

ITEM 3

Application Number: 20/0753/FUL
Address: 458 London Road Benfleet Essex SS7 1AW
(Boyce Ward)
Description of Development: Demolition of existing building and erection of three-storey building containing 10No. affordable housings units with car parking
Applicant: R Ali
Case Officer: Mr Keith Zammit
Expiry Date: 08.03.2021

Summary

The application seeks permission for replacement of an existing single storey building located within the Green Belt with a three storey block of 10 flats. The accommodation proposed would be affordable housing for which there is a continuing demand and shortfall of provision.

The replacement building would have a materially greater impact than the existing building and result in substantial harm to the openness of the Green Belt due to the very strong contribution this site makes towards north/south Green Belt linkages and in maintaining the strategic gap between the urban areas at the bottom and top of the hill, which at its narrowest extent is approximately 450m wide.

The proposal therefore constitutes inappropriate development and would be contrary to national guidance set out in the National Planning Policy Framework (the Framework). Though pressing, in accordance with ministerial statements, the need for affordable housing is not considered to outweigh the harm to the Green Belt resulting from the proposal and therefore the very special circumstances necessary to approve the proposal do not exist. The application is therefore recommended for REFUSAL.

Site Visit

An organised site visit for members would not be appropriate during the current Covid-19 pandemic, but members may nonetheless wish to visit the site alone to appreciate the site in its context. Being located on a main road near to the council offices it is anticipated that members will be reasonably familiar with the location and setting.

Introduction

The site is located on the southern side of London Road, some 47m west of the junction with Glen Road.

The site is currently occupied by a single storey former dwelling which has been used as a restaurant/takeaway for in excess of fifty years and has a large hard surfaced open parking area with access directly off London Road.

The site has been extended in recent years as the parking area extends further south than it used to. Following queries raised with the applicant, they have shown that they have title to the land the subject of this application.

To the south and immediately to the west the site is bound by undeveloped land, which has a tree preservation order on it, TPO 28/2018, with a woodland designation. Further to the west is the Thundersley Christian Spiritualist Church. Beyond this is a scattering of dwellings set within large plots, which is typical of the type of plotland development found within the Borough.

To the west of Catherine Road, is a new development of flats at 396 – 408 London Road. The circumstances of this development are relevant to consideration of the current proposal and will be referred to in the evaluation of the current proposal.

To the north a single storey dwelling is located within the southern fringe of Coombe Wood, an ancient woodland, whilst to the east the site abuts the curtilage of a part two storey dwelling located on a large site fronting Glen Road.

Although the site is set near to the summit of Bread and Cheese Hill it is actually on fairly level ground.

The Proposal

This is a revised scheme for the residential redevelopment of the site for affordable housing use. Ten flats in total are proposed with 3 x 2No. bedroom units on the ground floor, 4 x 2No. bedroom units on the first floor and 2 x 1No. bedroom and 1 x 2No. bedroom in the dummy pitched roof.

The proposed materials are yellow brick with a red soldier course and white render. A slate roof is proposed, but it is not known at this stage whether this is a natural or synthetic slate.

Vehicular access would be provided to 10 car parking spaces at the rear of the building. Landscaped areas around the building are shown, laid to lawn punctuated with a few trees.

Supplementary Documentation

The application is accompanied by a supporting Design and Access statement which is available to view on the council's website.

Planning History

The site has significant history of refused planning applications related to the commercial use of the site, the majority of which attests to the location of the site within an area allocated for Green Belt purposes.

In December 2017 an application, hereafter referred to as 'the first application', to replace the existing building with a four storey building containing 14 apartments (17/0765/FUL) was refused for the following reasons:

- (a) The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated to justify the proposed development, which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.
- (b) The proposed development, by virtue of its mass, height and proximity to the highway boundary would be provided with a poor setting and create an unduly dominant and oppressive feature in the street scene, at a point close to the crest of the hill and in an area characterised by small scale development and heavy vegetation, contrary to Policy EC2 and H17 RDG8 of the adopted Local Plan and Residential; Design guidance and Government advice as set out in the National Planning Policy Framework.
- (c) By virtue of the proximity of the proposed building to the front elevation and its overbearing height it is considered likely that the occupiers of the bungalow opposite would experience undue overlooking, loss of privacy and domination to the detriment of the amenity of the

occupiers of that dwelling, contrary to Policy EC2 and Policy H17 RDG5 of the adopted Local Plan and Residential Design Guidance and Government guidance in respect of the provision of high quality built environments, as set out in the National Planning Policy Framework.

- (d) By virtue of the inadequate provision of private amenity space within the scheme to serve the outdoor needs of future residents of the site, the proposal represents overdevelopment of the site contrary to Policy EC2 and H17 RDG6 of the adopted Local Plan and Residential Design Guidance and Government advice as set out in the National Planning Policy Framework.

In February 2019, an application for 11 flats, hereafter referred to as ‘the second application’ (18/0605/FUL) was presented to committee with a recommendation of refusal based on Green Belt grounds. However, the committee resolved to grant permission for the development subject to the provision of affordable housing.

In the months that followed the applicant was unable to show title to the entirety of the land needed to carry out the development, so the relevant legal agreement could not be completed and the planning application was eventually disposed of without the issuing of any permission.

The site the subject of the current application, to which the applicant can show title, is smaller than in the previous schemes.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019)

Sections 5, 9, 11, 12 and 13

Adopted Local Plan

EC2 - Design

EC13 - Protection of wildlife and their habitats

EC22 - Retention of trees, woodlands and hedgerows

H10 - Mix of development

H13 - Location of Development

H17 - Housing development – design and layout

T2 - Intensification of Access Use

T8 - Car parking

CF14 - Surface water disposal

Residential Design Guidance (2013)

RDG2 - Space around Dwellings

RDG3 - Building Lines

RDG5 - Privacy & Living Conditions

RDG6 - Amenity Space

RDG7 - Roof Development

RDG8 - Detailing

RDG10 - Enclosure & Boundary Treatment

RDG11 - Landscaping

RDG12 - Parking & Access

RDG13 - Refuse & Recycling Storage

Essex Parking Standards September 2009 (Adopted June 2010)

Technical housing standards – nationally described space standard

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS, 2020)

Emerging Local Plan (2019)

HO4 – Securing more affordable housing

DS1 – General design principles

TP5 – Highway impact

TP7 – Parking provision

NE5 – Ecologically sensitive and designated sites

CC3 – Non-tidal flood risk management

Consultation

Essex Police (Designing out crime) – Would like to see the applicant seek to achieve a Secured by Design accreditation.

Natural England – Development is within the scope of the Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy.

Refuse and recycling – No objection

Environmental Health – Condition requested for contaminated land remediation and additional information about heating and ventilation systems.

Anglian Water – No objection to proposed wastewater flows. Advice of Lead Local Flood Authority or Internal Drainage Board should be sought in the relation to the surface water drainage.

Lead Local Flood Authority – A holding objection has been issued. The information provided does not allow the development to be assessed.

Highways – No comments received

Public Consultation

The following comments have been made:

- ☐ Lack of parking
- ☐ Creation of more traffic hazards/accidents
- ☐ Increased pressure on local infrastructure
- ☐ Out of keeping with the surrounding woodland area
- ☐ Green Belt land
- ☐ Loss of privacy to neighbours
- ☐ Insufficient amenity space

Comments on Consultation Responses

Heating and ventilation are adequately controlled by the building regulations so there is no reason to exercise additional planning control over these matters. A condition seeking further information about these features would duplicate other legislation, be unnecessary and therefore not satisfy the conditions requirements set out at paragraphs 55 and 56 of the Framework.

Other planning matters are considered in the following evaluation.

Evaluation of Proposal

Policy context

The Development Plan for Castle Point is the adopted Local Plan (1998). The Proposals Map associated with this document identifies the site as Green Belt.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47 of the Framework). The development plan is therefore the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused, unless material considerations indicate otherwise.

The Framework sets out at paragraph 133 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 their permanence.

Paragraph 143 of the Framework clearly states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in 'very special circumstances'. In the light of this presumption against inappropriate development the first matter to determine is whether the proposal indeed represents inappropriate development.

Paragraph 145 of the Framework states that local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it sets out a limited number of exceptions to this and the ones that may be potentially applicable to this development are as follows:

145f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

145g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 145(f) offers potential support for the application. However, it requires the council to have a local plan with an appropriate rural exceptions policy against which the proposal could be assessed. There is no such policy in the council's adopted local plan and no such policy in the emerging local plan.

Paragraph 145g) also offers potential support for the application. With regard to the first part of the criterion the existing building measures some 3.2m in height for much of its depth with its pitched roof rising to 5.6m whereas the proposed development is approximately 9.2m high with a dummy pitched roof. The proposed development has a significantly greater spatial footprint than the existing building and it would be substantially higher too.

The proposed development is set slightly deeper into the site than the existing building however it is not considered that the setback will mitigate the visual impact of the increased height of the building when viewed from London Road. The proposed building would also be clearly seen from surrounding residents living in Glen Road, as well as the neighbour opposite the site who is set very close to his front boundary. Accordingly, the proposal would have a greater material impact visually than the existing building resulting in a diminution of openness perceived by neighbours and passers-by and therefore cannot be considered as meeting the test set out in criterion one of paragraph 145g).

Criterion 2 of paragraph 145g) talks about substantial harm where the development would re-use previously developed land and meet an identified affordable housing need within the area of the local planning authority.

Before considering if the loss of openness identified above amounts to substantial harm the weight that can be ascribed to this loss needs to be considered in the context of the location of the site and how well this land serves the purposes of the Green Belt.

It should also be borne in mind that for a piece of land to contribute to and merit inclusion in the Green Belt it is not necessary to serve all of the five purposes set out at paragraph 134 of the NPPF. An area of land may only make a moderate or minor contribution towards some or all of the five purposes but be assessed as making a very strong contribution in one which justifies its inclusion or retention.

The council's Green Belt review undertaken in 2018 identified the application site and surrounding land as falling within what has been categorised as parcel 3b, and fulfilling three of the five purposes set out in the Framework.

The parcel is broadly rectangular in shape, its northern boundary follows the A13 whilst its eastern boundary runs along a woodland footpath. The southern boundary follows curtilages associated with properties on Southwell Road, Hill Road, Thundersley Park Road, Kale Road, Clarence Road North, Clarence Road and Felstead Close. The western boundary follows Kents Hill Road and the rear boundaries of properties in Downer Road. Comments relating to how well this parcel performs in respect of its Green Belt function are set out below.

Purpose 1 - To check unrestricted sprawl of large built up areas

The application site lies in a parcel which contains urban sprawl from both Thundersley and South Benfleet. Sprawl is present along most of the northern boundary, with sporadic housing contained within much of the east and south of the parcel, and housing at greater densities associated with roads cutting through the northern and southern boundaries, particularly in the north eastern portion. As such the parcel lacks a strongly defined edge between its boundary and the built up area.

Purpose 2 – To prevent neighbouring towns from merging into one another

The parcel comprises of the entire gap between South Benfleet and Thundersley. The wooded areas mean that there is limited visibility within the parcel and its development would lead to actual coalescence between these two urban areas. The parcel already contains low density residential development across the entire parcel, with the density increasing in the north east. Removing this parcel from the Green Belt could potentially result in a continuation of the densities of development in the north east, whilst also threatening the wooded areas which act to screen the development which already exists.

Purpose 3 – To assist in safeguarding the countryside from encroachment

The parcel contains a significant degree of residential development which, although sporadic, is present across the entirety of the parcel and is considered to be inappropriate development in the Green Belt. Although areas are wooded, the overriding character of this parcel is assessed as being semi-urban as there is no clear demarcation between the urban settlement and the parcel. It is noted that parts of the parcel are nonetheless undeveloped and help to form a corridor of countryside linking that to the north to the countryside to the south. This linkage is however fractured within this parcel which also has an impact on the degree of contribution this parcel makes to this Purpose.

Parcel Summary

The parcel contains a significant amount of ribbon development and other sporadic residential development emanating from South Benfleet and Thundersley. The level of sprawl which also equates to inappropriate development means that the parcel is assessed as moderately contributing to Purpose 1 and making a minor contribution to Purpose 3. It does however make a very strong contribution to Purpose 2 as it forms the entire strategic gap between these two urban areas, which at its narrowest extent is approximately 450m wide.

At the strategic level, this parcel also serves to provide a link from the north west of the borough to the Green Belt parcels within the central and southern areas of the borough. This is an important link as it also connects the Green Belt parcels within Castle Point with the wider Green Belt system in surrounding districts.

The harm arising from this proposal to the Green Belt therefore needs to be considered in light of its potential impact on the strategic linkages that this parcel provides.

The application site is located approximately 320m away from both the eastern and western boundaries of the Parcel. Even if the Parcel is considered to be an artificial construct there can be little dispute that the site is located approximately one third of the way down the hill between urban development at the top on the northern side of the A13 and Rhoda Road North, where the urban fringe commences at the bottom of the hill. The land on the northern side of the A13 is largely wooded and has been assessed as making either a strong or very strong contribution to the Green Belt.

Given the location of the site relative to the gap between the urban areas to its east and west, and the important function this land serves at a strategic level in providing a link from the north west of the borough to Green Belt areas within the central and southern areas of the borough, and that this important link also connects areas of Green Belt within Castle Point with the wider Green Belt system in surrounding authorities, it is considered that any redevelopment of this site having a materially greater impact on openness than the existing building is likely to result in substantial harm.

Consequently, in the view of officers this proposal would not meet the first part of the second criterion of paragraph 145(g) and accordingly the proposal amounts to inappropriate development in the Green Belt. Notwithstanding this assessment the other parts of this criterion will also be considered.

Currently the site is occupied by a building with the remainder being set out with a large area of hard standing. The car park is considered to constitute a fixed surface infrastructure so there can be little doubt that the whole of the site amounts to previously developed land.

The application is for 100% affordable housing and therefore on the face of it would meet the requirements of this part of the exemption. However, it is also important to consider the tenure and type of affordable housing being proposed. Were this to be shared ownership or discounted market sales housing then the development would have to be advertised on the open market and it would not be possible for the council to influence who would occupy the units. Even if there was some interest by Castle Point residents in buying the proposed units, they would still have to satisfy a financial assessment undertaken by the registered provider (RP).

It is therefore important that the tenure of the affordable housing being offered is for social or affordable rent so that the council can have nomination rights for the occupiers and ensure that in the first instance the accommodation is offered for residents from Castle Point or people who

have connections with the area. The borough solicitor advises that it is not a normal feature for nomination rights to be included in a section 106 agreement but if the planning application is predicated on the basis that it will be supplying 100% affordable housing then this is something that could be included. Given the requirements of the second criterion of paragraph 145 of the Framework this approach is both reasonable and necessary.

The applicant has accordingly been asked to confirm in writing that the proposal is for affordable housing for rent in accordance with the definition set out in Annex 2: of the Framework. At the time of preparing this report no such confirmation has been received.

Turning to the type of the housing being offered the proposal is for 2No. one bed and 8No. two bed units. The addendum to the South Essex Strategic housing market assessment for Castle Point sets out the following different types of housing required over the lifetime of the New Local Plan (2018-2033).

	1 bed	2 beds	3 beds	4+ beds
Households	6%	22%	43%	29%

It can be seen that the demand for 1 bed properties is very small compared to other types of accommodation. This is supported by data provided by the council’s Housing Department which shows that of the 427 households in the highest level of priority preference currently on its general needs register only 21 households (4.9%) in the highest banding require 1 bed units. Of this unmet demand 9 are for wheelchair access throughout where the average waiting time is 36 months compared to 12 months for non-accessible housing. Unfortunately, the proposal is not directed at accessibility needs, which takes longer, and is more difficult, to satisfy. Nonetheless, there remains a residual demand for 1 bed non accessible units within Castle Point.

Data from the council’s Housing Department also confirms that there is a current need for 2 bed units which has a 32 month average waiting time for the highest level of priority preference. Unfortunately, with the exception of the unit on the second floor all the second bedrooms are single person bedrooms. It should be noted that the housing department has advised that two double bedrooms offering 4 person accommodation represents the greatest level of need rather than two bed roomed 3 person accommodation.

In terms of the type of affordable housing accommodation being proposed, it is concluded that although it addresses an identified need it nevertheless does not address the most pressing affordable housing need within Castle Point.

In the interests of clarity, it is perhaps worth pointing out at this juncture that affordable housing does not include temporary accommodation for homeless people, which the recently completed council scheme at Hatley Gardens provides.

In support of this scheme the applicant has drawn officers’ attention to the development at 396-408 London Road to the west of the site as a design precedent.

It is the applicant’s view that the development proposed shares the same characteristics of that under construction at 396 – 408 London Road and that as such a precedent for the development of the proposal site has been created.

This is a rather simplistic view which fails to acknowledge the specific circumstances of the site at 396 – 408 London Road.

In 2012, the council undertook work to identify housing sites to meet the requirements of then paragraph 47 (now paragraph 67) of the Framework to have a five-year housing land supply. It was clear from a review of the Strategic Housing Land Availability Assessment (SHLAA) that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing. At April 2012, the SHLAA identified a capacity of just 392 deliverable homes from the urban area compared to a requirement for at least 1,000 homes, plus an additional 20% allowance to provide flexibility in the supply.

In order to ensure a five-year housing land supply, the council undertook an exercise to identify additional sites for housing. Due to the Green Belt in Castle Point being tightly drawn around the existing urban area consideration was given to the appropriateness of bringing forward sites within the Green Belt to meet housing needs.

The site at 396–408 London Road, and land to the south, was located within the central corridor of Green Belt which, as already discussed, passes north-south through the district. However, the western edge of this corridor where this site was located had been seriously compromised, both functionally and visually, by the use of and intensive development that had taken place on it. As such it was concluded that the Green Belt boundary could be adjusted around the site without impairing the strategic function of the Green Belt.

The remainder of the central corridor was evaluated to determine the potential for additional releases but no other sites, and this includes the current application site, were considered suitable for release because of the adverse consequences for the strategic function of this feature. The site of 396–408 London Road now falls within one of the council's strategic housing allocation sites (HO10) in the council's emerging New Local Plan. This represents an important material difference between the site and the application proposal.

The development at 396-408 London Road does not therefore provide a precedent for the development of the proposal site and no weight can be attached to that previously approved development in the consideration of the current proposal.

Green Belt Conclusion

It has been assessed that the proposal would have a greater impact on the openness of the Green Belt than the existing development on the site and would result in substantial harm to the openness of the Green Belt by virtue of the damage it would do to the strategic function of the north-south corridor of Green Belt of land it sits within. The proposal therefore represents inappropriate development in the Green Belt and should not be approved unless there are very special circumstances.

Government guidance, ministerial statements, recent appeal decisions and court judgements make it clear however that circumstances and material considerations may, either in isolation or combination, provide the very special circumstances which outweigh the harm to the Green Belt and justify the release of land for development purposes.

There can be no denial of the fact that there is a shortage of available housing land within the district and that the development of this site would make a small contribution to the satisfaction of this housing need. This carries some weight in favour of the proposal. However, it should be noted that the council's New Local Plan has identified land for 5,284 new homes, and this exceeds its objectively assessed housing needs by 154 homes. The plan's examination in public is to take place very shortly and this is also a material consideration.

The need for affordable housing is also an important material consideration and notwithstanding the proposed delivery of new homes and New Local Plan policy requirements for affordable

housing contributions from allocated sites this need will not be met in full. However, government guidance as set out in the written ministerial statement of January 2014 clearly states that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.

Given the strategic importance of this part of the Green Belt it is not considered that the test for very special circumstances has been met, particularly as the type of affordable housing being offered is not directed to where the need is greatest.

In terms of biodiversity and environmental matters, the proposal identifies net gains by remediating the section of land that has been contaminated by a previous use. However, this represents a limited opportunity for the enhancement of the biodiversity on the site and is not considered to amount to a very special circumstance.

In terms of economic growth, the proposal would generate no greater economic benefit than the development of any other site in the district. Very special circumstances based on economic need cannot, in isolation, be identified.

In conclusion, none of the considerations identified by the applicant, individually or in combination, are considered to be particularly special and so significant that they amount to the very special circumstances that would outweigh the harm that would be caused by this development to the Green Belt.

Notwithstanding the Green Belt objection to this proposal, it is considered appropriate to give detailed consideration to the design and layout of the proposed development and other matters which the planning authority considers to be material in order to provide the applicant with a comprehensive assessment of the proposal.

Design

Policy EC2 of the adopted Local Plan seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials of any development should be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the Framework.

The first scheme submitted on this site (17/0765/FUL) was felt, by reason of its mass, height and proximity to the highway boundary, to be provided with a poor setting and create an unduly dominant and oppressive feature in the street scene, at a point close to the crest of the hill and in an area characterised by small scale development and heavy vegetation.

The second scheme (18/0605/FUL) set the building back 12.5m from the highway boundary and reduced its height to approximately 9.2m. This was a significant improvement on the first scheme, which was set back 3.8m from the highway boundary and had a height of 13.4m. These changes were felt to alleviate the excessive mass and height of the proposed building in the second scheme compared to the first scheme, and also its excessive prominence from being so close to the highway boundary.

The current scheme is 8.2m from the highway boundary, which is midway between the two previous schemes i.e. moving closer to the highway again. Although this is a retrograde step it is acknowledged that the shape of the site has changed due to the applicant not being able to show title to all the land needed to carry out the previous scheme, and the building would not be so close to the highway as to constitute an unduly prominent feature.

The elevational design of the building is appropriate for the location and were this site not in the Green Belt there would be no reason to refuse it on visual grounds.

Impact on neighbours

RDG3 of the council's Residential Design Guidance seeks to prevent proposals from causing undue overshadowing or dominance to adjacent buildings. RDG5 seeks to prevent overlooking, by providing a minimum distance of 9m between windows or balconies at first floor level and the boundary of the site, increasing to 15m for windows or balconies at second floor level.

This guidance is considered to be consistent with paragraph 126 of the Framework.

The first scheme was felt to cause undue dominance to the bungalow on the opposite side of London Road and would also have led to overlooking of that dwelling due to its proximity to the front boundary of the site, even though guideline distances for overlooking are not normally applied across roads.

The second scheme was set 12.5m from the front boundary of the site. This was not compliant with the council's design guidance for a three storey development, however, it was an improvement on the first scheme and after taking into account the additional space provided by the road it was not felt that the property opposite would be unduly overlooked by the proposal.

The current scheme is set closer to the highway but as the road and its footways provide some 12m of additional space it is still not considered that the property opposite would suffer undue overlooking or dominance.

Other properties are set far enough away not to be significantly affected in terms of dominance.

The guideline distance of 15m from the rear aspect of the building to the rear boundary is met.

The upper floors of the building have been designed with only secondary windows in the side elevations which could be conditioned as obscure glazed or high level as appropriate were planning permission granted. Subject to such conditions there is no further objection to the proposal on the basis of overlooking.

There is therefore no objection to the proposal based on neighbour impact.

Amenity space provision

RDG6 of the council's Residential Design Guidance requires the provision of appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. For flats, at least 8m² of communal amenity space provision per habitable room, with a minimum of 25m² per flat, is expected.

The provision of balconies can be included in these figures, provided they are at least 1.5m deep and have a floor area of at least 5m².

The scheme would provide 10 flats which would suggest communal amenity space provision of at least 250m² is appropriate. The area in front of the building is approximately 180m² and is proposed to be landscaped. A further area of 70m² is shown at the rear, making 250m². Spaces between the building and the highway are not normally considered suitable for sitting out due to the overlooking of the amenity space from the highway that would likely occur. In this instance, however, the space involved is a substantial space and can be screened from the road by

landscaping such as a hedge. Subject to a suitable landscaping condition the development is considered to make adequate provision for outdoor amenity space, and there is no objection to the proposal on this basis.

It should also be noted that the upper-floor flats would have balconies in accordance with design guidance to augment the provision made for them communally.

Car Parking

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one-bedroomed properties and two spaces for properties with two or more bedrooms. Parking spaces should have dimensions of 2.9m by 5.5m. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space. Application of the minimum parking standard for this development is considered to be in line with paragraphs 105 and 106 of the Framework.

End spaces adjacent to walls or fences should be provided with an additional 1m of width to allow for extra manoeuvrability. Spaces parallel with the kerb line should have a length of 6m.

Application of the parking standards to this development generates a requirement of:

10 x 2 bed flats = 20 spaces

Visitors $0.25 \times 10 = 2.5 = 3$ spaces

Total 23 spaces

The proposed parking layout has 10 spaces which equates to one space per flat and no visitor parking. This is a fairly low level of parking provision. However, the adopted parking standards allow for relaxation of the vehicle standard where there is development in an urban area that has good links to sustainable transport. Although the area is located in the Green Belt the road itself is also located a major public transport corridor. A parking provision on a 100% basis, i.e. one space per flat is therefore considered acceptable in this instance, though any less provision would be unacceptable given the site's distance from shops and services. Such an application of the parking standards is also consistent with council practice.

The car park layout complies with the dimensional criteria in the adopted parking standards. The exception to this is the end spaces do not have the additional 1m of width to allow for increased manoeuvrability. They do however provide some additional space, approximately 0.5m, and the distance between parking bays is a little deeper than necessary. It is not considered that an objection to the proposal on the basis of a lack of manoeuvrability within the site would be supported on appeal.

In terms of cycle parking, one space per flat for residents plus one space per eight dwellings for visitors should be provided, which results in a requirement for 12 cycle spaces. The ground floor cycle store does not demonstrate that storage would be provided for 12 cycles. Were permission granted, however, this matter could be the subject of a condition so would not represent a reason for refusal.

Ecology

Policy EC13 of the adopted Local Plan 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 EC14 is considered consistent with the Framework, particularly in respect of paragraph 174. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 175 of the Framework.

The NPPF makes it clear that decision makers should minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity.

The site has no ecological designation but is within the zones of influence associated with the Benfleet and Southend Marshes and the Blackwater estuary. Natural England has commented that permission should not be granted until such time as a Habitats Regulations Assessment (HRA) to secure any necessary mitigation has been undertaken.

The proposal is for residential development and as a consequence could result in increased recreational pressure on protected habitats to the detriment of the wildlife thereon.

Standing advice provided by Natural England identifies that where a proposal seeks to provide fewer than 100 dwellings and the proposal is not within or directly adjacent to one of the identified designates sites, mitigation of the impact of the proposal can be secured through the provision of a financial contribution secured in line with the Essex Coast RAMS.

The council has now adopted the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast which identifies the necessary measures to avoid and mitigate likely significant effects from recreational disturbance in combination with other plans and projects.

The applicant has agreed to such a contribution and were this proposal to be approved this can be secured through the imposition of a S106 obligation.

A Bat Survey has not been submitted in support of the application, where one was with the last application. The previous survey undertaken nonetheless revealed no bat activity associated with the building and low levels of activity on the wider site although heavier use of the adjacent woodland areas was identified. This reflects the nature of the site and adjoining land. There is no reason for objection to the proposal on the basis of its impact on the bat population as the existing building is not used by them.

There are no bodies of water on or adjoining the site, thus the proposal is considered unlikely to have an adverse impact on amphibians and voles and the absence of suitable habitat precludes the presence of reptiles on the site.

No evidence of badger setts has been identified on the site.

Drainage and Flood Risk

Whilst the flood risk from seas and rivers is low the flood risk from surface water is high. Policy CF14 of the adopted Local Plan requires appropriate surface water management to form a part of any proposal.

Anglian Water has given no comment on the surface water drainage aspect of the proposal and suggested that the planning authority defers to the Lead Local Flood Authority (LLFA).

The LLFA has issued a holding objection to the proposal based on a lack of information. As this scheme is recommended for refusal, this has not been considered further. If members decide to grant planning permission, a condition will be needed to cover the submission, approval and implementation of a suitable surface water drainage system. This approach is in line with the previous application.

Other matters

Many other points of objection have been raised by contributors to this proposal (both local to the site and further afield).

It is not intended to comment on every single point raised, but one objection that is raised frequently is that the existing facilities – schools, doctors *et cetera* – in the area are overstretched and that the further provision of housing will exacerbate current difficulties. Whilst officers acknowledge this viewpoint it is not a position that is generally supported by service providers. Public perception of infrastructure deficiency cannot therefore provide a robust reason for refusal.

The impact on the highway network has also been raised as a concern, but the highway authority has not objected to the impact of the proposed flats or the vehicular access on safety or traffic flows. Although the highway authority has not provided comment on this specific proposal, it did not raise an objection to earlier schemes which were for greater numbers of flats.

Were permission for the development to be granted, a section 106 agreement will be required in respect of the affordable housing and RAMs financial contribution and conditions would need to be imposed covering the following matters:

1. Construction method statement
2. Production and submission of remediation method statement, indicating where remediation is required, how the remediation is to be achieved and how implemented remedial measures are to be validated.
3. Surface water management strategy
4. Details of materials
5. Details of boundary treatments
6. Details of landscaping (not to include conifer hedge to site frontage)
7. Provision and retention of parking
8. Provision and retention of electric vehicle charge points
9. Provision and retention of cycle parking
10. Obscure glazing to east facing first and second floor windows (unnecessary on west elevation due to adjacent woodland)
11. Vehicular access to be capable of supporting 32 tonne vehicle (for refuse collection)
12. Provision and retention of communal refuse and recycling store
13. Residential Travel Information Packs
14. Lighting strategy

It is necessary for the first three matters to be attached to any grant of permission in the form of pre-commencement conditions which, since 1st October 2018, require the written agreement of the developer prior to planning permission being granted. If such written agreement is not forthcoming, permission would need to be refused on the basis that the implementation of the development without these conditions could lead to unacceptable impacts on the highway from construction activity, unacceptable risks to construction workers and future residents from contamination, and a potential unacceptable increase in the risk of surface water flooding from the development.

Conclusion and planning balance

The Framework sets out at paragraph 11 a presumption in favour of sustainable development, which for decision-taking, means

- (iv) approving proposals that accord with an up-to-date development plan without delay; or
- (v) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 7 of the Framework explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Castle Point Borough Council is unable to demonstrate a five-year supply of deliverable housing sites, therefore the policies most important for determining the application are out-of-date and permission should be granted unless (i) or (ii) above apply.

The application site is within the Green Belt which is an area or asset of particular importance (as listed at footnote 6 of the Framework). The policies within the Framework that seek to protect the Green Belt have been applied to this proposal with the result that the proposal has been found to represent inappropriate development.

Whilst the provision of affordable housing by this proposal is a material consideration, the type of accommodation being offered, though satisfying an existing demand, does not address the most pressing affordable housing need within Castle Point. As such the provision of affordable housing is only given limited weight. No other factors, individually or in combination with the affordable housing, have been identified which might amount to the very special circumstances to justify approving the proposal and therefore the Framework unequivocally advocates refusal of planning permission in this situation.

It is therefore recommended that the application be refused.

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

My Recommendation is Refusal for the following reasons

- 1 The proposal is situated within an area of Green Belt as delineated within the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The development, by reason of its height, mass and footprint, would have a greater impact on the openness of the Green Belt than the existing development and result in substantial harm to openness, to the detriment of the strategic function of this part of the Green

Belt. The proposed affordable housing provision does not overcome the harm to the Green Belt, and in accordance with Ministerial Statements is not considered to constitute a very special circumstance. No other factors, either individually or in combination with the proposed affordable housing have been identified which might outweigh the harm resulting from the proposal and the application is therefore contrary to government Green Belt guidance as set out in the National Planning Policy Framework.

Informatives

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