used for the purposes of conducting a limousine hire business within the curtilage of a residential property in the Green Belt was issued on the 10th April 2012. The notice was appealed and dismissed. The operation of the limousine hire business has ceased to operate from the premises but the hardstanding and building associated with this use still remain. The occupier has until 25th September 2013 to remove them.

34 Crescent Road, Benfleet.

An enforcement notice in respect of the construction of an outbuilding in the rear garden of the above property for residential use was issued on 7th December 2012. The notice requires the unauthorised use to cease and the building to be removed. The notice has been appealed. The site visit has taken place and a decision in this matter is now awaited.

638 High Road, Benfleet.

An enforcement notice in respect of a change of use of the above property from residential to use as a security system business was issued on 11th January 2013. The notice requires the cessation of the use of the building for business purposes. The notice has been appealed. The site visit has taken place and a decision in this matter is now awaited.

571 London Road, Hadleigh.

Enforcement action in respect of three unauthorised dormers was upheld on appeal and successfully concluded in April 2012. However, the use of the site in connection with the motor trade and the stationing of a mobile home in the rear garden were not part of this action. These matters are the subject of a fresh notice issued on 28th January 2013. The vehicles have now been removed. The compliance date for the mobile home is 4th March 2014.

Land at Keswick Road, Benfleet.

This site is located at the junction of Keswick Road and Church Road Benfleet. An enforcement notice for the removal of gates and a fence to the boundary of the site with Keswick Road was issued on the 9th March 2011. The notice was not complied with and legal proceedings to secure compliance were accordingly commenced. However, in the course of these proceedings interested parties the Council was not previously aware of came to light. The notice was therefore withdrawn. A fresh notice in respect of the fencing and gates was issued on the 11th July 2012.

A second notice in respect of the use of the land for the deposition and storage of materials and various items was also issued together with the above notice. No appeals against these notices were lodged and the notices have not been complied with. The matter has been referred to the Council's Legal Services for further action.

2 Waterside Cottages, Canvey Road.

An enforcement notice in respect of a concrete base, outbuilding and high fence in the front garden of the above property, which is located in the Green Belt, was issued on the 22nd October 2012. The notice requires the structures and concrete base to be removed. An appeal has been lodged against the notice.