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**Chief Executive**

## **AGENDA**

**Committee: DEVELOPMENT CONTROL**

**Date and Time: Tuesday 6<sup>th</sup> May 2014 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 1<sup>st</sup> April 2014 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.

<b>Application No.</b>	<b>Address</b>	<b>Page</b>
1. CPT/602/13/FUL	Land Adjacent to Felstead Road and Bowers Road, Benfleet (Boyce and Appleton Ward)	1
<b>6. Enforcement Update</b>		<b>53</b>
	Report of the Head of Regeneration and Neighbourhoods is attached.	

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**DEVELOPMENT CONTROL COMMITTEE**

**1<sup>st</sup> APRIL 2014**

**PRESENT:** Councillors Brunt (Chairman), Ladzrie (Vice-Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Skipp, Mrs Wass and Canvey Island Town Councillors Greig and Ms Swann

Councillors Mrs Challis OBE, Dick, Tucker and N. Watson also attended.

Apologies for absence were received from Councillors Mrs King, Mrs Liddiard and Smith.

**36. MEMBERS' INTERESTS**

Councillor Cross declared an interest in Agenda Item No. 5(1), as shown under Minute No. 38(a).

Councillor Hart disclosed an interest in Agenda Item No. 5(2) as shown under Minute No. 38 (b).

**37. MINUTES**

The Minutes of the meeting held on 4<sup>th</sup> March 2014 were taken as read and signed as correct.

**38. DEPOSITED PLANS**

**(a) CPT/606/13/FUL – LAND ADJACENT BRIARS COTTAGE, LEIGE AVENUE, CANVEY ISLAND (WINTER GARDENS WARD) – 2 NO. ONE BEDROOMED FLATS AND 4 NO. TWO BEDROOMED FLATS IN A TWO STOREY BLOCK WITH ASSOCIATED PARKING – MR C LANE**

The proposal sought to provide a two-storey block accommodating two one bedroomed flats and four two-bedroomed flats. It was confirmed that the submitted scheme was considered acceptable in the context of the provisions of the NPPF, adopted Local Plan and Residential Design Guidance.

It was not considered that the proposal would result in undue noise and disturbance to adjoining residents and the parking provisions were adequate given its location in proximity to local services and public transport.

In terms of flood risk, subject to conditions it was considered that the submitted scheme would achieve satisfactory design response to flood risk issues.

Councillor N. Watson, a Ward Member, spoke in objection to the application.

During discussion Members raised concern regarding the lack of parking provision on the site which it was considered would result in occupiers parking on the adjoining highway. Furthermore, it was felt that the additional vehicles, particularly emergency vehicles, which would be using the road would have an adverse impact on the amenity of adjoining residents due to the limited width of the highway.

Members felt that the proposed development would create an over dominant feature in the street scene which would be detrimental to the character and appearance of the surrounding area. The Committee also expressed concern that due to the number of units proposed both within the scheme and that permitted to the east of the site, it was likely to cumulatively result in undue noise and disturbance to the detriment of the amenity of adjoining residents.

Therefore, following consideration of the proposal, it was:

**Resolved** – That the application be refused for the following reasons:

1. Inadequate on-site parking provision which it is considered would result in future occupiers of the proposed development parking on the adjoining highway, to the detriment of traffic flows and highway safety.
2. The passage of additional vehicles, particularly emergency vehicles, likely to be generated by the development would have an adverse impact on the amenity of adjoining residents due to the limited width of the highway serving the site.
3. The proposed development would create an over dominant feature in the street scene, detrimental to the character and appearance of the surrounding area.
4. The proposed development, by reason of the number of units proposed both within the scheme and that permitted to the east of the site, is considered likely to cumulatively result in undue noise and disturbance to the detriment of the amenity of adjoining residents.

**(b) CPT/669/13/FUL – 2-26 RUSHBOTTOM LANE, BENFLEET – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW RETAIL FOODSTORE WITH CAR PARKING, LANDSCAPING, REPOSITIONING OF VEHICULAR ACCESS TO RUSHBOTTOM LANE AND WORKS TO THE HIGHWAY – ALDI STORES LTD**

The proposal was generally consistent with the provisions of the Adopted Local Plan and National Planning Policy and Guidance. The main issue was considered to be the impact of introducing a right turn facility from the westbound A13 into Rushbottom Lane at the existing signal controlled junction. It had been identified that this would lead to some additional queuing at weekends, but the

benefits of the development were considered to outweigh the marginal adverse impact on the capacity of the junction. It was therefore recommended that permission be granted subject to an Agreement under Section 106 of the Town and Country Planning Act.

With reference to the conditions set out in the report, the Planning Officer recommended that Conditions 17 and 18, relating to works to the walkway between the site and the London Road, should now be removed. As the applicant would be dependent on a third party for commencement of these works it was considered that these conditions were not appropriate in the circumstances.

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

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

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

During discussion Members expressed their approval for the proposal as it was considered that it would enhance the area. The provision of a right turn facility at the junction into Rushbottom Lane and public access to the car park was also welcomed.

Following discussion it was resolved:

**Resolved** – That the application be approved subject to a Section 106 Agreement in relation to the following:

- the provision of a suitable financial contribution for public realm enhancements
- An agreement with the highway authority under s.278 regarding highway works
- The provision of access to the store car park for general use by town centre users

and subject to conditions 1 to 16, as set out in the Planning Officer's report.

**39. CPT/214/11/OUT – 101 Point Road, Canvey Island (Canvey East Ward) – Demolish all Buildings and construct 16 houses and 83 flats with estate road and parking – Canvey Wharf Co Ltd**

The Committee was informed of progress since the Committee resolution to grant consent subject to a Planning Obligation (Section 106 Agreement) in October 2012.

The Head of Regeneration and Neighbourhoods reminded the Committee that at its meeting on 2<sup>nd</sup> October 2012, the Committee considered a report on outline planning application reference CPT/214/11/OUT, which proposed to demolish all

buildings and construct 16 houses & 83 flats with estate road and parking, on land at 101 Point Road Canvey Island. It was resolved that outline planning permission should be granted subject to a Section 106 Agreement covering the Heads of Terms as set out in the report.

Shortly after that resolution, the planning agent for the application had asked that no action be taken on the proposed Section 106 Agreement until further notice. Regular contact had been maintained with the planning agent over the intervening months. Officers had been advised that the applicants had concerns regarding the viability of the scheme, particularly with the extent and nature of the planning obligations being requested. The most recent meeting with the planning agent took place on 6<sup>th</sup> February 2014, when a schedule was produced purporting to show that the development had a negative value.

However, no further information had been received since that meeting and given the length of time that had now passed since the original resolution of the Committee it was considered appropriate to seek fresh instructions from the Committee on this case.

The Head of Regeneration and Neighbourhoods advised the Committee that it was not good practice to allow unfulfilled resolutions to remain unexamined over an extended period of time. In this case, the applicant had had a period of 18 months to make progress and complete the required planning obligation. A further period of time could be considered acceptable if agreement was close to being reached, but that did not appear to be the case here.

Furthermore it is not possible to identify any Heads of Terms which may no longer be necessary. Although the draft New Local Plan which the Council published for consultation in January 2014 suggests a 15% proportion for affordable housing on sites on Canvey Island, this is not formal adopted Council policy and can carry only limited weight.

It was therefore recommended that the previous resolution regarding this case be replaced with a refusal of planning permission.

Following discussion it was:

**Resolved** – That the application be refused for the reasons set out in the report of the Head of Regeneration and Neighbourhoods

Chairman

## ITEM 1

**Application Number:** CPT/602/13/FUL

**Address:** LAND ADJACENT TO FELSTEAD ROAD AND BOWERS ROAD, BENFLEET, ESSEX (Boyce & Appleton Ward)

**Description of development:** 178 DWELLINGS WITH ASSOCIATED ACCESS, INFRASTRUCTURE AND PUBLIC OPEN SPACE, TO INCLUDE FORMATION OF COMMUNITY WOODLAND

**Applicant:** REDROW HOMES LTD AND THE LANDOWNERS

**Officer:** I. SHETH

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### Summary

This application seeks full planning permission for 178 dwellings with associated access, infrastructure and public open space, including the provision of community woodland areas.

Residential development of the site has been identified as inappropriate development in the Green Belt, which would normally attract a recommendation of refusal.

However, inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances. In this instance, the site has been identified as forming part of the Council's five year housing land supply and this is considered to amount to the very special circumstances needed to justify otherwise inappropriate development.

This factor alone however does not outweigh the objections raised to the proposal on the basis of overdevelopment of the site as demonstrated by the poor layout, provision of inadequate isolation spaces, poor setting in the streetscene, the consequent cramped urban appearance and domination of the proposed development by car parking.

The proposal also fails to adequately mitigate the impact of the development on a protected species.

It is considered that the proposal is too focused on achieving the greatest number of dwellings on the site and good design and layout has been sacrificed to achieve an inappropriate quantum of development.

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

## **Site Visit**

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

## **Introduction**

The application site is irregular in shape and is located to the east of Felstead Road. It has a maximum width of approximately 390m, a maximum site depth of some 313m and an area of some 8.7 hectares (ha). The site lies within an area allocated for Green Belt purposes within the Council's Adopted Local Plan.

The site is bounded by Felstead Road to the west, Bowers Road to the north, Catherine Road to the east and the rear and side boundaries of properties located on Clarence Road North, Downer Road, Kale Road and The Chimes. The site rises from west to east ranging between 38m AOD against the site's western boundary to 64m AOD to the east adjacent to Catherine Road.

The site currently contains some 10 dwellings, two commercial equestrian businesses with stables, a haulage yard and large areas of private woodland. A number of trees, the subject of Tree Preservation Orders are present, together with significant trees that are not the subject of any orders. Six Badger setts have been identified within the site.

To the east of the site are further dwellings characteristic of the Green Belt and to the west of the site is the Holy Family Catholic Primary School and Kents Hill Junior School. To the south and north-west, the land is residentially developed and allocated for residential purposes.

## **The Proposal**

This is an application for full planning permission for 178 dwellings with associated access, infrastructure and public open space, including the provision of community woodland areas.

160 units are proposed for open market sale of which 9 are five bedroomed houses, 128 are four bedroomed houses and 23 are three bedroomed houses.

18 units (approximately 10%) are proposed as affordable units of which 4 are three bedroomed houses and 14 are 2 bedroomed houses.

Two areas of woodland are proposed within the development having an area of some 1.71ha. These areas are to provide recreational facilities for the local community and are intended to enhance the biodiversity of the site as a consequence of their proper management.

Excluding the areas of woodland, the proposed development provides a density of some 25.5 dwellings per hectare (dph).

The houses are a combination of two and three storey properties, with the third storey contained within the roof space served by pitched roofed front dormers and

rear roof lights. The properties are shown to have heights ranging from 8.3m to 9.7m.

Materials for the dwellings are proposed to be a mix of Ibstock Thakeham red multi stock, Queensbury Yellow Stock brick and render for the elevations, and Forticrete Gemini Mixed Russet and Gemini slate grey roof tiles.

Although no boundary treatment details have been provided for the site's external boundaries, for the plots within the site, the boundary treatment is indicated to be a combination of 1.8m high brick walls and close boarded fencing.

The properties are provided with parking in a combination of forecourt spaces, rear court spaces and single and double garaging; only seven of the provided garages are shown to be compliant with Essex Parking standards. One visitor parking is provided within the development.

Vehicular access to the site is to be provided via Bowers Road with Downer Road and Felstead Road forming the primary vehicular links to the existing local highway network.

The internal highway network comprises a short stretch of road with pavement along the currently unmade sections of Felstead Road and Downer Road, to the south of Bowers Road, beyond which shared surfaces and private drives serve the individual dwellings. The applicants have stated that except for the private drives, the other roads are proposed to be adopted by the Highway Authority. This has not been confirmed by the Highway Authority.

### **Submitted Documentation**

The application is accompanied by the following documents, which are available to view on the Council's website:

- Planning Statement
- Design and Access Statement
- Tree Survey Report, Arboricultural Impact Assessment and Draft Tree Protection Plan
- Environmental Statement
- King John's Community Woodland Strategy
- Landscape and Visual Impact Assessment
- Transport Assessment
- Statement of Community Involvement
- Site Waste Management Plan
- Sustainability Statement
- Archaeological Desk Based Assessment
- Initial Construction Noise Assessment for Proposed Residential Development
- Air Quality Scoping Report for Proposed Development
- Phase 1 Geoenvironmental Assessment
- Utilities Statement
- Flood Risk Assessment

### **Relevant Planning History**

Parts of this site have an extensive and somewhat chequered history of planning applications; however none of these is directly relevant to the consideration of the current proposal.

With regard to the current proposal a request for a screening opinion in accordance with Regulation 13 of the Environmental Impact Assessment (EIA) Regulations was received in May 2012. It was determined, following consultation with Natural England that as a consequence of the proximity of the site to the Benfleet and Southend Marshes Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI) Thundersley Common SSSI, Great Wood and Dodds Grove SSSI and Pitsea Marsh SSSI and the potential impacts on the aforementioned designated sites, the site was considered to represent an environmentally sensitive area within which development of the scale and type proposed should attract an EIA.

During consideration of the request for a scoping opinion it was agreed that the Environmental Statement would be a single issue report dealing with ecology.

In terms of the application formal pre-application advice was also initially sought in 2012. The initial 'Pegasus' concept comprised residential development within a woodland setting and was considered an appropriate basis for submission of an application by members.

Since the submission of the original concept plan the applicants have met with the Council and Officers of the Essex Urban Design Team on many occasions, the most recent being in early 2014. Throughout these discussions the applicants have sought to intensify the level of development on the site, significantly reducing the woodland setting. The applicants have been advised by the Planning Authority that whilst the principle of the residential development of the site would be considered favourably in the light of the Council's need for housing land, failure to acknowledge the special attributes of the site or deviation from the original concept could be prejudicial to determination of the application.

## **Relevant Government Guidance and Local Plan Policies**

### National Policy Planning Framework

Paragraphs: 2, 9, 10, 11, 12, 14, 17, 19, 32, 34, 36, 47, 49, 50, 56, 57, 58, 59, 60, 61, 62, 64, 69, 73, 94, 96, 109, 110, 118, 123, 159, 169, 170, 173, 196, 197.

### Castle Point Borough Council Adopted Local Plan 1998

EC2 – Design  
EC3 – Residential Amenity  
EC5 – Crime Prevention  
EC7 – Natural & Semi Natural Features in Urban Areas  
EC13 – Protection of Wildlife & their Habitats  
EC14 – Creation of New Wildlife Habitats  
EC21 – Woodland Management & Tree Preservation Orders  
EC22 – Retention of Trees, Woodland & Hedgerows  
EC23 – Tree & Shrub planting  
H7 – Affordable Housing

H9 – New Housing Densities  
H10 – Mix of Development  
H11 – Accessible & Wheelchair Housing  
H13 – Location of Development  
H17 – Housing Development – Design & Layout  
T2 – Intensification of Access Use  
T8 – Car Parking Standards  
RE4 – Provision of Children’s Play space & Parks  
CF1 – Social & Physical Infrastructure & New Developments  
CF13 – Phasing of Development  
CF14 – Surface Water Disposal  
CF15 – Water Supply

### Residential Design Guidance

RDG1 – Plot Size  
RDG2 – Space Around Dwellings  
RDG3 – Building Lines  
RDG4 – Corner Plots  
RDG5 – Privacy and Living Conditions  
RDG6 – Amenity Space  
RDG7 – Roof Development  
RDG8 – Detailing  
RDG9 – Energy & Water Efficiency & Renewable Energy  
RDG10 – Enclosure & Boundary Treatment  
RDG11 – Landscaping  
RDG12 – Parking & Access  
RDG13 – Refuse & Recycling Storage

Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)

Developer Contributions Guidance SPD – Adopted 1<sup>st</sup> October 2008

### **Consultation**

#### Highway Authority

The Highway Authority would not wish to raise an objection to the above application but would advise that 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.

In addition the following conditions are recommended:

1. Prior to occupation, Downer Road and Felstead Road shall be suitably upgraded where appropriate to provide 5.5m carriageway width and 1.8m footways on both sides.

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.

2. Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, 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.

3. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining 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.

4. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic 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.

5. 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.

6. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate crossing.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of 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. 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.

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

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

9. The public's rights and ease of passage over public footpath 44 and bridleways 54, 55 and 56 shall be maintained free and unobstructed at all times until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

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.

10. 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.

11. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

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.

12. All single garages should have a minimum internal measurement of 7m x 3m, 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.

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

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

14. Prior to occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including provision of a Travel Plan Co-ordinator to give advice and to pay a £3,000 monitoring fee to ECC. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

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.

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

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

16. Prior to commencement of development a contribution of £5,000 towards the implementation of parking restrictions in the vicinity of the site along Bowers Road, Felstead Road.

Reason: To make adequate provision within the highway for deter indiscriminate parking in the vicinity of the site as a result of the proposed development and adjacent school.

17. Prior to occupation of development, the Bus Stops along both directions of travel on Kents Hill Road in the vicinity of Bowers Road shall be upgraded to provide Real Time Information boards and other relevant infrastructure where appropriate including raised kerbs and provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.

#### NOTES:

18. 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

19. 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.

20. It appears that difficulties may be encountered with levels on this site, it is recommended that the applicant be required to submit details of road gradients with the detailed application.

21. 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.

Upon subsequent discussions with the Highway Authority, Condition No. 6, was amended to require the private drives to be 4.1m rather than 5.5m.

Furthermore, Highway Authority has also clarified that no discussion has been taken place in respect of highway adoption.

#### NHS Property Services

A contribution of £48000 is sought for capital expenditure to accommodate additional healthcare demands.

## Anglian Water

### Assets

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

### Wastewater Treatment

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

### Foul Sewerage Network

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

### Surface Water Disposal

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

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

The flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. However, clarity is needed. The planning application states that surface water is to be disposed off to methods other than a public sewer. The Flood Risk Assessment confirms connection to the public surface water network at several points.

Requests that the agreed strategy is reflected in the planning approval and that the following condition to be attached to any consent granted:

No hardstanding 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.

## Environment Agency

Have no objection provided the conditions below, relating to surface water management, are appended to any planning permission granted. Our detailed comments on this, as well as advice regarding foul water disposal, pollution control and sustainability, are provided below:

### Surface Water Management

Our maps show the site lies in Flood Zone 1. Flood zone 1 is defined in PPS25 'Development and Flood Risk' Table D.1 as the zone of low probability flood risk. This zone comprises land assessed as having less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%).

In accordance with Table 1 of the Technical Guidance to the National Planning Policy Framework (NPPF), a Flood Risk Assessment (FRA) by Ardent, referenced N620-01 and dated November 2013, has been submitted in support of the application, which has a site area of over a hectare.

We have reviewed this document and consider that the proposed development will only be acceptable if the following measure(s), as detailed in the Flood Risk Assessment submitted, are implemented and secured by way of a planning condition on any planning permission.

#### Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Ardent, Report reference N620-01, dated November 2013, and the following mitigation measures detailed within the FRA:

1. Surface water to be limited to discharge rates as outlined by Anglian Water when discharging to the public surface water sewer. Demonstrated in FRA table Table 6-2: Green Field Run-off Rates and Agreed Surface Water Discharge Limits.
2. If surface water does not discharge to the public sewer and at a rate specified by Anglian Water then flows must be limited to 1 in 1 year Greenfield run off rate.
3. Storage is to be provided on site for the 1 in 30 year and 1 in 100 year plus climate change rainfall run off rate. As detailed in Section 6.13 of the FRA.
4. Confirmation of ongoing management and maintenance of SuDS structures detailed in section 6.14.

#### Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To ensure the SuDS system is maintained and operational for the lifetime of the proposed development.

#### Condition

At the detailed design stage, if the intention is for surface water to be conveyed to infiltration features, modelling of the surface water drainage system, including pipe network, will be required to ensure that in a range of events up to and including the critical duration 1 in 100 year return period event, including allowances for climate change, the system will be able to manage the expected volumes of water without causing nuisance or damage.

#### Foul Water Disposal

Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

### Pollution Prevention

The pollution of ground water and/or surface water is an offence under the Environmental Permitting Regulations (England and Wales) 2010.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

### 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: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.
- Net gains for nature: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.
- Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.

These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108. Reference should also be made to the Climate Change section of the draft National Planning Practice Guidance, in particular: “Why is it important for planning to consider climate change?” and “Where can I find out more about climate change mitigation and adaptation?”

<http://planningguidance.planningportal.gov.uk/blog/guidance/>

Additional guidance on considering climate change for this proposal is provided in an appendix at the end of this letter.

#### Advice to applicant

There is a non main river culvert crossing the site. This does not seem to have been identified in the FRA. The developer should consult with Essex County Council as Lead Local Flood Authority with regards to its location and the potential impact of this development on it, and also whether this has or could cause localized flooding issues and restriction in the SuDS design for the site.

The proposals may include landscaping within the development area. The re-landscaped land may have an impact on overland flow routes. If this is the case then these need to be explored and if there is an impact on overland flows, then adequate mitigation must be proposed.

Building Regulations have a hierarchy of surface water techniques. Infiltration systems should be utilized as a preference unless there are reasons why they cannot be used. It is then preferable to discharge at a restricted rate to a watercourse, with discharge to a sewer system the least preferred option.

#### Essex Design Team

Unfortunately, despite our best diplomatic efforts to improve the design during pre-application dialogue with the applicant, the design has not evolved sufficiently and in many areas has regressed with the latest proposals. The scheme is now far removed from the original Pegasus concept plan which had a more extensive and bolder green network for example. It is currently of extremely poor design considering the opportunity and environmental sensitivities, and we would therefore recommend refusal. On reflection the scheme appears to have been far too financially (e.g. density) driven (beyond viability) and we now think a reality check considering design approach is required from the applicant to promote good design or at least ensuring avoidance of poor design, i.e. in accordance with the *NPPF*, *Castle Point (CP) Residential Design Guidance*, *Essex Parking Standards* and national design guidance such as outlined in *By Design: Urban Design in the Planning System* and the *Urban Design Compendium*. In this respect we think even moderate density reductions are likely to bring significant improvement and which in turn will add value to individual homes.

Our more detailed comments are outlined below which build on outstanding issues from Peter Dawson's latest pre-application design comments:

#### Character

The local area is suburban and generally lacks distinctive character except for the existing woodland which is a feature of this site and surrounding plots leading to local woods. There is an opportunity to retain and respond (through good building and landscape design) to the woodland character, balanced with the need for development. We feel that woodland has been integrated to a too limited degree and on balance proposals would be unreasonably urbanising / suburbanising and not in a good way. Further related comment is provided under *Green Network* and *Housing Design*.

#### Recommendations:

- Undertake a local vernacular study to appreciate historic vernacular including materials and to inform/inspire proposals irrespective of style (modern/traditional). Also consider greater use of timber in response to woodland setting.
- Identify townscape strategy with regard to key vistas, gateways, landmarks, corners (e.g. see CP Residential Design Guidance: RDG4 - Corner Plots) of for guidance) and open space edges. For example, this might involve balconied properties overlooking woodland spaces, an attractive landmark property at the end of a key vista,
- gateway treatment off Bowers Road etc. The substation should also be moved away from its prominent vista-stopping location, assuming it is not to be dressed as an attractive landmark feature.
- Ensure streets are better defined through a better and more complementary mix of buildings and planting and using more bespoke house types especially in response to townscape opportunities.

#### Car Parking

Appropriately designed-in car parking is a key ingredient for good design. In this respect, the scheme is far too car parking dominated, being in conflict with the Essex Parking Standards (EPP) and CP Residential Design Guide (*RDG12 - Parking & Access and 5.14*). For examples, (i) front in-curtilage parking would dominate roughly half the streets in conflict with “quality urban design dictates that care should be taken that this does not result in streets dominated by parking spaces in front of dwellings” (EPP, p.37)“, 90 degree on-street parking would inappropriately dominate some streets (e.g. associated with social housing), (iii) garages are sometimes clumsily located and unnecessary intrude upon street scenes, e.g. plots 36, 100, 103 and 149, (iv) and rear communal parking courts for affordable housing would inappropriately intrude on street scenes and, unless adequate windows are provided to adjoining gable, lack natural surveillance.

Recommendations: Redesign parking in accordance with standards and spirit of Essex Parking Standards, e.g. consider greater use of side (incurtilage), (overlooked) courtyard and parallel (instead of 90 degree) on-street parking.

#### Green Network (for wildlife, amenity, walking and cycling)

The sensitive development context suggests the need for the retention of a meaningful open space/woodland network concept, supported by good landscape design and allied to recreational amenity, walking and cycling. In contrast, the proposals have incrementally watered down this potential concept (e.g. it's much reduced from Pegasus's original concept plan) so we are now just left with a relatively squeezed, poorly defined and a largely detached loop of woodland/open space of limited recreational or access use (including numerous pathway gaps).

#### Recommendations:

- Moderately increase extent of retained woodland and open space, to that of or equivalent to the original Pegasus concept plan, and ensure network links to surrounding green/wildlife networks (e.g. Catherine Road linking to Coombe Wood),
- Improve edge treatment to spaces, e.g. legible shape, fronting development, responsive architecture which provide an attractive backdrop and takes

advantage of the view, relocate parking (say to rear courtyards) and minimise roads,

- Better permeate woodland character to other streets, e.g. through well-defined tree-lined avenues.
- Better align to strategic walking and cycling network (e.g. safe route to the primary school, contributing to green routes to Coombe Wood, off-road foot/cycle routes through spaces) and fill in gaps between pathways (e.g. around the main woodland spaces and linking to streets).
- Actively define recreational use,
- Consider piled and raft foundations to increase retention of existing trees near to proposed buildings, and
- Involve specialist landscape design input.

### Housing Design

The scheme overly relies on standard (could-be-anywhere) house types – the ‘Balmoral’, ‘Canterbury’, ‘Marlborough’ etc, with no evidence they either relate to or are informed by the general local area (materials and historic vernacular) or the specific site context (woodland, topography and layout). For example, with regard to layout there is little or no design response to positively address and distinguish townscape opportunities - key vistas, gateways, landmarks, corners, open space edges - elements which would lend the development character, legibility and aid way-finding. The scheme also appears too reliant on similar format detached housing typologies of limited visual interest, often including often over-dominate garage, which, together with a lack of planting, too loosely (spatially) define the street and in a way which lacks character. For recommendations see *Character*.

### Tenure Mix

The tenure mix is too overtly visible in the design: for sale - primarily large detached ‘executive’ style houses with on plot parking, affordable – distinct enclaves of basically styled small terraced housing with communal/on-street parking.

### Recommendations:

Ensure scheme is tenure blind through improved pepper-potting and visibly comparable design quality.

### Relationship with Neighbouring Properties

Some back-to-back relationships appear too tight. For examples:

- Plots 146-7 have two storey houses with the rear elevation approximately 9m from the rear boundary of existing properties which is the minimum outlined in the CP Residential Design Guidance, whereas within this context here residents currently benefit from a woodland aspect and screening we would normally expect a 15m distance to safeguard privacy and outlook – this being the general standard adopted in the Essex Design Guide for example. Similarly, Plots 91-94 appear even closer (to a remaining house), which though backing onto the less sensitive side aspect, is probably unreasonably close considering the existing context. In both areas we would recommend replacing (too squeezed) cul-de-sacs with a more traditional and spacious street-facing arrangement.
- Plot 135 appears unnecessarily overbearing in relation to adjoining properties on The Chimes and considering the existing woodland context.

- Plots appear too close to Bowers Road considering the leafy aspect currently afforded facing properties and the potential for a more characterful street. Here we would recommend the need for a more complete/defined/widened landscape buffer relative to different sections of the street and helping form a well-defined green corridor and including showing the retention of street trees to the formal section of verge alongside Bowers Road.

Recommendations: See above points.

### Streets and Connections

This development might set a precedent for further development of nearby plots, yet might not facilitate good street design, considering proposed development would overly squeeze sections of Bower Road and Catherine Road.

The shared space approach is in principle welcomed though for many streets isn't supported by the layout, considering just one access serves most dwellings, lack of passive traffic calming measures (e.g. streamlined routes, standardised road widths and no chicanes or road narrowing) and the potential for on-street parking obstruction due to a lack of defined on-street visitor spaces.

Pedestrian links to the south are generally poorly defined and the lack of any vehicular access on this side will increase traffic (detouring) elsewhere. Further Secure by Design issues relate to the proposed pathway from Clarence Road North running to the hidden rear of newly proposed dwellings.

Recommendations:

- Show detailed drawings for improved links with regard to Bowers Road, Catherine Road, Kale Road and Clarence Road, including ensuring there are at least pedestrian links to the latter two.
- Explore with the Highways Authority also providing a vehicular entry (only access) from the south to spread the load on local streets, minimising unnecessary detouring and maximising the potential for shared surfacing.
- Redesign area of plots 143-149 so that development fronts the pathway and street.
- Consider shared surfacing approach, ensuring it is accompanied light traffic flows and passive calming measures.

### Backing-On

A number of properties back onto the street, raising Secure by Design (as well as privacy) issues, unless the street benefits from overlooking development on the other side of the street and where an adequate landscape buffer protects rear boundaries from intrusion. In this respect (i) plots 97-100 have insufficient natural surveillance and 80-90, and (ii) plots 80-90 and especially 101-102 appear particularly vulnerable and exposed without a more demonstrably appropriate landscape buffer.

Recommendation: Improve referred to landscape buffers and redesign area for plots 91-100 - removing the cul-de-sac and ensuring properties face existing streets.

Essex County Council: Education

There should be sufficient school and early years & childcare capacity in the area and therefore there will be no S106 request from an education perspective.

#### Essex Police Architectural Liaison Officer

No comments received.

#### Refuse and Recycling Manager

All the adopted roads will be fine for collection and will not cause a problem, as these can simply be kerbside collections.

Any private road, whereby the furthest house is 25m from the adopted part of the highway, a concrete collection point will be required for the presentation of the refuse and recycling.

#### Natural England

This application is in proximity to the Thundersley Great Common Site of Special Scientific Interest (SSSI) and the Benfleet & Southend Marshes SSSI, which is also classified as a Special Protection Area (SPA) and a Wetland of international importance under the Ramsar Convention (Ramsar Site).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Benfleet & Southend Marshes SPA/Ramsar site has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Thundersley Great Common and Benfleet & Southend Marshes SSSIs have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application.

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. We note that a GI strategy has been submitted with the proposal. Natural England endorses the incorporation of GI into this development as a means of ensuring sufficient open space on site, and mitigating potential recreational impacts to local SSSIs.

Evidence and advice on green infrastructure, including the economic benefits of GI, is available on the Natural England Green Infrastructure web pages.

### Protected species

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

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

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

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

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

### Local sites

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

### Biodiversity enhancements

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

### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and

capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

### Essex County Council Archaeological Observations

The Historic Environment Record shows no known or recorded archaeological deposits within the proposed development area; however, there are Iron Age, Roman and medieval finds within the surrounding area. The limited development in the area means that any undisturbed archaeological deposits within the proposed area have the potential to be well preserved.

The desk based assessment submitted with the application, undertaken by CgMs, confirms that there are no known archaeological deposits recorded within the EHER. However, there are finds and features in the vicinity. The Thames Gateway Historic Environment Characterisation shows that the development area extends over two character zones one of which has been identified as having good archaeological potential and is sensitive to change. The limited amount of archaeological knowledge in this area can also be explained by the lack of modern investigation that has taken place. The large scale development at Benfleet had no archaeological investigation undertaken prior to its development. As stated within the desk based assessment there is the potential of archaeological deposits being found in this area, however, it is unlikely that these will be of national significance.

Therefore to ensure appropriate recording of previously unknown archaeological deposits that are likely to survive within the development area the following archaeological approach is recommended in line with the National Planning Policy Framework:

**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.

#### County Planner

No Comment received

#### Essex County Fire and Rescue Service

Access for Fire Service purposes has been considered in accordance with Essex Act 198-Section 13.

The following areas appear to be accessed via 'Private Drives' which will need to comply with A.D. "B" Section 16 and in particular will need to be in accordance with the minimum carrying capacity where it is necessary for Fire Appliances to access across these drives (current gross weight of pumping appliance is 17.8 tonnes):

Plots 36, 37, 38, 95, 96, 97, 119, 120, 133, 134, 135, 136, 146, 147, 148, 149, 152, 153, 157, 158 – all of these appear to culminate in dead end situations and access needs to be achieved to within 45 metres of every part of the dwellings, with turning facilities provided to eliminate the need for fire appliances to reverse greater than 20 metres. Alternatively consideration should be given to the installation of sprinkler systems within the properties at the extremes of these distances.

Needs clarification in respect of the area denoted 'Emergency Access' adjacent to Plots 86 and 87 on the plans.

#### Essex Fire Water Supplies Co-ordinator

Following a review of the documents, additional hydrants will be required within the curtilage of the site, at positions to be decided, subject to any mains scheme the Water Authority may wish to implement.

Once you are in receipt of the proposed mains scheme, could this information be forwarded to us so that the new hydrant locations can be suitably identified.

For information, a newly installed fire hydrant must on a water main which is capable of providing the required 25 ltrs/sec (1500 ltrs/min) for the purpose of fire fighting.

#### Essex Badger Protection Group

On reading the Environmental Statement regarding the badgers, it states that the main sett is to remain and that some of the other active setts are to be closed. These setts would be used periodically during the year, closing them would cause the badgers to re-dig where the old sett was or on other parts of the development. One of the possible places for the new sett to be dug would be the gardens of the new homes.

There will be a loss of the badgers habitat and foraging territory caused by this development, therefore the badgers would be forced to use the new homes gardens or grassland within the development. This could cause problems where dogs are present. Nearby woodlands are Coombe Wood which is on the other side of the busy A13 or Thundersley Glen which once again the badgers would need to travel across busy roads to reach. Both these woods already have their own badger territories, all this makes these two woods unsuitable foraging habitats for the badgers on this proposed development site. If the badgers were to use these two woods it would likely cause a much high mortality rate through road kills then what we already have for the area.

It is planned that the existing woodland becomes community woodland, nowhere in the report do I see who is going to manage this woodland. My main concern with a community woodland is the persecution this is likely to cause to the badger population living there. Pathways going too close to the sett could cause a disturbance to the badgers, by loose dogs going onto the sett and smaller dogs going down into the sett, which could be fatal for the dog. Children playing on the sett could cause disturbance and even damage to the sett.

### Badgers & Planning

The existence of badgers and their setts on a development site must be taken into consideration, within the planning process. Local planning authorities should follow the guidance in the National Planning Policy Framework. The guidance states that local planning authorities should make sure that the impacts of planning decisions on biodiversity and conservation are fully considered. The interpretation of this for badgers means that:

1. Planning decisions should be based on up-to-date reports about the location of badger setts and their foraging grounds.
2. Planning decisions should aim to maintain, restore, or add to the badger's habitat.
3. The aim of a planning decision should be to prevent harm to the badger's territory.
4. If a planning decision was to result in causing harm to the badgers territory, and was not compensated for in the developers mitigation, then planning permission should be refused.

Local authorities need to encourage development away from where there would be a substantial negative impact on the badger population of that area.

The badger reports and mitigation measures should be made available to the planning authorities and committees and other interested parties. The badger survey should not just include the site, but also land within 500m of the site. If there is a proposed road there should be a survey of a 1km corridor, 500m either side of the centre line of that road. When mitigation measures are required they should be completed prior to any work on the site starts.

Local planning authorities have a duty to ensure that all development activities do not breach the requirements of the Protection of Badgers Act 1992. If the developers are in breach of the Act, then mitigation must be put in place to prevent this continuing.

Planning permission should only be granted when the effect on the badger population can be adequately mitigated. The density of the existing area and of the proposed development would mean that maintaining enough foraging areas for the badger population must be a significant consideration when deciding on a planning application. Badger setts should not become part of private gardens or the gardens used to compensate for the loss of foraging land in a new development. Also planning permission must not be granted where badgers will be confined to a small space with no green corridors to other foraging areas.

#### Legislative context

Section 40(1) of the Natural Environment and Rural Communities (NERC) (2006) Act places a direct statutory duty to conserve biodiversity on all public authorities. Planning authorities therefore have a legal duty to take action to protect and enhance Biodiversity Action Plan habitat and species populations when determining planning applications.

Legally protected species in England include those covered by the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should take steps to secure the long-term protection of the species populations concerned with planning conditions and/ or obligations as appropriate.

#### Castle Point Strategic Planning Policy Officer

The land the subject of application No. CPT/602/13/FUL is identified within the draft New Local Plan as a proposed housing site at draft policy H9. This follows the decision taken by the Full Council in December 2012 to identify the site for inclusion within the five year housing land supply.

The draft New Local Plan was published for consultation in January 2014. The consultation closed on the 28th March 2014. At this point in time I cannot advise you of the outcomes of the consultation; however an initial review of comments indicates that there are objections to this proposed housing allocation, which will need to be considered before a decision can be taken as to how to proceed. When a decision is taken to proceed with the New Local Plan it will then be subject to pre-submission consultation before being submitted to the Secretary of State for examination. It therefore has some way to go before it can be adopted.

The National Planning Practice Guidance states under the Local Plan heading that 'decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF'. I would suggest that given the stage in production and given that there are objections to this proposal that need to be considered, limited weight can be given to the housing proposals set out in the draft New Local Plan.

That being said, I would draw your attention to the Strategic Housing Land Availability Assessment Update 2013. This shows that the Council does not have a

five year housing land supply at present. It also shows that in order for the Council to identify a five year housing land supply, it will be necessary to release some land from the Green Belt. It will therefore be necessary for you to consider whether a) this site represents a sustainable location for development; and b) whether the need for housing represents a very special circumstance whereby development should be exceptionally permitted in the Green Belt.

In terms of sustainability, I would refer you to the evidence base which underpins the draft New Local Plan including the Sustainability Appraisal of Sites, the Green Belt Boundary Review, the Transport Modelling Report, the South Essex Surface Water Management Plan, the draft New Local Plan Sequential and Exceptions Test, and the Local Wildlife Site Review. Additionally, I would refer you to policy H9 of the draft New Local Plan. Whilst I would not advocate the direct application of this policy at this time, the criteria included within the policy are designed to improve the sustainability of development in this location based on the evidence collected, and should therefore be given careful consideration in determining an application for housing development in this area.

#### Environmental Health Officer

No objection. Requests the following information to be conveyed to the developers:

Under Pollution Act 1974 the following hours for audible construction works are enforceable:

Monday to Friday – 8am to 6pm  
Saturdays – 8am to 1pm  
Sunday and Bank Holidays – No works

#### **Public Consultation**

311 consultation responses were received which made the following comments and objections:

- Brownfield sites should be developed before Greenfield sites.
- Loss of wildlife.
- Area is a green lung.
- Area is Green Belt.
- Number of dwellings far too great and cannot be supported by existing infrastructure.
- Loss of character of the area.
- All local schools at capacity.
- Pedestrian access to schools will become more dangerous.
- Traffic congestion
- No provision within the scheme for visitor parking.
- Loss of long established trees, many of which have Tree Preservation Orders
- Minimal amount of woodland being kept.
- Proposal will destroy important archaeological history.
- Loss of privacy.
- Loss of residential amenity.
- Potential drainage problems.

- Not adequate affordable housing.
- Seeks clarification if the Bowers Road/Catherine Road junction will be closed off to road vehicles.
- Majority of the site is woodland – not previously developed land.
- Inadequate car parking provision for the development.
- Dominance and overlooking issues.
- Noise and disturbance during construction.
- Car parking area for the school as proposed during the exhibition for public consultation has no longer been provided.
- Submitted plans differ greatly from the ones shown at the public meeting (exhibition).
- Accusation that the woods are mostly used for flytipping is misleading.
- More 4 bed properties – not adequate mix to consider first time buyers.
- Will lead to increase in surface water.
- Wildlife surveys are not up to date.
- Dwelling types do not suit the agreed housing needs of Castle Point.
- High density development.
- Loss of woodland.
- Proposal not in keeping with the character of the area.
- Lack of local facilities to support the proposed development.
- Pollution from traffic.
- Noise in the area would increase.
- Trees along Bowers Road should be retained.
- If consent is granted, the unadopted section of Bowers Road should not be allowed to use for site traffic.
- Residential gardens have been excluded from being classed as previously developed.
- Issues of maintenance of Community Woodland.
- There is a so called natural spring at the top of the development in Bowers Road which is constantly flowing down to developed part of Bowers Road – Has this been assessed?
- Issues in terms of layout & density of building.
- Issues in respect of design, appearance and material.
- Contrary to previous planning and appeal decisions.
- Sewers and surface water at present overloaded.
- Large proportion of support letters are from outside the Borough.
- The issue of the river culvert identified by Environment Agency has not been looked into.
- Issues in respect of vehicular access.
- Inadequacy of parking/loading/turning will result in an increase of on-street parking off site.
- Already sewage back up and blockage in the area.
- Query regarding how the woodlands will be maintained.
- Support letters have indicated that this area is set up for drug deals which are not true.
- Over shadowing issues.
- The accident assessment period used covers a period the majority of which is prior to the road layout changes to A13 with bus lanes.

- No cognisance has been taken of traffic flows at school drop off and pick up times in the Development Impact Analysis.
- Can trees be retained on the Community Woodland areas?
- Considers that Castle Point's population has not increased in the last decade.
- Considers that the Transport Assessment is flawed.
- Proposal may be in breach of Human rights Act.
- If something could be done about mass immigration problem; no more housing would be required.
- This area is used by many local groups.
- Although does not object to the development of this area, it should be on a much reduced scale and revised access points.
- By proposing the inclusion of an attenuation pond, the developer is admitting that the drainage installed will at times not be able to cope.
- Health risks from stagnant water of the pond.
- Safety issues from the pond.
- Where will the water go when the pond overflows?
- Surface water flooding issues.
- If housing is really needed, and this site needs to be developed; limit the number of houses and exclude plans to build on plots 91-100 & 132-158.
- By allowing some areas to be developed, CPBC can keep control of planning and protect the areas that need to be protected.
- There are multiple and duplicated support entries from people who are probably friends & relatives of people who will profit from this development.
- What plans are being put forward to improve the roads in the area?
- No footpaths within the development.
- Plots 56, 91, 100 forward of the building line in Bowers Road.
- What form of barrier will be there between Kale Road and the new development to restrict access off Kale Road?
- Only 2 residents in Kale Road have been notified.
- Local Council provision of waste disposal is poor.
- Health issues from overdevelopment.
- Issues of emergency access.
- Submitted badger survey contains outdated data.
- No provision of development for ageing population.
- Accepts that the principle of development on this site has been supported, but has major concerns about the proposal.
- Landscaping proposals do not mitigate impacts on wildlife because they create pockets of open space with no connectivity between them & other areas. This precludes the free movement of small invertebrates, mammals and other biodiversity.
- No clear proposals towards achieving sustainability like water harvesting, solar gains, etc.
- No evidence that employment during construction will bring benefit to immediate area.
- Discrepancies in information about site access.
- There is not a shortage of affordable local housing for first time buyer in the area and the loss of woodland and wildlife is therefore not justified.
- Boundary ownership issues.
- No details of boundary treatments of the site.

- Benfleet has an overwhelming amount of woodland so it would not be problem if the site is used for more homes.
- The site should go ahead as it is previously developed land so that natural Green Belt areas can be saved.
- Feels there is need for more housing in the area.
- Supports the development as would like to buy a property in this development.
- Pleased to see woodland spaces open to public rather than privately owned and overgrown woodland.
- Council is way behind in respect of housing provision
- Only a few houses will be in the affordable housing bracket.
- Local services already over stretched.
- Train services at saturation point.

### **Comments on Consultation Responses**

- Since the submission of the application, the drawings have been amended by the applicants to provide a revised site boundary.
- The Education Authority has commented that there is sufficient Early Years & childcare capacity in the area.
- Noise and disturbance during construction is not a material planning consideration.
- The proposed woodland areas are a part of application site. If approval is granted for the proposal; these woodland areas would be required to be retained.
- The requirement for adequate garage sizes is discussed in the evaluation.
- Conditions recommended by the Highway Authority may be attached to any consent granted.
- The NHS contributions can be required via a S106 agreement.
- The conditions suggested by County Archaeology can be attached to any consent granted.
- Other relevant issues are discussed within the evaluation of the proposal.

### **Evaluation of Proposal**

The issues to be considered are the principle of development, design and layout, the density and mix of housing, the provision of affordable housing, highways and car parking, accessibility and crime prevention, ecology, trees, landscaping and other matters. ecological considerations, highway considerations, refuse and recycling and land contamination.

#### **(i) The Principle of Development**

The site, the subject of the application is allocated for Green Belt purposes.

Para 79 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

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

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

Para 89 of the NPPF states that a local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt; exceptions to this are:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport and outdoor recreation, for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As can be seen, paragraph 89 indicates that complete or partial redevelopment of previously developed sites need not be inappropriate, provided that this would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Turning first to the issue of whether this site might be considered as previously developed land, it is noted that the site is only partially developed with significant areas being undeveloped or providing woodland. It is not therefore considered that the site, in its entirety, may be considered previously developed land. It is not therefore considered that the proposal is fully within the scope of development envisaged by paragraph 89 of the NPPF.

The second element to consider is the impact of the proposal on the openness of the Green Belt or the purposes of including the land within the Green Belt, compared to the existing situation.

As previously identified, the site currently comprises of some 10 dwellings, with two commercial equestrian businesses with stables and a haulage yard. It is intended to replace these with 178 two/three storey dwellings with garages/parking spaces. It is clear that the scale of the proposed development would be materially larger than that

the proposal seeks to replace and as a consequence the proposal could be said to have a greater impact on openness and therefore the strategic function of the Green Belt in this location. If this view were held, then the development cannot fall within the exceptions to inappropriate development listed at paragraph 89 of the NPPF.

Based on the facts that the site is only partially developed and may not therefore be considered to be a wholly brownfield site and that the proposed development has a greater impact on the openness of the Green Belt, it is not considered that development of the site can be automatically justified on the basis of the guidance provided in the NPPF.

The proposal therefore constitutes inappropriate development in the Green Belt.

Prima facie, the proposal should therefore attract a recommendation of refusal; however, the Local Planning Authority is required to consider whether there are any very special circumstances which would justify a departure from the policy requirements.

This Authority defines very special circumstances as those which are individual or unique to the particular site, or at the very least incapable of frequent repetition.

It has been suggested within the submitted Planning Statement that the 5 year housing land supply shortage, the sustainable location of the site and the identification of the site as being suitable for development by Castle Point Borough Council's Full Council, provide very special circumstances which support the principle of the release of this land from the Green Belt.

It has also been suggested that the redevelopment of the site will provide an opportunity for the creation of community woodland which is again cited as a special circumstance justifying development of this site.

Although the provision of the community woodland would be of benefit to the local community, it is not considered that this aspect of the proposed development would result in such special circumstances in itself to justify a departure from the policy requirements.

However, the need to identify an appropriate five year housing land supply, the limited capacity of the urban area to meet all housing land needs and the decision taken by the Council on the 5<sup>th</sup> December 2012, which identified the site as being suitable for release, are considered to be very special circumstances, sufficient to justify development of the site.

Although all of the identified sites would need to be formally identified within the emerging New Local Plan, the decision taken by the Council in this respect is considered to represent a change in the circumstances of this site significant enough to represent a very special circumstance, the weight of which is considered sufficient to outweigh the harm to the Green Belt. Taken together with the other considerations examined, the principle of the proposal is considered acceptable.

Furthermore support for this approach can be found in the Written Ministerial Statement dated 6<sup>th</sup> September 2012 which states:

*As has always been the case, councils can review local designations to promote growth. We encourage councils to use the flexibilities set out in the National Planning Policy Framework to tailor the extent of Green Belt land in their areas to reflect local circumstances. Where Green Belt is considered in reviewing or drawing up Local Plans, we will support councils to move quickly through the process by prioritising their Local Plan examinations... There is considerable previously developed land in many Green Belt areas, which could be put to more productive use. We encourage Councils to make best use of this land, whilst protecting the openness of the Green Belt in line with the requirements in the National Planning Policy Framework.*

No objection is therefore raised to the proposal on Green Belt grounds.

## **(ii) Design and Layout**

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and layout and of external materials which are appropriate to its setting and which do 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.

The National Planning Policy Framework similarly seeks well designed development.

The proposal seeks to provide residential development whilst retaining two areas of woodland with a connecting green link. The original concept discussed during pre-application meetings was of a development with a much more extensive and bolder green network resulting in a residential development within a woodland setting. The submitted proposal is now far removed from the original concept; the proposed development now preserving two strips of woodland within a residential development. It is therefore considered that the proposal does not take the opportunity to retain or respond to the existing woodland character. This is regrettable, resulting in a poorer environment and a missed opportunity to create a very attractive and high quality scheme. However, whilst the original concept has been lost; the proposal still retains substantial areas of woodland (some 16000m<sup>2</sup>) and under the circumstances, where an identified need for housing is present; it is not considered that a refusal based purely on inadequate woodland setting could be successfully sustained on appeal.

In terms of access the layout provides two routes off Bowers Road with the remainder of the site being served by shared surfaces and private drives creating two main avenues and eight housing enclaves.

No vehicular access to the site is proposed from the south of the site via Kale Road or Downer Road which reduces the site permeability. However, this reflects the views of local residents, as expressed during the applicants own consultation exercise and that undertaken by the Planning Authority, which express concerns over rat running and extraneous traffic through adjoining areas. Whilst the loss of permeability is regrettable and will place all traffic pressure on Bowers Road and its access points, it is not considered that these concerns create a robust reason for refusal.

In visual terms, the attempts to limit permeability have resulted in the creation of discordant features. For example the junction of the internal roads with Downer Road at the southern boundary of the site results in an awkward, unaligned junction. Whilst the objective for such alignment is appreciated, it is considered that other methods of restricting vehicular movements could be devised which was visually more attractive and spatially logical. However, whilst disappointing, it is not considered that this provides a robust reason for refusal. No objection is therefore raised to the proposal on this basis.

Finally it is considered that the layout fails to make best use of the vistas created. For example it is noted that a proposed substation is to be located at the western end of one of the main routes across the site in a very visible and vista stopping location. It is considered that a less conspicuous location for this type of structure should be sought. Whilst a minor point, it is considered that the insensitive siting of the substation demonstrates a lack of care taken in the creation of the layout.

The proposed development provides a mix of dwellings across the site, comprising of 2 & 3 bedroomed terraced, 3 bedroomed semi-detached, 4 bedroomed semi-detached and detached houses and 5 bedroomed detached houses.

The majority of the houses are proposed as 2 storey in height, however a number of the houses are shown as 3 storey with the third floor contained wholly within the roof and served by pitched roofed dormers to the front roof plane and roof lights to the rear roof plane.

The dwellings are mainly rectangular in plan form, but there are also a number of 'L' and 'C' shaped dwellings. Detail and articulation is provided to the dwellings with the provision of flat and pitched roofed canopies over front doors, projecting gable features at first floor level, Juliette bay windows and semi-circular brick arches

In terms of materials, it is proposed to use a mix of materials comprising facing bricks, roof tiles and render. Ibstock Thakeham Red Multistock and Queensbury Yellow Stock are proposed to be used for facing bricks, Forticrete Gemini Mixed Russet and Slate Grey are proposed to be used for roof tiles and render is proposed to be in 'Silver Pearl' colour.

The properties in the surrounding area are provided with a mixed palette of materials and in principle the use of the proposed materials would be acceptable; although the opportunity to reflect the woodland setting has not been taken. The Senior Urban Design Consultant has commented that greater use of timber in response to the woodland setting should be considered. A condition can be attached to any consent requiring the submission of alternative materials. Subject to such a condition, no objection is raised to the general palette of materials proposed.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes. For new large scale

developments a different character, with varying plot sizes, can be created, however this must be accompanied by a robust design rationale.

Plot sizes for the frontage development would appear to be broadly consistent with the development in the surrounding residentially allocated area. Within the development plot sizes become more restricted in some areas, but this does not detract unduly from the character of the proposed development or the wider area. No objection is therefore raised to the proposal under RDG1.

RDG2 states that the space around all new development should be informed by the prevailing character of space around the dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern.

In forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. It should seek to provide at least 1m between properties and the boundary.

For new large scale developments a different character, with varying degrees of space around the dwellings, can be created, however this is expected to be accompanied by a robust design rationale.

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

The proposal exhibits a number of plots where two storey dwellings are located directly on the side boundary. This produces a visually mean and cramped form of development and inappropriate setting for the proposed dwellings. Examples of this can be found at Plots 81, 82, & 161. This particular deficiency in the layout was identified in the pre-application advice but has not been remedied in the submitted proposal.

Furthermore, the proximity of dwellings to boundaries also has implications for the future maintenance of properties and for the amenity of the occupiers as vehicles of the occupiers of the adjoining properties would in some cases be located immediately adjacent to the side walls of the neighbouring properties.

Such layout is considered unacceptable and an objection is therefore raised under RDG2.

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

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

In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

Whilst the proposed development creates a different character, it is considered that the proposed dwellings within the development facing Bowers Road and Catherine Road would still need to be informed by the prevailing building lines within the streetscene, thus reflecting the setting of the adjoining development and the character of the area.

The dwellings on the northern side of Bowers Road are generally set some 5 – 6m from the highway boundary. This creates an attractive spacious setting. The proposed dwellings on the southern side of Bowers Road would be set some 3m – 4m from the highway boundary whilst the dwelling on plot 55 would appear to be located on the highway boundary. The setting of the proposed development, whilst more limited than that existing to the north, is not considered so cramped that a reason for refusal on this basis could be sustained on appeal.

The dwelling on Plot 55 would appear to be located on the Highway boundary and as a consequence the dwelling has no setting. Ordinarily this layout would attract a recommendation of refusal because of the mean and cramped appearance it would lend to the development. However in this instance the proposed dwelling would in effect terminate a vista and as such it is not considered that a reason for refusal based solely on the proximity of the dwelling to the northern boundary of the site would be supported on appeal.

It is however considered that such setting demonstrates the very tight and cramped nature of the proposed development.

In terms of the impact of the proposed development on Catherine Road, it is noted that Plot 97, fronting Catherine Road, is also located right up to the highway boundary. The dwellings to the eastern side of Catherine Road provide a minimum set back of some 4.5m to the highway. The proposed location of the new dwelling, by reason of its proximity to the highway boundary would create an obtrusive and overdominant feature in the streetscene, detrimental to the character and appearance of the wider area. This feature again speaks to the overdevelopment of the site.

Within the site further examples of a poor relationship between proposed dwellings and the highway network can be identified.

Paragraph 5.5.2 of the preamble to RDG3 states that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms, and accommodating the storage and service requirements of the properties.

Paragraph 5.5.3 of the preamble states that such spaces can provide a buffer from the activities of the neighbouring public areas, such as the street or parking or servicing areas, as well as from neighbouring developments.

Within the scheme a number of dwellings are placed in very close proximity to the carriageway. Examples portraying this can be found on plots 9, 22 & 175. This situation also extends to other plots on the site. The dwellings in these instances are considered to be too close to the shared areas, providing poor defensible space and poor setting to the dwellings. The situation is exacerbated by the provision of private

drives and shared surfaces, placing dwellings in even more close proximity to vehicular movements.

This deficiency in the layout was identified in the pre-application discussions, however this issue has not been remedied in the current submission.

It is considered that the proposal fails to provide appropriate setting to the dwellings within the proposed development and results in a contrived and congested form of development, detrimental to the character and appearance of the area and detrimental to the amenity of future occupiers of the development. An objection is therefore raised under RDG3 to the proposed development.

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

Whilst the proposal provides acceptable relationships to dwellings within the development, it is considered that some of the dwellings fail to provide acceptable relationships to the existing dwellings adjoining the site. The proposed dwellings at Plot Nos. 80-90, for example have their backs facing Bowers Road the boundary of which will consequently be defined by fences and or walls, with little opportunity for landscaping, presenting a stark and very urban elevation to the street. It is not considered that this makes a positive contribution to the character and appearance of the area and whilst this does not result in any issues of overdominance or overshadowing to the properties adjoining the site in this location it does demonstrate the poor quality of the layout.

The dwellings on Plots 135 and 136 are located in close proximity to the party wall boundaries of the existing neighbouring properties; the flank wall of the dwelling at Plot 135 being located some 2.5-4m from the party wall/rear boundaries with Nos. 6 & 7 The Chimes and the rear wall of the dwelling at Plot 136 being located some 5m from the party wall/rear boundary with No. 20 Kale Road. It is considered the two storey nature of the proposed dwellings which would be located in such close proximity to these neighbouring dwellings would result in dominance of these neighbouring dwellings. An objection is therefore raised to the proposal on this basis.

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

All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.

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

Most of the corner plot dwellings within the proposed development provide bland or blank flank elevations to the return frontages. It is not considered that the proposed development has evolved applying a townscape strategy which would identify key vistas, gateways, landmarks or corners and this represents a significant deficiency in

the application which is apparent at many locations. For example, the dwelling on the corner plot at the entrance of the development at Plot 55 not only fails to provide an appropriate setting for the dwelling which would create a kind of gateway development, but also provides a bland elevation in the streetscene in Bowers Road. Similarly other dwellings proposed on corner plots fail to provide adequate interest and articulation in all the elevations facing the public realm. It is not considered that any opportunities have been taken to create feature dwellings on corner plots to enhance legibility which sometimes can be achieved even by varying the use of materials. It is accepted that the proposed development uses a varied palette of materials; however, these have not been used effectively to reflect a townscape strategy.

Furthermore, the proposal seeks to provide a 1.8m high boundary treatment comprising of either close boarded fence or brick boundary wall along the return frontages of the corner plots. Whilst in some instances, these are considered acceptable, in some instances the proposal results in long an unattractive boundary treatments. For example there are two 10m long boundary walls on either side of the dwelling at Plot 166 and a 21m long boundary wall along the return frontages of Plots 125 and 126. It is considered that the proposed boundary treatments fail to provide a good enclosure to the street in this location and fails to appropriately integrate the development into its woodland setting. As a consequence it is considered that the proposal presents a poor and confusing layout, lacking distinguishing and distinctive townscape features. An objection is therefore raised to the proposal on this basis, under RDG4.

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

The proposed development generally provides the requisite 9m space to the boundaries on most of the properties. However, the dwelling at Plot 136 only provides a distance of some 5m towards the western side, to the rear boundary. The dwelling at Plot 146 provides a distance of some 8m to the rear boundary and the dwelling at Plot 140 provides only 6m to the rear boundary. It is considered that the failure of the scheme to meet the requirements of the Policy in respect of these plots is considered likely to lead to issues in respect of loss of privacy and overlooking and demonstrates the very restrictive nature of the development. An objection is therefore raised to the proposal under RDG5.

The proposal also seeks to provide three storey houses, with provision of pitched roofed dormers to the front and roof lights in the rear elevation. In some instances the proposed roof lights do not provide the requisite distance of 15m to the rear boundary. However, these roof lights provide secondary light to the bedrooms they serve and it is considered that a condition requiring these roof lights to be fixed shut and obscure glazed can be attached to any consent granted.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development involving individual dwellings should be provided with at least 15m<sup>2</sup> of amenity space per habitable room.

The applicant acknowledges that not all of the proposed properties are provided with the requisite amenity area and has submitted a garden compliance drawing which indicates the properties which would not meet the requirements of the guidance. In the past the Authority has adopted a strong line on the provision of amenity space but in isolation this objection has not been supported on appeal. However, in this case it is considered that the inability of the site to meet minimum standards in respect of amenity area provision demonstrates again the very tight and congested form of development and supports the extant objection based on overdevelopment.

It should be noted that deficiencies in amenity area provision were identified in the pre application discussions. This matter has not however been remedied.

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

Whilst in most cases the fenestration is proposed to be aligned both vertically and horizontally, quite a few of the dwellings on corner plots do not follow this pattern. Plots 62, 75, 98, 102, 106, 110, 119, 126, 160, 162 and 165 provide three windows; two at ground floor level and one at first floor level, in the elevations along the return frontages. This sort of arrangement results in the fenestration not being balanced and proportionate.

Whilst this would not be in compliance with RDG8, it is not considered that a refusal on this basis could be successfully sustained on appeal and no objection is therefore raised.

This matter does however speak to the poor attention to detail exhibited throughout the scheme.

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

The proposal seeks to provide enclosures in form of 1.8m high boundary walls and wooden fences. Whilst no details of the brick to be used have been submitted; it is noted that this kind of boundary treatment is characteristic of residential areas. However, it should be noted, as discussed previously under RDG4, that the boundary treatment in some locations extends for long stretches which detracts from the character and appearance of the development.

The proposal seeks to provide landscaping treatment to the front of the enclosures fronting the public realm; for example, a hedge having a height of some 0.6m to 0.8m is proposed to the front of the 1.8m high boundary wall stretching along Plots 125-126. However, it is not considered that this would be adequate to reduce the impact of this long stretch of wall within the streetscene. Furthermore, it is not considered that the proposed boundary treatment adequately reflects the woodland character of the area. An objection is therefore raised to the proposal under RDG10.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all

occupiers. All communal waste points and waste storage facilities should be provided with suitable landscaping and screening.

Residents should not have to transport refuse and recycling unreasonable distances from their dwelling to the communal waste collection points or storage facilities. Such areas should be accessible for waste collectors from the point at which refuse vehicles can receive waste.

The Refuse and Recycling Officer has commented that all the adopted roads can be used for collection and any private road where the furthest house is more than 25m from the adopted part of the highway should be provided with a concrete collection point for the presentation of refuse and recycling.

Although the agent for the application has confirmed that the shared surfaces are proposed to be adopted, the Highway Authority has commented that no discussions have taken place in this respect, It is therefore currently unclear how refuse collection will be executed within the proposed estate. However, subject to the proposed highways being constructed in a manner be able to withstand the weight of a 32 tonne refuse vehicle, it is considered that the refuse collection from the estate could be achieved. Subject to a condition requiring the highways to be constructed to an appropriate specification no objection is raised to the proposal on this basis.

The submitted Refuse Strategy Plan shows a number of temporary bin storage points. No details of these have been provided. However, these can be controlled by condition.

Overall in terms of layout and design, it is considered that the proposal is far too focused on achieving the greatest number of dwellings on the site and that good design and layout has been sacrificed to achieve a higher intensity of development. An objection to the proposal is raised accordingly under Policy H9 of the Council's Adopted Local Plan.

### **(iii) Density and Mix of Housing**

Government guidance makes clear that density is a relevant consideration in the determination of applications. Policy H9 of the Adopted Local Plan is concerned with housing densities. It states that the optimum density for any site will be the number of dwellings capable of being accommodated whilst ensuring that the development will not be harmful to the character of the site and its surroundings including any natural features and attributes, and that the layout is both functional and attractive with adequate building lines, landscaping, setting for the building, and space around the building.

The application site is some 8.7ha in area and inclusive of the provision of woodland areas achieves a density of some 20.4 dwellings per hectare. Excluding the areas of the woodland which is some 1.71ha, the proposal would achieve a density of some 25.5 dwellings per hectare. This density is relatively low for an urban site; however it has resulted from the need to accommodate a number of issues within the scheme, key amongst which is the need for the site to accommodate open space and woodland.

Whilst it is acknowledged that the overall development density is low, it has resulted in a form of development that appears inappropriate and cramped. As has been demonstrated above, it is considered that the proposal fails to provide an attractive layout with adequate building lines, setting for the dwellings and space around the dwellings. An objection is therefore raised to the proposal on the basis of density of development.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements.

The proposed development comprises of a mix of two bedroomed, three bedroomed, four bedroomed and five bedroomed dwellings; these being terraced, semi-detached and detached houses. This is considered to be an appropriate mix in the locality and no objection is raised to the proposal on this basis.

### **(iv) Affordable Housing**

Policy H7 of the Local Plan is concerned with the provision of affordable housing and states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes.

The Council's Developer Contributions Supplementary Planning Document (SPD) requires the provision of 35% of affordable housing on sites on 15 proposed units or more.

The proposal seeks to provide 18 affordable units on site which is equivalent to some 10% affordable housing. This is much lower than the Policy requirement and prima facie should attract an objection. However, paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability costs. To

ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The applicants have submitted a Viability Statement to establish that the provision of affordable housing is not achievable on this site. The submitted Viability Statement appears to indicate that the development of the site would result in a net loss and states that on the basis of their submitted calculations 0% affordable housing provision is supportable. Nevertheless the applicant seeks to provide 18 units on the site.

This submission is somewhat puzzling and further consideration of the submitted viability statement suggests that further information is required in order to fully appreciate the viability of the development. In particular further information is required on:

- (i) land value i.e. comparable evidence on land values,
- (ii) build costs and how these relate to the appraisal are required. Reference is made to BCIS but more details are needed on how the figure used in the appraisal relates to it. A detailed cost plan needs to be submitted.
- (iii) infrastructure costs and how they have been costed and
- (iv) demolition costs and how they have been costed.

In addition an appraisal needs to be provided on the scheme with affordable housing at 35% to show a Policy compliant scheme and the viability gap.

In the absence of this information it is not considered that issues of viability maybe reliably determined. It is not therefore considered that the applicants have adequately demonstrated a lack of viability sufficient to justify a significant reduction in affordable housing provision and an objection is therefore raised on the basis of Policy H7.

#### **(v) Highways and car parking**

Many local residents have expressed concern over traffic implications arising from the proposed development. The Highway Authority however has raised no objection to scheme subject to a number of conditions which relate primarily to the construction, layout of the highways, monitoring fees and contributions which may be accommodated within conditions attached to any consent for the site. It should be noted that whilst in highway terms no objections are raised the requirements of the Highway Authority will have implications for the layout of the site which are not currently accommodated. For example, the Highway Authority requires private drives to be a minimum of 4.1m in width for the first 6m from the shared surface. Whilst in some instances, this is already achieved some of the private drives are quite restricted in width. It is considered that the need to widen the private drives would lead to further detriment to the setting of the dwellings. This again is considered to demonstrate the mean and cramped form of development.

In terms of parking Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the current car parking

standards. These are set out in the Essex Planning Officers Vehicle Parking Standards 2009. Standard C3 is relevant to residential development.

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

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

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

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

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

In terms of information on garage sizes the submitted documentation exhibits discrepancies. Whilst the Planning Statement states that all the garages are provided in accordance to the requisite size stated in the parking standards and the drawing 'garages plans and elevations' show internal dimensions of 7m by 3m, the garages on the site layout plan (Drawing no. 7726/04) show garages with a depth of some 6m only in many cases. Compliance with the guidance and the submitted Drawing no. 7726/04 will have implications for the layout of the site and particularly for the amenity areas of a number of dwellings. However, it is not considered that the stated deficiency in garage depth, whilst being inconsistent with the standards, would necessarily prejudice use of the garages for the parking of vehicles. No objection is therefore raised to this element of the proposal.

In many instances the proposal seeks to provide 2 or more car parking spaces to the front of the properties. Such provision would mitigate the inadequacies identified in respect of the garages but has the adverse consequence of producing a scheme which is visually dominated by car parking provision. Consideration of the layout shows that in-curtilage parking would dominate a significant proportion of the plots, particularly those providing smaller forms of development and the affordable housing provision. This results in an unattractive form of development which fails to meet the high quality of development being sought both at local and national level. Such provision does represent an objection the proposal.

In terms of the proposed parking to the front of the dwellings on the forecourts, the proposal results in varied issues in respect of safe and convenient modes of movement. The proposed parking to the front of the dwellings in some cases creates

awkward relationships with the main entrances to the dwellings. It is not considered that such an arrangement results in a safe and convenient mode of movement and given the potential inconvenience of such an arrangement it is considered likely to deter occupiers of those dwellings from parking in that location resulting in on-street parking to the detriment of traffic flows and highway safety.

Furthermore the location of some parking spaces, especially those provided on private drives will necessitate occupiers having to reverse long distances in order to reach those parts of the highway network where vehicles may be safely and conveniently turned. Plots 36, 79, 95, and 135 are examples of plots with such inconvenient parking provision. It may be noted that vehicles parked at Plot 36 would need to reverse some 46m on the private drive before being able to turn and move into forward gear.

This situation can be found in a number of locations across the site and it is considered that not only would it result in inconvenience to the occupiers of the dwellings but also result in danger to drivers and pedestrians. It is therefore not considered that the proposal results in adequate, safe and convenient parking provision for the development and again demonstrates that the site is being too intensively developed.

The Essex Parking standards require the provision of 0.25 visitor parking spaces per dwelling. The proposed development provides one visitor car parking space to serve all 178 dwellings, representing a deficiency in unallocated visitor parking of 44 spaces. However many of the larger dwellings provide three parking spaces and can therefore accommodate visitors. This is not available to occupiers of the smaller dwellings and as a consequence visitors to these properties are likely to park on the highway to the inconvenience of adjoining residents. Whilst this deficiency could be remedied to serve the existing number of dwellings, this could only be achieved at the cost of the retained woodland which is undesirable. A reduction in the number of dwellings on the site could however facilitate a solution.

The proposal seeks the provision of community woodlands with a variety of recreational facilities provided within them. Such facilities are considered likely to attract members of public from the surrounding area, many of whom may travel to the site by car. It is considered that the lack of visitor parking spaces or pedestrian links within the development is likely to either frustrate the use of these community woodlands or result in significant on-street parking by users to the detriment of the amenity and convenience of the future occupiers of the site.

In conclusion on parking provision, it is considered that whilst the general quantum of allocated parking is adequate, in many instances the relationship between the parking provision and the dwellings and adjoining highway is unsatisfactory, resulting in a car dominated environment and inconvenient and unsafe parking provision. An objection is raised accordingly.

In respect of the unallocated visitor parking provision, this is inadequate and would be likely to result in vehicles being left on the highway to the danger and inconvenience of other road users. Remedy of this situation for the proposed number of dwellings is only likely to be achieved at the cost of the community woodland which would be regrettable.

Remedy could be achieved however through a reduction in the number of dwellings provided. The scheme is therefore considered to represent overdevelopment of the site.

An objection is therefore raised to the proposal under Policies T8 and EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

#### **(vi) Accessibility and Crime Prevention**

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

The submitted Design and Access Statement states the proposed site layout ensures that all types of people will be able to gain easy access into the site, regardless of age, disability, ethnicity or social grouping.

The proposed dwellings will comply with the requirements of Part M of the Building Regulations to ensure that a level access is provided to the principle entrance of the dwelling as well as providing a ground floor W.C.

Whilst the accessibility to the dwellings would not be an issue on this basis, it is still not considered that the use of shared surface across the site would provide easy access into the site for some disabled people.

This view is supported by the 'Manual for Streets' which at para 7.2.10, states that shared surfaces can cause problems for some disabled people. People with cognitive difficulties may find the environment difficult to interpret. In addition, the absence of a conventional kerb poses problems for blind or partially-sighted people, who often rely on this feature to find their way around. It is therefore important that shared surface schemes include an alternative means for visually-impaired people to navigate by.

Furthermore, the 'Manual for Streets' at Paragraph 7.2.14 states that subject to making suitable provision for disabled people, shared surface streets are likely to work well in short lengths, or where they form cul-de-sacs.

The proposal fails to provide any alternative means of access for visually impaired people. Furthermore, the shared surfaces are proposed for significant lengths serving most of the development. Concern is therefore raised in respect of the extensive use of shared surfaces

An objection is therefore raised to the proposal on the basis of Policy H11 of the Council's Adopted Local Plan.

Policy EC5 of the Adopted Local Plan relates to crime prevention. It states that the Council will expect new development schemes to have regard to the desirability of

minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

The 'Safer Places - The Planning System and Crime Prevention' guidance document recommends that seven attributes of sustainable communities are particularly relevant to 'crime prevention'. These include:

- Access and Movement
- Structure
- Surveillance
- Ownership
- Physical Protection
- Activity
- Management and Maintenance

The submitted Design & Access Statement states that the proposal responds to Secured by Design Criteria, by the creation of the following:

- All spaces are well defined as either private or public which is secure.
- All areas of development are overlooked by dwellings, thus providing natural surveillance.
- Footpaths and accesses are well located with secondary escape routes limited.
- Areas of open spaces are generally overlooked and will be planted with species to provide protection of dwellings curtilage where necessary.
- Parking is predominantly on plot where there is good surveillance.
- Various pedestrian routes have been created and maintained within the proposal to give permeability to the site layout, which will encourage pedestrian movement around the site and natural community surveillance.

The proposed layout is considered capable of meeting the seven attributes. No objection is therefore raised to the proposal on this basis.

## **(vii) Ecology**

Nature conservation and the protection of the natural environment of the application site and wider surroundings have previously been, and continue to be, a major planning consideration in the securing the proper development of this site. These issues are interrelated and as such will be discussed in detail together.

There are a number of provisions contained within the Adopted Local Plan and in the National Planning Policy Framework which need to be considered in the determination of the application. These are set out below.

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

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

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

Policy EC21 of the Adopted Local Plan is concerned with woodland management and Tree Preservation Orders and states that the Council will encourage the maintenance of existing woodlands through appropriate management.

Policy EC22 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.

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

Paragraph 109 of the NPPF states:

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

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

In paragraph 118 it states:

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

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

Whilst the site itself is not identified as an important wildlife habitat it contains significant woodland 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.

Natural England had initially expressed concern in respect of the impact of the proposed development on nearby nationally designated sites. On consideration of the detailed scheme however Natural England has now confirmed that the proposal would have no adverse impact on any statutorily protected sites or landscapes and has no objection to the proposal. It does however advise the Planning Authority to consider the proposal in the light of its standing advice on protected species.

The applicants have submitted an ecological survey of the site the findings of which reveal that the site itself comprises buildings and hardstanding, broadleaved woodland, scattered trees, mature trees, scrub, tall ruderal vegetation, amenity grassland, neutral grassland, amenity planting and ponds.

The habitats identified have been categorised as being of moderate local ecological value supporting a modest faunal interest, with six Badger setts present. Small roosts of common bat species were also recorded in three buildings and the site was noted to be utilised by a number of common bat species for foraging and commuting.

The site was also noted to support a range of common bird and invertebrate species.

In terms of ecological measures to be taken to facilitate development, it is intended to manage the retained woodland to enhance its biodiversity value and to maintain the main badger sett present on the site. It is however intended to remove the other five setts which comprise annexe, subsidiary and outlier setts, two of which are recorded to be inactive. The Ecological Report states that although there will be some loss of foraging opportunities, suitable setting habitat will be available within retained woodland within the site. The report also states that mitigation measures will be introduced during construction and post development in order to protect the badgers on the site.

It is further intended to provide bird and bat boxes, tiles and/or bricks across the site in order to compensate for the loss of bat roosts arising from the development of the site.

Whilst the provision of bird and bat boxes are considered a reasonable response to the need to compensate for lost bird and bat habitat on the site, it is not considered

that the measures proposed in respect of the badgers are acceptable. The submitted documents do not indicate the number of badgers present on the site or the extent of the current foraging area. It does however suggest that the badgers will not be adversely affected by the loss of five of the existing six setts and that the significant loss of foraging area can be compensated for by the badgers foraging over a wider area. Land to the east and at Thundersley Glen and to the north at Coombe Wood are specifically identified as suitable sites to provide such foraging areas. This response seems entirely unsatisfactory. The areas of land identified are beyond the control of the applicant and their availability for foraging cannot therefore be guaranteed by the applicants. Furthermore, it assumes that these areas provide suitable forage, that there are no badger clans on the adjoining land and that the 'Felstead badgers' will be free to forage in these areas and not come into conflict with other groups. In the absence of any studies to indicate the biodiversity of the adjoining land and the presence and size of badger groups in adjoining areas it is not considered that reliance can be placed on the applicant's suggestion and the welfare of the badgers cannot therefore be safeguarded with any certainty. Such proposals do not therefore represent adequate mitigation.

In addition foraging within Coombe Wood would require badgers to cross the A13. It is not considered that such action may be safely undertaken.

The applicants state that areas of woodland would be retained within the site and that these can provide foraging areas for the Badgers. However, it is clear from the submissions that the primary purpose of the woodlands is to provide a community recreational facility with a number of sport and recreational facilities provided and events and activities arranged within it. Whilst some of these activities are educational in nature, introducing school children in particular to nature and nature conservation, concern is raised over the capacity of the retained woodland to fulfil these requirements whilst at the same time providing safe and secure habitat for protected species.

Mitigation in respect of preventing interference with the single retained badger sett seems to be restricted to the planting of brambles and similar plants in a 20m zone around the sett, although in some instances such planting would appear to conflict with trails and footpaths to be provided through the woodland.

In the light of these concerns it is not considered that the needs of the badgers in particular have been properly considered in the layout and an objection is raised accordingly under Policies EC13 of the adopted Local Plan and paragraph 118 of the NPPF.

It is noted that whilst the ecological report makes reference to the fact that the site provides habitat for many common invertebrate species no mitigation measures are proposed for these species.

Similarly no reference is made to reptiles.

It is not possible therefore to conclude that the ecological implications of the proposal have been fully considered.

#### **(viii) Trees**

The application site is the subject of a Tree Preservation Order (TPO/7/92) and is otherwise heavily treed. An arboricultural report was therefore submitted which identifies the trees that will need to be removed as a part of the proposal. This includes areas of woodland inclusive of an area that is the subject of a Tree Preservation Order as well as many other mature and semi-mature trees.

The proposal would retain a canopy cover of some 10064m<sup>2</sup> of the existing woodland and new trees are also proposed as a part of the proposed landscaping scheme. However, the proposal would still fail to reflect the original concept of an arcadian scheme of residential development set in a woodland setting. As such the proposed significant loss of trees would result in the loss of the character of the site and the area and this is regrettable. However, the principle of the development of this site for residential purposes has already been accepted and the loss of woodland/trees is necessary to achieve any residential development on this site.

Whilst the loss of woodland would be likely to have a significant impact on the character and appearance of the site, it is noted that a number of trees are to be retained and appropriate protection would be provided to these trees during the construction process.

Whilst the loss of trees/woodland on site is regrettable, it is not considered that a refusal on this basis could be successfully sustained on appeal, given the identified need for housing and the specific identification of this site as a site suitable to contribute towards meeting that need.

No objection is therefore raised to the proposal on the basis of loss of trees under Policy EC21 of the adopted Local Plan or national guidance as contained in the NPPF.

## **(ix) Landscaping**

RDG11 of the Residential Design Guidance states that the public realm contained within large scale residential development should be set out in a landscaping scheme.

Landscaping schemes are expected to include planting plans, identifying plant species, types, sizes, numbers, densities, planting regime and aftercare.

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

A landscaping scheme has been submitted as a part of the application. Trees, shrubs, hedges, herbaceous plants and grassed areas are proposed as a part of the landscaping scheme. These are of varied species and mostly perennial in nature. Whilst it is proposed to provide substantial planting within the development, it is not considered that the woodland character has been adequately permeated to the streets e.g. through well defined tree-lined avenues. The provision of forecourt parking on most plots even further exacerbates the lack of woodland character within the streets.

Furthermore, the proposal only seeks to provide a small strip of landscaped area along Bowers Road. It is considered that such minimal landscaping along the Bowers Road frontage fails to adequately promote the site as a development in a woodland setting and produces a stark and unattractive feature to Bowers Road.

The proposal in its entirety fails to integrate the woodland character of the site within the proposed development and an objection is therefore raised under RDG11 of the Residential Design Guidance.

## **(x) Other Matters**

### **(a) Infrastructure**

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

The Highway Authority and the NHS have both requested contributions in relation to the proposed development. Such contributions can be secured through a Section 106 Legal Agreement attached to any consent granted.

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

Table G.13 of the Adopted Developers Contributions SPD details information with regard to the provision of space for young people and children. The document further states that there is poor provision for this group and recommends that the Council seek new provision where possible and appropriate. Where new development increases local need developers will be required to contribute towards the long term costs of maintaining such facilities.

Natural England also endorses the provision of Green Infrastructure in its response.

The application includes the provision of community woodlands with play areas within the site. The total public green space to be provided within the site, as stated in the King John's Community Woodland Strategy is some 17,100m<sup>2</sup>. The provision of these areas would meet the open space needs of children and young people on the site. The maintenance and management of these areas is to be secured through a Section 106 Legal Agreement.

### **(b) Amenity**

Policy EC3 of the Adopted Local Plan is concerned with residential amenity. It states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

It is not considered that the proposed development would result in such significant detriment to the surrounding residential amenities on the basis of traffic, noise, fumes or other forms of disturbance that a reason for refusal on this basis could be successfully sustained at appeal.

### **(c) Sustainability**

The applicant has submitted a Sustainability Statement which states that the whole site will achieve the energy performance targets set by Part L1A of the Building Regulations. Such development would meet the energy performance standards equivalent to the Code for Sustainable Homes Level 3 mandatory energy and carbon emissions targets.

Consideration has also been given to water efficiency which would include measures such as provision of water butts, provision of low water consumption toilets and water efficient appliances.

Materials can have a significant impact on environmental performance, both in construction, but also ongoing use. Through construction, where those materials are sourced from, the means of extraction and manufacture, how far they travel and so forth; all have varying effects on the environment.

It is proposed to source locally available building materials and to source timber from well managed and licensed European sources to reduce transportation. It is considered that adherence to these measures will facilitate the sustainability of the site.

Management of waste in the design of buildings is proposed to be delivered by the adoption of standardised building components and modular construction methods where possible. This would avoid wastage during the construction process. Off-cuts and unavoidable waste material will be segregated for recycling or safe landfill disposal as appropriate.

A Site Waste Management Plan has been submitted as a part of the application. Subject to this being fully implemented no objection is raised to the proposal on the basis of sustainability.

#### **(d) Flood Risk and Drainage**

Anglian Water, Essex & Suffolk Water and the Environment Agency were consulted on the application.

Anglian Water is responsible for the foul sewerage system in the area and has stated that there are no assets owned by the Anglian Water or those subject to an adoption agreement within the site boundary.

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

Anglian Water has also commented that the preferred method of surface water drainage would be to a sustainable drainage system with connection to the surface water system seen as a last resort.

The Environment Agency has also commented in relation to surface water drainage, and having reviewed the submitted Flood Risk Assessment (FRA), has no objection in principle to the development. It did however request the imposition of several conditions on the grant of any consent.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires all areas of hardstanding to be designed in a manner to limit surface water runoff.

The proposal seeks to provide shared surfaces and other hardsurfaced areas within the development. The impact of these in respect of surface water run-off therefore needs to be considered.

No information has been submitted as a part of this application on the type of material to be used for the shared surface or the hardstandings.

Some information on how the surface water will be dealt with has been provided in the submitted Flood Risk assessment. However, there is some conflicting information in respect of the surface water disposal; at paragraph 6.10 the report states that each network drains to an existing Anglian water manhole and the Drainage Strategy Plan within Appendix F shows the provision of conveyance swales and pipes which lead water to the proposed pond. Furthermore, it shows the provision of geo-cellular storage which is proposed to be maintained by a private management company appointed by the developer. It is not clear from the

submission therefore as to the manner in which the surface water disposal is to occur.

Furthermore, no details of the proposed pond have been provided other than the statement that it would have a capacity of some 375m<sup>3</sup>. No details of the depth of the pond or the treatment of the edges have been provided to consider safety risks. Also, more details are needed in respect of instances when this pond would overflow.

From, the details submitted, it is not considered that flood risk arising from the development of the site can be determined.

The Environment Agency has also commented that there is a non main river culvert crossing the site. This is not identified in the FRA and the applicants have stated that such culvert does not exist. In view of the inconsistency between the parties, it is considered that greater investigation of this aspect of the proposal is required and the potential impact of such culvert appropriately considered.

### **(e) Contamination**

Paragraph 109 of the NPPF states that new development should not put at unacceptable risk from, or be adversely affected by soil, air, water, noise pollution or land instability.

The applicants have submitted a Phase I Geo-environmental Assessment Report with the planning application. Although this desk study did not reveal any significant on-going potential sources of contamination on or off-site, it recommends further investigation works and risk assessment. It is considered that a condition can be attached to any consent granted requiring a submission of such further investigation and appropriate mitigation.

An Air Quality Scoping Report has also been submitted which concludes that the impact of the development on air quality is considered to be insignificant.

An Initial Construction Noise Assessment for Proposed Residential Development has also been submitted which concludes that it is not envisaged that construction noise will exceed 65dB(A) at closest receptors.

The Environmental Health Officer has not objected to the proposal on the basis of air quality or noise impact.

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

### **Conclusion**

Residential development of the site has been identified as inappropriate development in the Green Belt, which would normally attract a recommendation of refusal.

However, inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances. In this instance, the site has been identified as forming part of the Council's five year housing land supply and this is

considered to amount to the very special circumstances needed to justify the otherwise inappropriate development.

This factor alone however does not outweigh the objections raised to the proposal on the basis of overdevelopment of the site as demonstrated by the poor layout, provision of inadequate isolation spaces, poor setting in the streetscene, the consequent cramped urban appearance and domination of the proposed development by car parking.

Furthermore the scheme fails to make appropriate provision of affordable housing. In the absence of a robust viability report to demonstrate that the requisite levels of affordable housing cannot be achieved an objection is raised to the proposal on this basis.

In addition it is not considered that adequate consideration has been given to the impact of the proposal on badgers present on the site.

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 the application be **REFUSED** for the following reasons:

1. The proposal represents unacceptable overdevelopment of the site as demonstrated by the poor layout, provision of inadequate isolation spaces, inadequate private amenity depths, poor setting in the streetscene, provision of inadequate amenity areas, the consequent cramped urban appearance and the domination of the proposed development by car parking contrary to Policies EC2 and H9 of the Council's Adopted Local Plan, RDG2, RDG3, RDG5, RDG6 and RDG12 of the Residential Design Guidance and National Guidance as contained within the National Planning Policy Framework and Guidance .
2. The proposal fails to create feature dwellings, designed to turn corners, on corner locations within the site. The proposed dwellings on corner plots fail to provide adequate interest and articulation in all the elevations facing the public realm. The proposal is considered to present a poor and confusing layout, lacking distinguishing and distinctive townscape features contrary to Policy EC2 of the adopted Local Plan, RDG4 of the Residential Design Guidance and Government Guidance as contained in the National Planning Policy Framework and Guidance.
3. The proposal, by virtue of its relationship with the neighbouring dwellings to the south at Nos. 6 & 7 The Chimes and No 20 Kale Road would be likely to lead to undue dominance of these properties to the detriment of the amenity of the occupiers thereof, contrary to Policy EC2 of the adopted Local Plan, RDG3 of the Residential Design Guidance and Government Guidance as contained in the National Planning Policy Framework and Guidance.
4. The proposed development fails to adequately address boundary treatments on corner plots resulting in long stretches of boundary walls/fences along the return frontages in many locations. It is considered that this results in an obtrusive and unattractive form of development detrimental to the character of the streetscene contrary to Policy EC2 of the Council's Adopted Local Plan, RDG10 of the

Residential Design Guidance and Government Guidance as contained in the National Planning Policy Framework and Guidance.

5. The proposal fails to provide adequate affordable housing on site contrary to Policy H7 of the Council's Adopted Local Plan and the Developer Contributions Supplementary Planning Document.
6. The proposed provision of car parking spaces to the front of dwellings in some instances result in the blocking of the entrance doors. It is considered that this situation is likely to dissuade the occupiers of these dwellings from parking in that location, leading to increased parking on the highway, to the detriment of the amenity of the adjoining residents and the safety and convenience of the other highway users contrary to Policy EC2 of the Council's Adopted Local Plan.
7. The proposed development fails to provide adequate unallocated visitor parking spaces within the development. It is considered that this would lead to vehicles being left on the highway, to the detriment of the character and appearance of the estate and the amenity of adjoining residents and to the danger and inconvenience of other road users, contrary to Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.
8. The proposal, by virtue of the provision of shared spaces and the non-availability of alternative means to navigate by, fails to ensure accessibility to the site to some disabled people contrary to Policy H11 of the Council's Adopted Local Plan.
9. The proposal, by virtue of the absence of clear and adequate details in respect of the surface water disposal and identification of the culvert identified by the Environment Agency fails to demonstrate that flood risk would not be increased on the site, contrary to Government guidance as contained in the National Planning Policy Framework.
10. The proposal by reason of the limited landscaping proposals fails to adequately promote the site as a development in a woodland setting and by virtue of very limited landscaping within the scheme and along Bowers Road results in a stark and urban form of development, in conflict with the original woodland concept for the development of the site and detrimental to the character and appearance of the area contrary to Policy EC2 of the Council's Adopted Local Plan and RDG11 of the Residential Design Guidance.
11. The proposal fails to demonstrate full consideration of the ecological implications of the development or provide appropriate mitigation of the impact of the proposed development on a protected species, contrary to Policy EC13 of the adopted Local Plan and Government Guidance as contained in the National Planning Policy Framework and Guidance.

**DEVELOPMENT CONTROL COMMITTEE**

**6<sup>th</sup> May 2014**

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

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**Introduction**

This is the eleventh enforcement report presented to the Development Control Committee in order to ensure that the Committee is aware of all formal planning enforcement action and investigations that have been undertaken by the Council's Planning Enforcement Team.

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.**

***396 London Road, Thundersley***

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

However, the trial was deferred to enable the defendant to submit an application to vary his planning permission. A payment of £2450.00 towards the Council's costs was also paid by the defendant. The application was refused and the trial subsequently took place on 9<sup>th</sup> December 2013 at Basildon Magistrate's Court.

The defendant changed his plea to guilty at a very late stage and was directed to pay a £2,000.00 fine, £3827.25 in legal costs to the Council and a further £120.00 victim surcharge, a total of £5947.25.

Since the defendant appeared in court a planning application for residential development, which incorporates this site, has been approved. Works to develop the land have commenced, however, these works will be phased and the redevelopment of 396 London Road is not anticipated for some time. In view of this situation the defendant sought an informal opinion from Officers on whether an application to

continue to trade on the site in breach of earlier restrictions in the interim would be favourably received.

The defendant was advised that whilst an increase in the number of vehicles offered for sale on the site would not be recommended favourably further enforcement action would not be recommended to the Council in relation to the number of cars on site if it was not expedient to do so.

However, the defendant has also been advised that the Council reserves the right to review its position, depending on site circumstances.

The Council's file on this case will remain open until the site has been redeveloped.

### ***43 Ivy Road, Benfleet***

An enforcement notice issued in respect of a storage container installed in the front garden of this residential property was issued on 5<sup>th</sup> November 2013. The container has been removed and the case is now closed.

### ***Thistleyfield, r/o Orchard Place, Arterial Road, Rayleigh***

An enforcement notice was issued on 3<sup>rd</sup> October 2013 against the inappropriate use of this Green Belt site for the storage of vehicles, caravans, plant, containers and building materials. The items have been removed and the unauthorised use of the land has ceased. The case is now closed.

### ***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 12<sup>th</sup> February 2013. No appeal was lodged however a planning application for an alternative scheme was subsequently approved. This development has been carried out and the case is now closed.

### ***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 7<sup>th</sup> December 2012. The notice required the unauthorised use to cease and the building to be demolished. The subsequent appeal was dismissed on 9<sup>th</sup> October 2013. The notice has been complied with and the case is now closed.

### ***571 London Road, Hadleigh***

Enforcement action in respect of three unauthorised dormers at this site was upheld on appeal and successfully concluded in April 2012. However, the use of the site in connection with the motor trade and for the stationing of a mobile home in the rear garden became the subject of a fresh notice on 28<sup>th</sup> January 2013. The use of the site in connection with the motor trade ceased last year. The mobile home has now been removed and the case closed.

## ***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 22<sup>nd</sup> October 2012. The subsequent appeal was dismissed on 23<sup>rd</sup> October 2013. The fence has been reduced in height and the outbuilding removed. A retrospective planning application in respect of the retention of the hardstanding was approved on 20<sup>th</sup> March 2014. The case has now been closed.

## ***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 7<sup>th</sup> August 2013. The notice required 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 was lodged and the occupiers have now complied with the requirements of the notice. The case is now closed.

## **New Enforcement Action**

### ***36a Rattwick Drive, Canvey Island***

An enforcement notice in respect of the erection of a flat roofed building for use as an independent residential dwelling was issued on 6<sup>th</sup> January 2014. The site, which is very narrow, previously formed part of the curtilage of a semi detached dwellinghouse. The notice requires the building to be demolished and the exposed external wall of the semi detached property to be made good. An appeal against the notice has been lodged and the decision is awaited.

An application for the retention of the structure as an annexe to the main dwelling is currently under consideration.

## **Outstanding Notices**

### ***48 High Road, Benfleet***

Members will recall that internal works required by the enforcement notice in respect of this premises were not, in the opinion of the Council, satisfactorily carried out. Negotiations failed to resolve the matter and the Council issued a summons. The defendant pleaded not guilty on 18<sup>th</sup> October 2013 at Basildon Magistrates Court and asked for the case to be heard at the Crown Court. The trial is scheduled for 27<sup>th</sup> May 2014. Discussions are still proceeding in an attempt to resolve this matter.

### ***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 25<sup>th</sup> June 2013. No appeal was lodged in response to the notice however two planning applications for alternative schemes were submitted for consideration.

One of these schemes included an amended external staircase and this application was refused permission. The subsequent appeal was allowed on 8<sup>th</sup> January 2014

subject to a condition that the scheme was implemented within 6 months of the decision date. Officers will continue to monitor progress to secure compliance with the approved drawings.

### ***Yard off Fane Road, south of Lychgate Farm, Thundersley***

On 10<sup>th</sup> April 2013 an enforcement notice was issued in respect of the storage of vehicles and the depositing, sorting and processing of materials. No appeal has been lodged. A site visit in September 2013 confirmed that good progress had been made in remediating the land and to assist the occupier in completing these works the compliance date was extended to 18<sup>th</sup> January 2014.

Following further progress by the applicant the compliance date was extended by mutual agreement until the end of the Easter bank Holiday. The occupier has advised that labourers will be hired to complete the work. The Council has requested evidence to show that the works have been undertaken in accordance with the requirements of 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 24<sup>th</sup> October 2011. The requirements of the notice were not met and the Council took legal proceedings against the occupier. The case was heard in the Crown Court and for technical reasons the defendant was found not guilty.

A revised enforcement notice was issued on 13<sup>th</sup> June 2013 and subsequently appealed by the occupier. However, a change in appeal procedure from written representations to an inquiry resulted in the appellant withdrawing the appeal.

Officers took the view that unnecessary work had been incurred in processing the appeal and submitted an application for an award of costs. This has been successful and the appellant must now pay the Council costs from 23<sup>rd</sup> August 2013 in respect of the appeal.

The appellant has until 6<sup>th</sup> June 2014 to comply with the requirements of the notice.

### ***Land east of Lychgate Farm, Arterial Road, Rayleigh***

An enforcement notice in respect of Green Belt land used for the storage of a static home, touring caravan, container and other miscellaneous items was issued on 7<sup>th</sup> November 2013. The notice requires the land to be cleared and the hard surfacing and fencing to be removed. No appeal has been lodged and the occupier has until 31<sup>st</sup> May 2014 to comply with the notice.

### ***Janda Field, Fane Road, Thundersley***

Planning permission for a change of use of this land to three Traveller pitches was refused consent on the 4<sup>th</sup> December 2012. An enforcement notice for the cessation of the use was subsequently issued on 5<sup>th</sup> December 2012. Both the enforcement notice and refusal of planning permission were appealed and a hearing took place

on 1<sup>st</sup> May 2013. On 9<sup>th</sup> July 2013 the Secretary of State advised that he would be determining these appeals rather than an Inspector. To date no determination has been made.

***'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 10<sup>th</sup> 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. A retrospective planning application for the retention of these structures (CPT/647/13/FUL) was approved on 17<sup>th</sup> April 2014.

***196 High Road Benfleet***

An enforcement notice in respect of a barbers shop and a self contained two-bedroomed residential unit of accommodation at the above site was issued on 25<sup>th</sup> March 2013. The subsequent appeal was dismissed on 21<sup>st</sup> November 2013. The owner has until 21<sup>st</sup> May to meet the requirements of the notice.

***Land at Keswick Road, Benfleet***

This site is located at the junction of Keswick Road and Church Road Benfleet. An enforcement notice in respect of the removal of gates and a fence to the boundary of the site with Keswick Road was issued on the 9<sup>th</sup> March 2011. The notice was not complied with and legal proceedings to secure compliance were 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 11<sup>th</sup> July 2012.

The unauthorised fence and gates have now been removed and a more suitable boundary enclosure, which has been granted planning permission, erected in its place.

A second notice in respect of the use of the land for the deposition and storage of materials and various items was also issued 11<sup>th</sup> July 2012. Significant progress has been made in clearing the site, and it is hoped that this will be completed shortly.