



**23/0241/OUT**

**LAND EAST OF CHASE MEWS, WEST OF NO. 310 THE  
CHASE AND NORTH OF THE CHASE, BENFLEET**

**ERECTION OF UP TO 47 DWELLINGS INCLUDING ALL  
ASSOCIATED WORKS, INCLUDING NEW ACCESS ONTO  
THE CHASE (ALL MATTERS RESERVED EXCEPT FOR  
ACCESS)**

**FOXBERRY DEVELOPMENTS LTD**

**TERENCE GARNER**

**EXPIRY DATE: 30 JUNE 2024**

**1 RECOMMENDATION**

**1.1 It is proposed that the Committee RESOLVES**

That planning permission be granted for this scheme of development, subject to a Section 106 agreement, the details of which are outlined in paragraph 14.7 and in Appendix 1, and the following conditions and informatives:

**Outline Approval and Reserved Matters**

- (1) The development hereby permitted may only be carried out in accordance with details of the layout, scale and external appearance of the building(s), the landscaping of the site, (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.

Application for the approval of the reserved matters shall be made to the local planning authority within three years beginning with the date of this outline permission.

The development hereby permitted shall be begun on or before whichever is the latter of the following dates - (a) the expiration of three years beginning with the date of the outline permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:**

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

**Approved Plans**

- (2) The development hereby permitted shall be carried out in complete accordance with the details shown on the site location plan (reference 18923 – PL01) and site access drawing (reference 18923 – PL04).

**Reason:**

For the avoidance of doubt.

- (3) The development authorised by this permission shall be carried out in accordance with the principles contained in the submitted parameter plans:
- Drainage Design DWG 0200 P01
  - Tree Constraints Plan - OS 2423-22.1-1
  - Tree Constraints Plan - OS 2423-22.1-2
  - Proposed Site Plan – 18923 – PL03

**Reason:**

To ensure the reserved matters applications maintain the approach set at the outline stage.

- (4) Approval of details of the appearance, landscaping, layout and scale of the development hereby approved (the 'reserved matters') shall be obtained from the Local Planning Authority prior to the commencement of the development and implemented as approved.

**Reason:**

In pursuance of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Construction Management Plan (CMP)**

- (5) Prior to the commencement of development, which for the purposes of this condition includes land clearance, grading and demolition, a

construction management plan shall be submitted to and approved in writing by the Council. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. vehicle routing.
- ii. the parking of vehicles of site operatives and visitors.
- iii. loading and unloading of plant and materials.
- iv. storage of plant and materials used in constructing the development.
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.
- vii. Control measures for dust, noise, vibration, lighting and restriction of hours of work and all associated activities to 0700-1900 Monday to Friday daily, 0800-1300 Saturdays. No works to be undertaken on Sundays or bank holidays.
- viii. Display of contact details including accessible phone contact to persons responsible for the site works.

**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 to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site

**Contamination**

- (6) Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority immediately. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

**Construction Environmental Management Plan (CEMP: Biodiversity)**

- (7) Prior to the commencement of the development hereby approved a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (Tyler Grange Ltd, February 2023).

The CEMP: Biodiversity should include:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

**Reason:**

To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority Habitats and Species). The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

**Biodiversity**

- (8) Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the (Preliminary Ecological Appraisal v4 (Geosphere Environmental Ltd, March 2021), shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:**

To enhance protected and Priority species and habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority Habitats and Species).

- (9) Prior to commencement, a Badger Method Statement in accordance with the Ecological Impact Assessment (Tyler Grange Ltd., February 2023) shall be submitted to and approved in writing by the Local Planning Authority. This will contain finalised mitigation measures and/or works to reduce potential impacts to badgers during the construction phase, including the finalised location and details of the artificial badger sett.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:**

To conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority Habitats and Species).

### **Wildlife Sensitive Lighting Design Scheme**

- (10) Prior to commencement of the development a bat mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s17 Crime and Disorder Act 1998.

- (11) Prior to its installation, a lighting design scheme for the site access only shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify through the provision of appropriate technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:**

To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and Species)

### **Drainage and Flooding**

- (12) Prior to the commencement of the development hereby approved a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- A scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution;
  - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS

Manual C753;

- Limiting discharge rates to 10.9l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated;
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. It should be demonstrated how the run off from roads and roofs will be adequately treated;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features; and
- Use of water butts should be considered as the development is in a critical drainage area.

The scheme shall subsequently be implemented prior to occupation.

**Reason:**

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk, pollution hazard and ice on the highway from the site.

- (13) Prior to occupation of any unit within a phase, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the

maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

**Reason:**

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

**Ground Water and Stability**

- (14) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

**Reason:**

To protect vulnerable ground water resources and ensure compliance with paragraph 180 of the NPPF.

**Access**

- (15) Prior to first occupation of the development, the access point at Daws Heath Road shall be provided as shown in principle on JUBB drawing SK\_T\_001 rev P4. The vehicular access points shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 43m in both directions shall be provided before the road junctions are first used by vehicular traffic and retained free of any obstruction at all times thereafter. All redundant access points along the site frontage shall be suitably reinstated with full upstand kerb and footway provision.

**Reason:**

To provide adequate inter visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.



- (16) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

**Reason:**

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

**Landscape and Ecology Management Plan (LEMP)**

- (17) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of the development.

The content of the LEMP shall include the following:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan in line with the finalised biodiversity metric);
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

The LEMP shall also include details by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:**

To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority Habitats and Species).

**Archaeology**

- (18) No development or preliminary ground works shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation which

has previously been submitted by the applicant and approved by the Local Planning Authority.

**Reason:**

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development.

- (19) A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the Local Planning Authority following the completion of this work.

**Reason:**

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development.

- (20) No development or preliminary ground works can commence on those areas containing archaeological deposits until the satisfactory completion of field work, as detailed in the mitigation strategy, and which has been previously approved by the Local Planning Authority in consultation with its historic environment advisers.

**Reason:**

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development

- (21) The applicant shall submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field work, 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.

**Reason:**

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development

**Informatives**

- (1) The Borough Council will need to create new street name(s) for this development, together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming and Numbering, Castle Point Borough Council. (To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.)
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents (where required) are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- (3) The following points should be considered wherever soakaways are proposed at a site:
  - Appropriate pollution control methods (such as trapped gullies/interceptors or swale and infiltration basin systems) should be used for drainage from access roads, made ground, hardstanding and car parking areas to reduce the risk of hydrocarbons from entering ground water. Only clean uncontaminated water should drain to the proposed soakaway. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
  - No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
  - There must be no direct discharge to ground water, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaway and the water table.
  - A series of shallow soakaways are preferable to deep bored systems, as deep bored soakaways can act as conduits for rapid transport of contaminants to ground water.
- (4) The applicant is advised to follow the following guidance. The Environment Agency's approach to ground water protection when designing drainage systems/strategies which are to discharge to ground. This is a report that highlights the importance of ground water and encourages industry and other organisations to act responsibly and improve their practices. Included are a series of position statements that should be followed when designing any drainage system which is to discharge to ground. This guidance document can be found at:

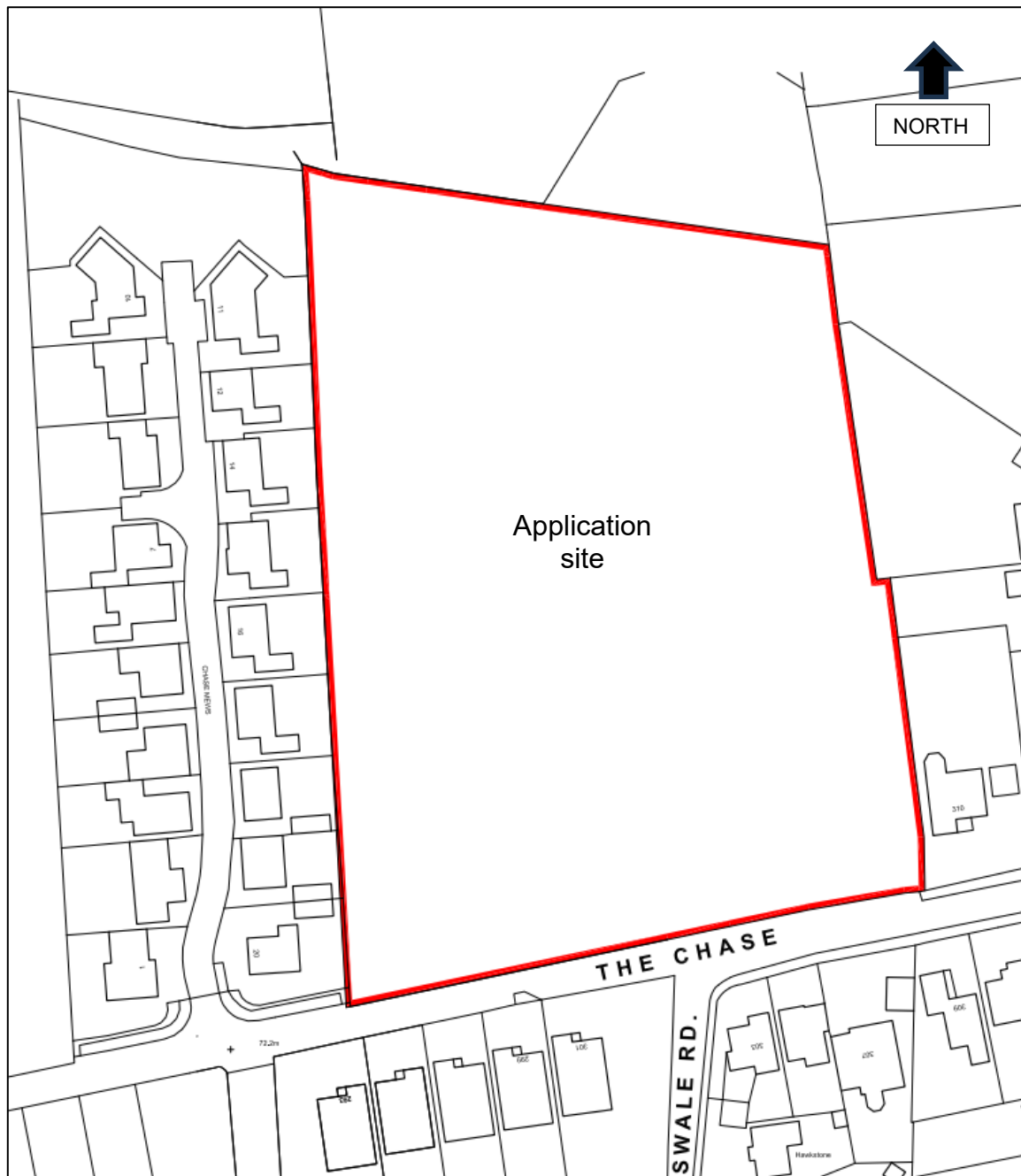
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

- (5) The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- (6) The planning permission hereby granted is subject to a Section 106 agreement dated (TBC).

## **2 PLANNING APPLICATION DETAILS**

- 2.1 This application relates to an open paddock area of existing pasture land at The Chase, Benfleet. The land incorporates an area of 1.56ha, on which the applicant is seeking to secure outline planning permission for the provision of 47 dwellings, including for 19 No. (40.4%) affordable units, with associated open space and infrastructure. The site is shown in **Diagram 1** and in a wider aerial view **Diagram 2** below.

*Diagram 1 – Site Plan*





**Diagram 2** – Aerial view of wider area showing existing residential areas adjoining the site.



- 2.2 The scheme of development is to include the provision of a sustainable drainage system and a children's play area along the northern boundary of the site, with all matters being reserved for future approval, save that of the access. See **Diagram 3** below – proposed site layout.
- 2.3 The new vehicular access to the site would be provided directly from the north side of The Chase, see **Diagram 4**, including provision of a new footpath along the front perimeter to bridge the gap between the existing path outside No. 310 The Chase, and the new Chase Mews development. All of the proposed dwellings will have associated parking and amenity space provision.
- 2.4 The proposal would provide up to 47No. dwellings at a proposed density of 30 dwellings per hectare. This will include for a mix of:

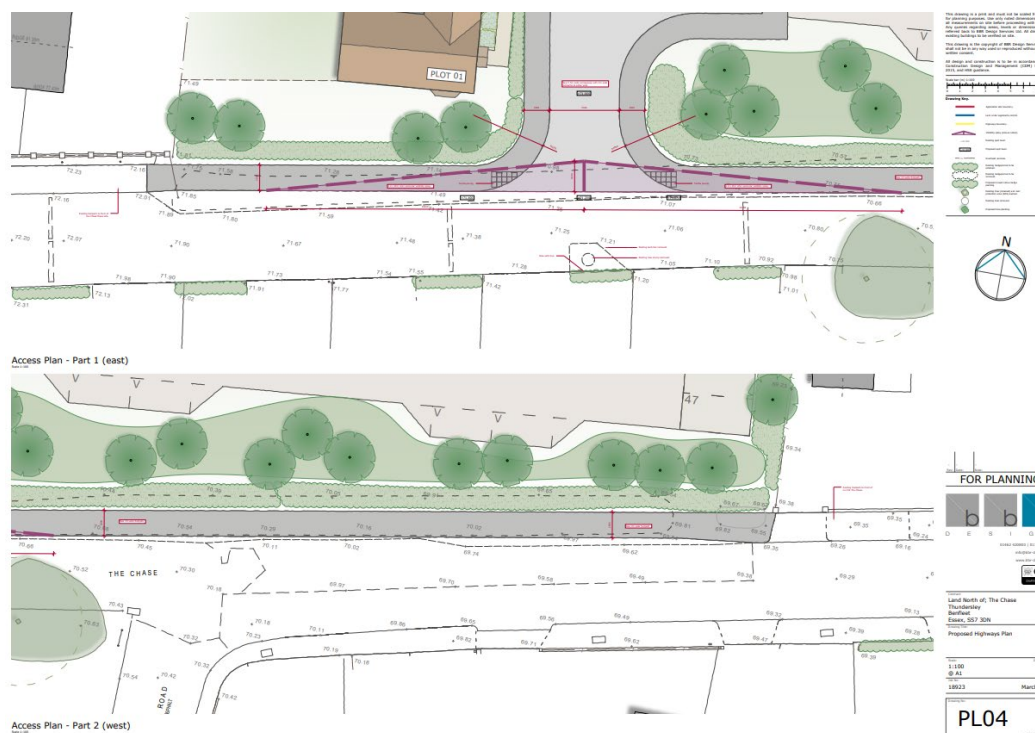
- 3No. 1-bedroom properties (6.4%)
  - 12No. 2-bedroom properties (25.5%)
  - 29No. 3-bedroom properties (61.7%)
  - 3No. 4-bedroom properties (6.4%)
- 2.5 The proposed mix of units has a split of 15No. smaller properties (1- and 2-bedroom units) at 32%, and 32No. larger properties (3-bedroom and above) at 68%. There will, of course, be a need to incorporate 'first time homes' (25%) of the total number of affordable housing units but this will form part of the overall housing breakdown discussions at a later stage and in association with the Section 106 agreement.
- 2.6 The design and materials for the site will reflect that present within The Chase area and will exhibit the use of red and yellow brick, red/brown or grey roof tiles, weather boarding and cream and white render.
- 2.7 All of the proposed dwellings will have associated parking with vehicle charging units and amenity space provision.
- 2.8 Approximately one third of the units will be designed to meet the needs of the elderly or those with disabilities.

Diagram 3 – proposed site layout.





**Diagram 4 – Proposed access arrangement.**



- 2.9 Extensive planting will be undertaken within the site and its boundaries to help maintain and enhance ecological linkages around and within the site.

### 3 SITE VISIT

- 3.1 It is considered that it would be beneficial for Members to visit the site prior to the determination of the application.

### 4 THE PROPOSAL

#### 4.1 Site and Surroundings

- 4.2 The application site is located to the north of The Chase, east of the recently built Chase Mews development and west of No. 310 The Chase and The Canters.
- 4.3 The site itself is gently sloping, falling 2-3 metres north to south and around 2 metres west to east.
- 4.4 The southern boundary of the application site consists of trees and hedgerows running along a ditch line following The Chase road and the eastern boundary consists of a mixture of fencing, trees, and hedgerows which generally abuts the ends of neighbouring gardens from residential plots on 'The Canters'.

- 4.5 Close boarded fencing is located to the west of the site, which is fairly recently completed as part of the 19No. homes constructed on the neighbouring Chase Mews development to the west of the site.
- 4.6 There are a number of trees located along the boundaries to the site, which have been surveyed, and the majority of these are to be retained as well as enhanced through underplanting.
- 4.7 A preliminary ecological assessment has been carried out by Open Spaces Ltd and is included as part of the application documentation. In addition, a bat and badger survey has been conducted and a badger sett has been identified on the site. The applicant states that all recommendations from the reports undertaken are to be included as part of the detailed design process for the development during the reserved matters phase.
- 4.8 There are no existing ponds or rivers within or near the site; the site is entirely within the Environment Agency's Flood Zone 1 catchment area and is therefore considered to be at a low risk of flooding.
- 4.9 A preliminary desktop investigation report carried out by Brown2Green Associates Ltd has confirmed that the site has historically remained undeveloped. The Conceptual Model prepared for the site has not identified any active pollution linkages and therefore it is concluded that the level of risk from contamination is considered minimal.
- 4.10 The A130 sits to the south of the site, with South Benfleet and the A129 to the east. Local public transport services run from Benfleet through to Thundersley. Thundersley is serviced by many local facilities, most notably the UPS college to the south-west, and Cedar Hall School to the north.
- 4.11 Nearby train stations are located in Rayleigh and Benfleet, 2.1 miles north and 2.6 miles south respectively. The Rayleigh station sits on the route to London Liverpool Street via the Southend Victoria line and the Benfleet station sits on the London Fenchurch Street route via the Southend Central line. Both train stations are reachable by bus at stops along Rayleigh Road and Kiln Road.

## **5 SUPPLEMENTARY DOCUMENTATION**

- 5.1 The submitted application was accompanied by the following documents, all of which can be viewed on the Council's website:
- Design and Access Statement
  - Planning Statement
  - Supplementary Planning Statement
  - Phase 1 Desk Study
  - Preliminary Ecological Appraisal
  - Bat Activity Survey Report

- Badger Sett Survey Report
- Geo-Environmental Desk Study
- Arboricultural impact assessment
- Tree Protection Plan
- Tree Report
- Preliminary Ecological Assessment (PEA)
- Botanical Survey
- Transport Statement
- Flood Risk Assessment and Drainage Strategy
- Suds Maintenance Guide – Owner’s Manual
- Flood Risk Appendices
- Drainage Design
- Tree Constraints Plan
- Location Plan
- Existing Site Plan
- Proposed Site Plan
- Highways Plan

5.2 The applicant has also submitted, within the Planning Statement, preliminary Heads of Terms for the S106 Agreement to include:

- Provision of 40% Affordable Housing (equivalent to 19 affordable units) and
- Financial contributions towards:
  - Highway Improvements
  - Healthcare Provision
  - Educational Facilities and Libraries
  - Green Infrastructure
  - RAMs Contribution

## **6 RELEVANT HISTORY**

6.1 There is no planning application history on this particular site.

6.2 However, there are other applications and appeals pertaining to a number of surrounding sites. Below is a table of the nearest three appeals and upheld decisions.

<b>Reference</b>	<b>Site Address</b>	<b>Scheme of Development</b>	<b>Decision Date</b>
21/1137/FUL	Land Rear of 148 Hart Road, Thundersley, Benfleet	Demolish existing building and stables and construct 44No. affordable dwellings including open space, play space, landscaping and associated access, infrastructure and parking arrangements.	Application Refused 21/06/2022  Appeal Lodged and upheld
19/00549/FUL	Chase Nurseries, The Chase, Thundersley, Benfleet	Demolition of existing buildings and erection of nineteen houses with access, landscaping and ancillary works	Approved 31/03/2020
18/0382/OUT	Chase Nurseries, The Chase, Thundersley, Benfleet	Demolition of existing buildings and erection of eleven houses with determination of access, scale and layout	Approved 05/03/2019

## **7 LOCAL PLAN ALLOCATION**

- 7.1 The site is located within the designated Green Belt in the adopted Castle Point Local Plan (1998).

## **8 RELEVANT POLICIES**

### **8.1 National Policy Planning Framework (NPPF) (2023)**

### **8.2 Adopted Local Plan**

- Policy EC2: Design
- Policy EC3: Residential Amenity

- Policy EC4: Pollution
- Policy EC13: Protection of Wildlife and their Habitats
- Policy EC14: Creation of new Wildlife Habitats
- Policy EC22: Retention of Trees Woodlands and Hedgerows
- Policy H9: New Housing Densities
- Policy H10: Mix of Development
- Policy H13: Location of Development
- Policy T8: Car Parking Standards
- Policy RE4: Provision of Children's Playspace and Parks
- Policy CF1: Social/Physical Infrastructure and New Developments
- Policy CF14: Surface Water Disposal.

### **8.3 Residential Design Guidance (RDG)**

8.4 The proposal is for outline consent only with all matters except access reserved. Under such circumstances it is not considered that a detailed assessment of the proposed development against all of the Council's adopted RDG would be appropriate, although the applicant is advised that in the preparation of any detailed scheme for reserved matters, adherence to the provisions of the RDG will be expected. Where possible, advice based on the provisions of the RDG is offered within this report.

- RDG1 Plot Size
- RDG2 Space around Dwellings
- RDG3 Building Lines
- RDG4 Corner Plots
- RDG5 Privacy and Amenity
- RDG6 Amenity Space
- RDG7 Roof Development
- RDG8 Detailing
- RDG9 Energy and Water Efficiency and Renewable Energy

- RDG10 Enclosure and Boundary Treatment
- RDG12 Parking and Access
- RDG13 Refuse and Recycling Storage
- RDG16 Liveable Homes

#### **8.5 Other Relevant Documents**

- Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)
- The Castle Point Borough Green Belt Review 2018 Parts 1 and 2
- Addendum to the South Essex Strategic Housing Market Assessment (2017)
- Addendum to the South Essex Strategic Housing Market Assessment (2020)
- Habitats Regulations Assessment (Screening Report and Appropriate Assessment) September 2020.
- Safer Places: The Planning System and Crime Prevention 2004
- Developer Contributions Guidance Supplementary Planning Document (SPD) – Adopted 1 October 2008
- Castle Point Open Space Appraisal Update 2012
- Technical Housing Standards – national described space standard (DCLG March 2015)
- Guidance for Assessing Planning Applications in the Green Belt in Castle Point (November 2023)

#### **8.6 The Withdrawn Local Plan**

- 8.7 Throughout the applicant's submissions, reference is made to the now withdrawn Castle Point Local Plan and its implications for the application site.
- 8.8 It is identified that the application site was allocated for residential development within the submitted Local Plan.
- 8.9 However, in June 2022 Members resolved to withdraw the new Local Plan, therefore the provisions of that document can have no weight in the consideration and determination of this application.
- 8.10 The objective evidence underlying the provisions of the New Local Plan does have some weight in the consideration of new development within the Borough; however, this Local Plan evidence is currently being updated and revised and is rapidly becoming out of date, bearing in mind the information was assimilated over 2 years previously.

**9 CONSULTATIONS**

**9.1 Essex County Council Highways - 30th January 2024**

9.2 From a highway and transportation perspective the proposal is now acceptable to the Highway Authority subject to the conditions and informatives contained within Appendix A.

**9.3 Essex County Council (ECC) Infrastructure Planning Officer**

9.4 Thank you for providing details of the above outline planning application proposing 47 residential dwellings consisting of 3 x 1-bed flats / maisonettes (exempt), 5 x 2- or 2+ -bed flats / maisonettes, and 39 x 2- or 2+ -bed houses.

9.5 When estimating the number of children that a new housing development will generate and that will require a school place (yield), ECC takes account of the number of houses and flats that are suitable to accommodate children. 1-bedroom units and some dwellings, such as student and elderly accommodation, are excluded from the education calculation.

9.6 With reference to the details above, a development of this size can be expected to generate the need for up to 3.74 Early Years and Childcare (EY&C) places; 12.45 Primary School places, and 8.30 Secondary School places.

**9.7 Early Years and Childcare**

9.8 Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high quality early years and childcare provision to meet local demand and parental choice. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

9.9 The proposed development is located within Thundersley South ward (postcode SS7 3DN) and will create the need for an additional 3.74 childcare places.

**9.10 Primary Education**

This development would fall within the Priority Admission Area of Thundersley Primary School, which has a Published Admission Number of 60 pupils per year. As at the census in January, the school had 443 pupils on role. This number includes a 'bulge' group of 86 pupils in Year 4. Although there are fluctuations in demand, which means there is pressure in some years, there is generally a suitable balance in the area between capacity and the number of children for whom this is their closest school. Looking at the

wider area, forecasts set out in the Essex School Organisation Service's Ten-Year Plan suggest that there may be a need for additional capacity in the Thundersley, Benfleet and Hadleigh areas during the second half of the Plan period. Greater clarity over Castle Point's new Local Plan will be a key determinant in crystallising ECC's response to any pressure on school places.

**9.11 Secondary Education**

As there are sufficient places available in the area, a developer's contribution towards new Secondary Education places will not be required for this application.

**9.12 Post 16 Education**

A contribution towards Post 16 education is not required at this time.

**9.13 School Transport**

Essex County Council will not be seeking a School Transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local primary and secondary schools are available.

**9.14 Libraries**

ECC may seek contributions to support the expansion of the Library Service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it has increasingly become a shared gateway for other services such as for accessing digital information and communications.

**9.15 Monitoring Fees**

In order to secure the delivery of the various infrastructure improvements and to meet the needs arising from development growth, ECC needs to monitor Section 106 planning obligations to ensure they are fully complied with on all matters. ECC has a resultant obligation to ensure the money is received and spent on those projects addressing the needs for which it was sought and secured. To carry out this work, ECC employs a staff resource and charges an administration/monitoring fee towards funding this requirement.

**9.16 Employment and Skills**

Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships and to invest in skills to realise personal and economic aspirations.



- 9.17 In the current economic climate and national skills shortage, ECC supports Castle Point Borough Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers.
- 9.18 In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on Early Years and Childcare, Primary Education and Libraries.
- 9.19 The contributions requested have been considered in connection with the Community Infrastructure Levy (CIL) Regulations 2010 (as Amended) and are CIL compliant.
- 9.20 No objection, subject to provision of appropriate contributions towards Early Years and Childcare, Primary education and Library provision.

**9.21 Essex County Council Lead Local Flood Authority**

- 9.22 No objection. subject to conditions.

**9.23 ECC Minerals and Waste**

- 9.24 The site for the development proposed through Application: 23/0241/OUT is not within a Mineral Safeguarding Area, Mineral Consultation Area or Waste Consultation Area. Essex County Council in its capacity as the Minerals and Waste Planning Authority has no comment to make.

**9.25 Anglian Water**

**Assets**

- 9.26 Section 1 - Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

**Wastewater Services**

- 9.27 Section 2 - Wastewater Treatment - The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.
- 9.28 Section 3 - Used Water Network - This response has been based on the following submitted documents: Drainage Design, Flood Risk Assessment and Drainage Statement - The sewerage system at present has available capacity.

9.29 Section 4 - Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer.

**9.30 Essex Police**

9.31 Detailed comments on design. No objection to the proposal.

**9.32 NHS England**

9.33 The proposed development is likely to have an impact on the services of the surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.

9.34 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The Integrated Care System (ICS) would therefore expect these impacts to be fully assessed and mitigated.

9.35 The planning statement submitted in support of the planning application does not assess the impact of the development on healthcare capacity or how this impact will be mitigated. The statement does include proposed heads of terms for planning obligations, but these do not include contributions towards increasing healthcare capacity.

9.36 The development could generate approximately 113 new residents and subsequently increase demand upon existing constrained services. The primary healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

**Table 1: Summary of position for healthcare services within a 2km radius of (or closest to) the proposed development**

GP surgeries within 2km	Weighted List Size <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup> needed for current weighted list size	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
Hart Road Surgery	3531	80.99	242.12	-161.13
The Hollies	12349	553.00	846.78	-293.78
Existing floor space excess/deficit			Existing deficit of 454.91m <sup>2</sup>	

- 9.37 Healthcare needs arising from the proposed development - Using the accepted standards, the capital required to create additional floor space to support the population arising from the proposed development is calculated to be £23,200.

**Table 2: Capital cost calculation of additional health services arising from the development proposal:**

Additional Population Growth (dwelling) <sup>5</sup>	Additional floor space required to meet growth (m <sup>2</sup> ) <sup>6</sup>	Capital required to create additional floor space (£) <sup>7</sup>
112	7.7	23,200

- 9.38 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.
- 9.39 Conclusions - The terms set out above are considered appropriate having regard to the formulated needs arising from the development and the ICS is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF. **No objection, subject to appropriate financial contribution to mitigate the impact on local healthcare provision.**
- 9.40 **Natural England**
- 9.41 This advice relates to proposed developments that fall within the 'zone of influence' (ZOI) for one or more European designated sites, such as Essex RAMS. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.
- 9.42 Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.
- 9.43 Environmental gains - Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the

NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you should consider off site measures.

- 9.44 Summary of Natural England's Advice \_ Designated Sites (European) – **no objection, subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).**
- 9.45 **Habitats Regulations Assessment (HRA) - Summary of Recreational Disturbance Mitigation Package.**
- 9.46 The development site lies within the 22km Zone of Influence (Zol) of the Essex Coast RAMS (within which residents of new housing are likely to regularly visit relevant designated sites for recreation). Consequently, the proposal to erect 47 dwellings will trigger a proportionate financial contribution towards visitor management measures for the above Habitats sites (£163.86 per unit 2024/25).
- 9.47 Conclusion - Having considered the proposed avoidance and mitigation measures above and compared these against Natural England's advice in Annexes I and II, Castle Point Borough Council concludes, that with implementation of these mitigation measures, the development will not have an adverse effect on the integrity of the habitats (European) sites included within the Essex Coast RAMS Strategy, either alone or in combination with other plans and projects. Having made this appropriate assessment of the implications of the development on the habitats sites in view of those sites' conservation objectives, and having consulted Natural England and fully considered any representation received, the authority can now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 9.48 **Essex Badger Patrol**
- 9.49 The Essex Badger Protection Group wishes to strongly object to the above planning application for the following reasons: There is a known active main badger sett and annex setts at this location, plus much of this area is regularly used by the badgers and also contains valuable foraging. This has been highlighted in the badger survey carried out by Open Spaces during November 2022.
- 9.50 Any closure of setts or disturbance is very stressful for badgers and creates a very high risk of them dispersing into the surrounding neighbourhood, where they may cause damage to gardens and property as they try to create new setts and find new foraging grounds. Bearing in mind the high populations of

badgers in and around this location, it would be highly recommended that this land is left as a buffer zone for badgers and other wildlife rather than force them into habitats where they are less accepted by property owners. Looking at the location of this piece of land within the larger surrounding area, it is quite likely that it may also be used as a wildlife corridor by badgers from other nearby setts. Removing such a corridor would force badgers from these other setts to have to find other routes to foraging, annexe setts, etc.

9.51 Again, this potentially presents a very high risk of them also damaging surrounding gardens and property as they try to find their way. We do not support moving adult badgers from long-established setts into artificial setts. This is extremely stressful for the badgers and very rarely works. Badgers are creatures of extreme habit and will always try to move back to the location of the sett they have been moved from. From our experiences of monitoring badgers that have been relocated, they will usually create their own new natural sett at a different location rather than use the artificial sett. Often this can be in a place which causes problems to the local human neighbourhood.

9.52 Apart from under exceptional circumstances, an artificial sett should only be used when re-homing rescued cubs. Young cubs tend to be less persistent in their ways and if they have been carefully reared together they will happily live together as a new clan and will generally, with a careful introduction, accept an artificial sett as their new home. In the UK, badgers and their setts are fully protected by law under the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981.

**9.53 CPBC Environmental Health Officer**

9.54 Noise has not been considered within the submission and with a development such as this we would expect to see the following internal noise standards achieved in residential dwellings:

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Room	35 LAeq, 16hour	
Dining	Dining Room / Area	40 LAeq, 16hour	
Sleeping (daytime resting)	Bedroom	35 LAeq, 16hour	30 LAeq, 8hour 45 LAfmax

1. These levels are derived in part from Table 4 of BS8233:2014 and also World Health Organisation figures. The figures from BS8233:2014 are themselves derived from World Health Organisation values.

2. The notes to Table 4 of BS8233:2014 apply to the interpretation of the above figures.
  3. It is also expected that to achieve an acceptable internal noise climate that individual noise events shall not exceed 45dB LAFmax on a frequent basis. The acceptability of the frequency of events will depend on the level of exceedance of the 45dB LAFmax criteria. Up to 10 events may be acceptable for small exceedances (<5dB) whilst for high exceedances (>=5 dB and <10 dB) less than 5 events will be acceptable. Events in excess of 10 dB above 45 dB are not permitted. The maximum daytime noise level in outdoor living areas exposed to external noise should not exceed 50dBA Leq 16 hour (free field).
- 9.55 If a full application is submitted, details should be submitted to support the application of the layout and internal arrangement within buildings. Details should ensure that:
- Large family units are not situated above smaller units.
  - Similar types of rooms in neighbouring dwellings are stacked above each other or adjoin each other.
  - Halls are used as buffer zones between sensitive rooms and main entrances, staircases, lift shafts, service areas and other areas for communal use.
- 9.56 Given the proximity of the proposed development site to neighbouring noise sensitive properties, it is possible that site clearance, preparation and construction noise may impact nearby receptors and will have to be taken into consideration by the applicant and their contractors.
- 9.57 I have reviewed the submitted geo-technical report Reference: 3171/Rpt 1v1 dated October 2022. No sources of contamination were identified and the site has not identified any active pollution linkages between the identified source of contamination and identified receptors should the site be developed as residential. The report concludes that the level of risk from contamination is considered to be acceptable.
- 9.58 Based on the submitted information, the site seems suitable for residential development in relation to noise/vibration and contamination considerations. I would have no objections to a full application.
- 9.59 **CPBC Legal Services**
- 9.60 This matter will most likely require a Section 106 agreement. No other observations.

**9.61 CPBC Streetscene**

9.62 No response.

**9.63 CPBC Housing Manager**

9.64 There is mention of 40% affordable homes, which is welcome. In terms of rent vs home ownership we would be looking for a minimum 70% affordable rent. The housing mix shown, 32% small and 68% large, does not meet the identified need for affordable homes; our needs identify a priority need for 76% smaller and 24% larger.

9.65 As identified in the planning statement, this land does form part of the Green Belt. Suitability of development in the Green Belt will be considered in terms of the planning assessment and we would support encouraging developers to find sites not under these restrictions to deliver suitable schemes and the much needed affordable homes for rent.

**10 PUBLIC CONSULTATION**

10.1 Some 168 responses have been received from residents which make the following comments:

- Proposal is inconsistent with Green Belt Policy
- No 'very special circumstances' identified
- No need for more houses
- Population growth in Borough does not warrant more houses being built
- Greater use should be made of brownfield sites and existing vacant buildings and land
- Proposal is premature new Local Plan under preparation – proposal should be held in abeyance until Plan is adopted
- Loss of wildlife habitat
- Loss of agricultural Land
- Loss of open/dog walking space
- Area already overdeveloped and overpopulated.
- Loss of trees
- Loss of horse grazing
- Proposal does not meet the needs of local people. Affordable housing is required
- Detrimental to character of area
- Inadequate infrastructure to support proposal.
- Increased traffic and potential for accidents
- Road junction is dangerous for more traffic.
- Road has no pavements in places.
- Roads not suitable for heavy construction traffic

- Increased noise and air pollution. The air pollution in the area is already 3 times WHO recommendations.
- Adverse impact on carbon footprint of community
- Light pollution
- Flood Risk and drainage systems inadequate
- Need to consider climate change.
- Overlooking and further loss of privacy
- Inadequate water pressure
- Proposal will adversely impact on quality of life and mental health
- Site inappropriate for affordable housing
- Loss of view
- Proposal will devalue property

10.2 3 Letters of support have been received which make the following comments:

- Good opportunity for first time buyers
- Nice location for family homes

## **11 COMMENT ON PUBLIC RESPONSES**

11.1 The comments received from the public, loss of view, the fact that another development may have only recently been completed in the area and the devaluation of properties are not material planning considerations and can have no weight in the consideration of the current proposal.

11.2 A number of other objections and comments have been made in respect of the proposed development by interested parties. Whilst many of the concerns and comments have been addressed in the foregoing, a number remain to be considered. These are as follows:

### **11.3 Loss of Agricultural Land**

11.4 An objection has been raised on the basis that development of the site will result in the loss of agricultural land. Such loss is considered important in the current context of climate change, the cost-of-living crisis and access to locally produced food.

11.5 It must be identified that the land is not currently used for agricultural purposes and makes no contribution to the availability of locally produced food. Development of the site will not therefore have an adverse impact on local food production.

11.6 It may be argued that the demise of the current use of the site for the grazing of horses could provide land suitable for such production.



- 11.7 Land within the Chase Road area is identified as being of good to moderate quality on the Natural England Land classification map for the Eastern Region, whilst DEFRA identifies the area has having a moderate likelihood of providing best and most versatile agricultural land.
- 11.8 Both sources identify, however, that the classification provided is for use at the strategic level only and should not be relied upon in respect of the classification of individual fields. Such classification must therefore be treated with caution.
- 11.9 The fact remains, however, that the land in its current form could, in principle, be put to an alternative, agricultural use. However, this objective relies on a number of factors which are beyond the control of the planning authority, including the willingness of the applicant to farm the land, or sell the land at agricultural rates for such purposes and, in the case of the latter scenario, the identification of a farmer willing to take on a relatively small, isolated area in close proximity to the urban edge and the capacity of the land to support farming on an economic basis.
- 11.10 In the absence of any demonstration that the land is capable of being farmed economically and any policy provision at either local or national level to require the retention of moderate quality land for agricultural purposes, there is no robust basis on which an objection to the proposal on the grounds of the loss of agricultural land can be sustained. No objection is therefore raised on this basis.
- 11.11 Inadequate Infrastructure to Support the Proposal**
- 11.12 Policy CF1 of the adopted Local Plan seeks to ensure that the infrastructure requirements generated by development are met by developers.
- 11.13 It should be noted that a developer cannot be required to remediate existing deficiencies in service provision.
- 11.14 Where service providers identify a need for service enhancements to secure the capacity to support the proposed development, such enhancements can be secured through a Section106 Agreement.
- 11.15 Several residents have objected to the proposal on the basis that existing services such as doctors, dentists, schools, etc., are currently stretched to capacity and that further development would exacerbate the existing situation.
- 11.16 Concern has also been expressed that the proposed development will also exacerbate water pressure and water main resilience issues. The Planning Authority has consulted Anglian Water, the Environment Agency (EA) and the Lead Local Flood Authority (LLFA). None have advised of any deficiencies in

drainage infrastructure provision arising from the proposed development which cannot be appropriately mitigated.

- 11.17 The Planning Authority has also consulted relevant service providers including Essex Fire and Rescue, Essex Infrastructure (Education and libraries) and the NHS to determine the capacity of existing resources to meet the needs of the proposed development.
- 11.18 Contributions towards the enhancement of health service provision and educational capacity have been identified and appropriate contributions for the provision of the requisite capacity can be achieved through the provisions of a S106 Agreement.
- 11.19 It should be noted that no issues in respect of water pressure or electricity supply have been identified by suppliers. No improvements in this area may therefore be requested.
- 11.20 No provision is made within the scheme for the satisfaction of formal recreational needs arising from population growth generated by the proposal.
- 11.21 The Infrastructure Delivery Plan (2020) identifies that growth will generate a need for additional sports hall, swimming pool, indoor bowls and sports pitch provision. A contribution towards the provision of such facilities will be secured through a S106 Agreement.
- 11.22 The Proposal Will Result in the Loss of Open Space**
- 11.23 Policy RE4 of the adopted Local Plan states that the Planning Authority will seek to provide and facilitate the provision of additional children's play space.
- 11.24 The South Essex Strategic Green and Blue Infrastructure Study identifies that in respect of parks and gardens and provision for children and young people, the Borough exhibits a deficit of provision.
- 11.25 At the present time the application site is in private ownership with no access available to the general public.
- 11.26 There is to be a S106 Agreement which will also include provisions to ensure that the play space will be accessible to all.
- 11.27 Increased Traffic and Potential for Accidents**
- 11.28 Whilst it is inevitable that development of the site will result in increased traffic in this part of Benfleet, the Highway Authority has not identified a lack of capacity in the highway network to accommodate the traffic flows associated with the proposed development. No objection may therefore be raised to the proposal on this basis.

11.29 Whilst increased traffic could generate a potential for increased accidents, this application cannot be determined on the basis of events that might happen. In the absence of any evidence that the proposal represents a real and substantial threat to highway safety and in the absence of any objection to the proposal from the Highway Authority, no objection is raised to the proposal on this basis.

**11.30 Proposal is not Needed**

11.31 Evidence clearly identifies that there is an acute housing shortage in Castle Point with particular pressure in the affordable housing sector.

11.32 Under current Government policy and economic circumstances, affordable housing can only be realistically achieved in anything like the numbers required, on the back of general needs (market) housing development.

11.33 The proposed development will provide both affordable and general needs housing, in a variety of formats. 40% of the dwellings, some 19 units to be provided on the site, will be affordable rent and purchase housing products. Thus the proposal, if approved will mitigate to some extent the growing demand for affordable housing required within the Borough.

11.34 Reference to the lack of need for housing has been linked to low levels of population growth in the Borough identified within the 2021 Census. Such data must be interpreted with caution.

11.35 The Census identifies that the population of the Borough has grown by some 1.8% from around 88,000 in 2011 to 89,600 in 2021. This low level of growth has occurred at a time when demand for housing in the south-east has been strong and where population has grown by some 8.3% within the East of England and 6.6% nationally.

11.36 It is interesting to note also that within Castle Point since 2011 there has been an increase of 18.9% in people aged 65 years and over, a decrease of 4.6% in people aged 15 to 64 years and an increase of 3.2% in children aged under 15 years. It is these latter groups which are most likely to include people wishing to enter the housing market over the next ten years and most likely to either currently contribute, or will contribute, to the number of concealed households.

11.37 Castle Point is not an obviously unattractive place to live so there must be other reasons for low growth. It is considered likely that the lack of housing is a significant contributor to the limited growth in population.

11.38 Accompanying the reported low growth in population is the popularly held assumption that such low growth means that the need for housing is similarly low.

- 11.39 This is a somewhat simplistic assessment of the situation which fails to fully recognise, amongst other considerations, the needs and growth potential of concealed and overcrowded households, those unable to leave the parental home due to the lack of suitable, available and affordable local housing and the need to provide some flexibility within the market in order to facilitate movement between properties as people's needs change.
- 11.40 The 2011 Census identified that there were 449 concealed families and 1005 overcrowded households within the Borough. Whilst the data is somewhat dated now, given that this Authority has failed to supply sufficient houses commensurate with identified housing needs, over a number of years, it is likely that this figure has increased as adults in their twenties, who were children at the time of the last census, may now be looking to establish their own family homes, but are unable to do so, due to the lack of supply of suitable and affordable housing. This lack of supply will be contributing to the low levels of population growth and people may either delay starting families or may leave the area in search of suitable housing.
- 11.41 Such low growth is ultimately damaging to the community as an ageing population is likely to be less economically active, which dissuades employers and services entering an area, whilst creating greater demands for the services which are substantially funded through agreements attached to planning permissions.
- 11.42 Some local residents have opined that greater use should be made of brownfield land and vacant properties, to meet the housing needs of the Borough. The assumption appears to be that use of such land and properties would remove the need for development in the Green Belt.
- 11.43 It must be identified that the public's perceived availability of brownfield sites generally within the Borough is significantly over estimated. A detailed assessment of brownfield sites suitable for residential development is being undertaken as part of the development of the New Castle Point Plan; however, this is not sufficiently advanced to be taken into consideration at the current point in time.
- 11.44 **Provision of Affordable Housing is Inappropriate**
- 11.45 One local resident has objected to the provision of affordable housing on the site on the basis that the site is inappropriate. The nature of the inappropriateness has not been made clear; however, it is assumed that the reference is to the perceived isolation of the site from local facilities.
- 11.46 It should further be noted that the site is in close proximity to local bus routes which serve both Hadleigh, Rayleigh and beyond.

11.47 The site is approximately 2km from the Rayleigh Weir Trading Estate, 1.2km from the Deanes School and 1.4km from Hadleigh Town Centre and infant and junior schools. This compares favourably with many other parts of Hadleigh and is not considered an impediment to the provision of affordable housing.

11.48 In terms of access to facilities, the site is no more remote and inaccessible than other settlements within Benfleet. It is not considered that the site is, in principle, unsuitable for the provision of affordable housing.

**11.49 That the Proposal is of no Benefit to the Area**

11.50 Objections have been received which argue that the proposal is of no benefit to the area.

11.51 It is not a requirement of either national or local policy that development should only be considered favourably where it is of benefit to the local community. The NPPF requires a balanced view of development which considers the weight of benefits against any harm to the environment. This report has been entirely concerned with considering that balance.

11.52 That being said, it is difficult to see how the argument that the proposal results in no local benefit may be sustained. As can be seen from above, this Borough has an acute housing need for both market and affordable housing and this scheme would contribute, somewhat, to the satisfaction of those needs of direct benefit to the area.

11.53 The scheme will generate demands for local services, thus supporting the economic resilience of local shops and services. The scheme will also ensure the management of the open space for the benefit of ecology and achieve ecological enhancements which could not otherwise be secured. It is considered that the proposal would achieve local benefits and no objection is raised to the proposal on the basis of the lack of benefits provided to the wider community.

**11.54 Increased Air Pollution and Carbon Footprint**

11.55 Paragraph 174(e) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

11.56 Paragraph 185 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.

- 11.57 The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.
- 11.58 Policy EC4 of the adopted Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air or by reason of dust, vibration, light or heat will be refused.
- 11.59 Objections have been received that the proposal will adversely affect the carbon footprint of the area. This objection raises a number of issues and is considered in terms of the operational and construction phases of the development.
- 11.60 First, however, it must be identified that areas, at the local level and in themselves, do not have a carbon footprint, a carbon footprint is defined as:
- 'the best estimated measure of the total, (direct and indirect) amount of Green House Gas emissions by an item, activity or individual as expressed in tonnes or carbon dioxide equivalent.'*
- (Wiedmann and Minx 2008: A definition of Carbon footprint' Ecological Eugenics Research Trends 2008).*
- 11.61 The common interpretation of the carbon footprint is a means of quantifying the damage that individuals, companies and Governments are doing to the planet. Reducing the carbon footprint of items, activities or individuals is seen as the means to prevent spiralling climate change and the consequent adverse impact on life on Earth. Climate change is a global phenomenon, but positive change can occur through the actions of individuals.
- 11.62 Within the context of this planning application and the operational phase of the development, it should be recalled that the proposed development will serve the needs of individuals who already exist and who already have a carbon footprint. The provision of houses to accommodate those people will occur, if not here, then somewhere else, in order to meeting national housing needs. The existing carbon footprint will simply be relocated, but nationally it will not be substantially altered.
- 11.63 However, with the provision of modern, energy efficient homes in sustainable locations the potential for the carbon footprint of individuals to be reduced is available, although much also depends on the lifestyle choices of the future residents. The planning system cannot control those choices, but can, by providing access to better quality homes with good access to social, recreational and other facilities, either within walking distance or accessible

by means other than the private vehicle, influence that behaviour and encourage more carbon neutral impacts.

- 11.64 The current proposal seeks to provide highly sustainable dwellings in a sustainable location. There is no evidence to support the contention that the proposed development will have a significant adverse impact on the carbon footprint and no objection is therefore raised to the proposal on this basis.
- 11.65 It must also be remembered that the current use of the land for the keeping of animal stock has a carbon impact. Whilst horses are essentially minor carbon sinks, the waste matter they produce is a significant source of nitrogen oxide emissions at the local level. (21<sup>st</sup> EGU General Assembly EGU 2019 Proceedings from Conference April 2019, Vienna). Removal of this activity from the site is not therefore entirely without benefit in terms of emissions, although again it is anticipated that the horses will likely be moved elsewhere, carrying their emissions footprint with them.
- 11.66 A further objection to the proposal is that the area currently experiences air quality which is significantly below the standard recommended by the World Health Organisation. It should be noted that this standard is guidance only and has no legal status.
- 11.67 It is unclear from the objection whether this is an objection raised on the basis that the proposed development will exacerbate poor air quality or on the basis that future residents would be subjected to poor levels of air quality.
- 11.68 It must be recognised that Castle Point, along with the adjoining authorities and indeed most other built up areas in the country, does present NO<sub>2</sub> and PM<sub>x</sub> statistics that exceed the WHO recommendations. In terms of the 'percentiles' (the method used to rank locations) the majority of the Borough falls into the 60-100 category (i.e. the highest 40%) but given the urban nature of the Borough this is not an unusual or unexpected statistic.
- 11.69 The Government recognises that to meet the WHO levels in the short term, there would need to be a very significant cull of internal combustion engines (ICE) based vehicular traffic and polluting industry that would not be economically viable or realistically achievable. As such, the current government 'target' against which air quality is monitored is 4 times higher than the WHO figure. There are no exceedances of this figure within Castle Point.
- 11.70 Air quality within this part of the Borough is therefore no worse than anywhere else in the Borough. Poor air quality does not represent a sustainable objection to the proposal.
- 11.71 The potential for air pollution during the construction period can be adequately mitigated through the preparation and implementation of an appropriate

Construction Environment Management Plan which can be secured by condition.

**11.72 Detrimental to the Character of the Area**

11.73 One respondent has objected to the proposal on the basis that it would be detrimental to the character of the area. No statement elaborating this comment is made but it is assumed that the objector is referring to a change in the landscape of the site rather than any socio-economic or demographic character. It should be noted that the site is not within an Area of Outstanding Natural Beauty and has no particular landscape designation.

11.74 The landscape character of the application site has been identified in three documents:

- A description of the landscape character of England, which was published by Natural England in 2014;
- Essex Landscape Character Assessment (2002) Landscape Character Area 2 - South Essex Coastal Towns; and
- The Castle Point Green Belt Landscape Assessment (2010).

11.75 The latter described the area as gently sloping with a mixture of woodland, pasture, housing and reservoirs. Small fields with orchards, pasture, ponds and water courses and dense hedges with hedgerow trees comprising hawthorn, blackthorn, oak and ash are common. The landscape is compartmentalised with hedges and fences separating areas and the woodland is attractive and well managed with pedestrian access.

11.76 The landscape generally is intimate, rural and attractive in its quality. Development is well screened by trees and hedges and roads are few, narrow and sinuous, relating well to the landform. Landscape management is reasonably good and there are good views within the area.

11.77 The quality of the landscape is, however, tempered by its relationship with adjoining residential developments located on 3 sides of the site.

11.78 The Green Belt landscape assessment considers the landscape to be of medium sensitivity to change. The proposed development would, for the most part, be viewed against a backdrop of residential development - in both long and short distance views, albeit the urban edge would be closer to those parties viewing from the adjoining developments. In that respect therefore, it is not considered that the character of the area would be changed significantly, particularly when one considers that it is proposed to retain the majority of the existing hedgerows and trees and undertake further landscaping and tree planting across the site.



11.79 It is considered that whilst the landscape would change as a consequence of the proposal, the character of the area would not and the site would still offer views of residential development across an open space. In landscape terms it is not considered that such change would be significantly adverse. No objection is raised to the proposal on the basis of its impact on the character the area.

**11.80 Noise and Disturbance Affecting Existing and Future Residents**

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

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

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

11.84 The potential for noise and disturbance affecting amenity of existing and future residents during the construction period can be adequately mitigated through the implementation of the provisions of a Construction Environment Management Plan, the submission and implementation of which can be secured by condition.

11.85 In terms of the operational phase of the development, there is no evidence to suggest that the noise generated by the occupiers of the proposed dwellings would be significantly different from that generated by the occupiers of the adjoining dwellings. It is not considered that an objection can be raised to the proposal on the basis that neighbours may be noisy. Should this situation arise in the future, appropriate legislation exists to deal with the matter.

**11.86 Light Pollution**

11.87 At the present time the site is primarily unlit at night. New development will necessitate the provision of an appropriate lighting system; however, the applicant will be required to submit a lighting strategy which mitigates the impact of light spill from any lumens provided to an acceptable level. The operational phase lighting strategy will be secured by condition.

- 11.88 Lighting required during the construction phase can be adequately mitigated by the implementation of a Construction Environment Management Plan. Light pollution emanating from the proposed development is unlikely to provide a robust reason for refusal, sustainable on appeal.

## **12 EVALUATION OF PROPOSAL**

### **12.1 The Principle of Development**

- 12.2 Planning law requires that applications for planning permission be determined in accordance with the Development Plan currently in force unless material considerations indicate otherwise (paragraph 2 of the NPPF). The adopted Development Plan is 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.

- 12.3 The Development Plan for Castle Point is the adopted Local Plan (1998). The Proposals Map associated with the Plan identifies this site as Green Belt. It should be noted, however, that the adopted Local Plan contains no policies which establish the general principles for the control of development within the Green Belt. For this reliance is now placed on the provisions of the National Planning Policy Framework (NPPF 2023).

- 12.4 The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, this means approving development proposals where they accord with an up to date development plan, without delay, or where there are no relevant development plan policies, or policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework provide a clear reason that development should be refused (paragraph 11 of the NPPF).

- 12.5 Footnote 7 to the NPPF identifies that land allocated for Green Belt purposes is an example of where the policies in the Framework can provide a clear reason for refusing the development proposed.

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

- 12.7 Paragraph 148 of NPPF sets out the five main purposes of Green Belts:

1. *To check the unrestricted sprawl of large built-up areas;*
2. *To prevent neighbouring towns from merging into one another;*

3. *To assist in safeguarding the countryside from encroachment;*
4. *To preserve the setting and special character of historic towns; and*
5. *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

12.8 The principle of development within the Green Belt will be fully and comprehensively assessed within the body of this report. Nonetheless, the Local Planning Authority has also developed an assessment template to aid assessing applications for residential development in the Green Belt.

12.9 This template has been developed with the aim to provide a consistent, comprehensive, robust, and up-to-date approach to assessing all primarily residential applications in the Green Belt.

12.10 However, it should be noted that the template is not and should not be used as a mathematical approach to applying weight to considerations for and against a development proposal. The balancing exercise is still a matter of planning judgment and not a numerical exercise.

12.11 The assessment of this application in accordance with this newly developed template can be found in **Appendix 2** to this report.

12.12 Paragraph 152 states that, once established, Green Belt boundaries should only be altered in the most exceptional circumstances, through the preparation or review of the Local Plan.

12.13 Paragraph 152 of the NPPF clearly states that inappropriate development in the Green Belt, which includes large scale commercial and residential development, is by definition harmful to the Green Belt and should not be approved, except in 'very special circumstances' and paragraph 153 of the NPPF states that when considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

12.14 Paragraph 154 states that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless they qualify for consideration under one of the stated exceptions.

12.15 The exceptions are:

- a. Buildings for agriculture and forestry;
- b. The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c. 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;
- d. The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
- e. Limited infilling in villages;
- f. Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. 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.

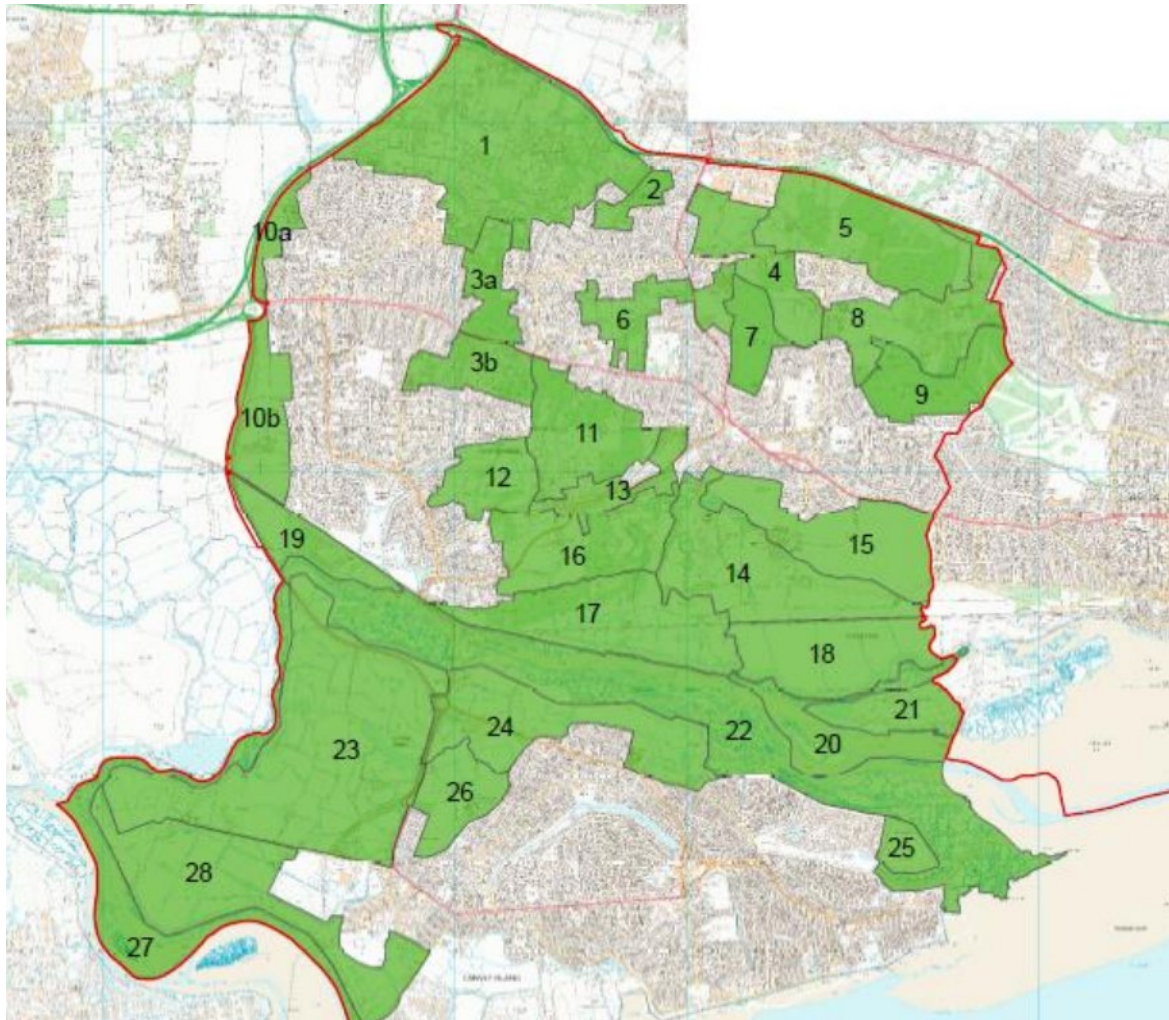
12.16 This proposed development does not qualify for such exemptions, or those listed under paragraph 155 of the NPPF, and is therefore inappropriate development which is by definition harmful to the Green Belt.

12.17 Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence. The Castle Point Borough Green Belt Review 2018 Part 1 identifies the area within which the site is located as part of Parcel 6 - See **Diagram 5**.

#### 12.18 **Parcel 6 Description**

12.19 Parcel 6 is located to the north of the borough and represents a tract of predominantly open land, largely encircled by the urban settlement of Thundersley. It is an area characterised by a mixture of plots of land which are divided into lateral strips. There are a number of uses within the parcel including residential dwellings, a school, a leisure centre and playing fields. The northern, southern and western boundaries follow residential curtilages and the boundaries of school grounds associated with development in Thundersley. The eastern boundary follows the curtilage of a school and the boundary of West Wood.

*Diagram 5 – Green Belt Parcels*



- 12.20 There is not a clear boundary between the urban settlement and the Green Belt parcel due to the presence of ribbon development along the eastern edge and through much of the centre of the parcel. Much of this development is inappropriate in the Green Belt and therefore the parcel is assessed as making a moderate contribution to Purpose 1 (Table 1 - Green Belt Purpose Assessment - see below), even though the development which exists in the parcel is of a much lower density than that included in the urban settlement. The parcel is surrounded by residential or other built development uncharacteristic to a rural location across the entire length of its boundary which, coupled with the development within the parcel itself, influences the perceptions of this parcel being in the countryside. A minor contribution is assessed under this Purpose.
- 12.21 However, Parcel 6 is assessed as not making any contribution to Purpose 2 (table 1) as development of the undeveloped parts of the parcel would result in the infilling of Thundersley and not result in the merging of Thundersley and

Hadleigh, which in any event have already merged at other points outside of the parcel.

12.22 At the strategic level this Green Belt parcel is restricting a small part of Hadleigh and Thundersley from merging, although this merge has already occurred to a significant degree in close proximity. It is a fairly isolated Green Belt pocket which is only linked to the surrounding Green Belt system to the east, but it has a role in providing a recreational resource to residents in Hadleigh and Thundersley.

12.23 However, before finally determining any development proposal, the Local Planning Authority is required to consider whether there are any “very special circumstances”, either in isolation or combination, which would outweigh that harm and justify a departure from the policy requirements.

12.24 The Authority must also consider whether there are other material considerations which would justify inappropriate development in the Green Belt.

**Table: 1 - Green Belt Purpose Assessment**

Purpose	Comments	Assessed Contribution
1 - To check unrestricted sprawl of large built up areas	The northern, western and southern boundaries are adjacent to Thundersley whilst the south eastern boundary is adjacent to Hadleigh. Much of these boundaries are formed by residential curtilages and are therefore not considered to be particularly robust. Nonetheless, high density residential development has been resisted across all of the parcel. There is, however, a small ribbon development along the A129 which cuts through the parcel on the eastern side, and further ribbon development taking the form of residential dwellings along The Chase and other roads that come off The Chase in the centre of the parcel. Much of the parcel is comprised of residential dwellings and their curtilages, a school and associated uses as well as a leisure centre and therefore there is a lack of a strongly defined edge between the built-up area and the parcel.	Moderate

Purpose	Comments	Assessed Contribution
2 – To prevent neighbouring towns from merging into one another	The parcel is almost entirely encircled by Thundersley, such that its development would represent infilling of land within Thundersley, apart from the south eastern boundary which is adjacent to Hadleigh. However, it is assessed that the parcel does not contribute to this purpose as the strategic gap between Thundersley and Hadleigh is comprised of a school, playing fields and a leisure centre and as such is already largely developed. Further, there has already been a significant degree of merge between Thundersley and Hadleigh in proximity to the parcel, with all of the undeveloped land within the parcel being within Thundersley	None
3 – To assist in safeguarding the countryside from encroachment	The topography is gently sloping and the landscape is enclosed and compartmentalised with a variety of land uses. The landscape includes woodland, pasture, with hedgerows and grassed areas for formal and informal recreation. However, there are plotland developments across much of the centre of the parcel which amount to inappropriate development and a semi-rural perception through the main routes across the parcel, whilst the eastern portion contains a school and a leisure facility and displays no countryside character. The parcel is surrounded by residential or other built development uncharacteristic to a rural location across the entire length of its boundary which normally would create a perception of this parcel being in the countryside. The parcel is also poorly related to the wider countryside system.	Minor

12.25 The applicant has identified a number of factors which, in the applicant's opinion, constitute, both individually and cumulatively, 'very special circumstances' which would justify development in the Green Belt. These are:

- I. The provision of housing, defined by local needs and provided to contribute towards addressing the critical shortfall in the delivery of market and affordable housing;
  - II. The delivery of highly sustainable housing;
  - III. The achievement of positive economic outcomes during the construction and operational periods as a consequence of employment opportunities, the operation of an apprenticeship scheme and increased local spend;
  - IV. The existence of a fairly recent appeal decision which will in part help provide development on all four sides of the application site, enclosing and isolating the site from the existing Green Belt area; and
  - V. The 'unique circumstances' of the Castle Point Local Plan position and the fact that in the last three iterations of the Local Plan the application site has been identified as suitable for release for development purposes; this site was also identified as falling within HO20 on the now withdrawn plan.
- 12.26 These points, together with a number of others, will be referred to below along with aspects pertaining to the need for more housing and future demand.

**(i) The Existence of 'Very Special Circumstances'**

- a. There is no statutory definition of the term "very special circumstances" as the Courts have held that 'very special circumstances' will be specific to the particular scheme under consideration.
- b. The Planning Authority considers that a very special circumstance need not be a single matter but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.
- c. The NPPF states that 'very special circumstances will not exist unless there is potential harm to the Green Belt by reason of inappropriateness and any other harm arising.

**(ii) The Provision of Housing and Housing Need**

- a. It has been established that for many years Castle Point has failed to deliver sufficient homes to meet its housing need. It is considered that this proposed development for 47 dwellings would address part of this unmet need and that this opportunity



represents a 'very special circumstance' which should weigh heavily in favour of the development.

- b. Since September 2018 the Government's standard methodology has been used to calculate objectively assessed housing needs within the context of the preparation of Local Plans. Work undertaken by Castle Point Borough Council in the context of the preparation of its own Local Plan identified that, when calculated in accordance with the standard methodology, the housing need for Castle Point was a minimum of 342 units per annum.
- c. Since that calculation was arrived at revisions to the methodology to reflect the affordability rational has increased this number to 355 units per annum.
- d. The standard methodology is primarily based on the 2014 national household growth projections. However, the age of this baseline may not now fully reflect existing growth, but together with the fact that the use of the standard method is not mandatory, has led some to question the validity of use of the calculation and as a consequence the validity of identified local housing needs derived from such calculations.
- e. Where circumstances warrant it, Government guidance is clear that authorities can use an alternative approach. However, Castle Point Borough has not to date sought to determine or adopt an alternative approach as authorities are cautioned that where such an alternative approach is used, it may well be closely scrutinised at examination.
- f. Any attempt to redefine housing needs within the context of a single application is similarly likely to receive detailed scrutiny and examination.
- g. The Council has published a new housing needs assessment which has identified a reduction in 100 homes per annum compared to the previous standard methodology-based calculations, as well as the up-to-date Green Belt assessment attached to this report in **Appendix 2**.
- h. However, the new housing needs assessment is not relied upon for the purpose of determining this application as it has not been examined and it is most appropriate for the evidence supporting this to be tested through the Local Plan Examination process.
- i. Based on the standard methodology and information collated by the Planning Authority in its annual monitoring reports, this

Authority has been shown to have consistently failed to provide sufficient housing to meet its needs over a long period. Since the introduction of the standard methodology in 2018, only 42% of the requisite homes have been provided. Such performance is fairly typical across the past 20 years.

- j. In policy terms, a chronic housing shortage exists within the Borough, driven primarily by a shortage of land within the Borough which is available for development.
- k. The NPPF (2023) requires authorities to identify deliverable sites sufficient to provide five years' worth of housing against their housing requirement. Where there has been significant under delivery of housing over the previous three years, as there has in Castle Point, a 20% buffer is required to improve the prospect of achieving the planned supply.
- l. Currently a 1.86 housing land supply is identified.
- m. It must be noted, however, that case law and planning appeals have confirmed that a housing land supply shortfall and out of date development plans can, in association with other considerations, contribute to the provision of sufficient weight to outweigh the harm to the Green Belt.
- n. The NPPF states that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
- o. In addition to the above, and to balance the "very special circumstances" argument, the application site has recently had new development built to the west of the site, on Chase Mews, and has more recently had a planning appeal upheld for further housing development to the north of the application site on Hart Road, directly abutting the northern boundary of the site - see **Diagram 6**.

Diagram 6 – Application Site with Hart Road Appeal Site to the North



- p. Notwithstanding this, the site also has existing development to the east 'the Canters' and long established housing to the south on the opposite side of Chase Road. Consequently, the inappropriateness of this development and level of harm that could be imposed on the Green Belt is significantly reduced and in terms of the level of impact the development would have on the area, this would also be much reduced overall.
- q. It is not considered that the site itself positively contributes to serving the aims and objectives of the Green Belt, as set out in paragraph 143 of the NPPF.
- r. The development of this site therefore is considered to attract 'significant' weight in favour of the proposal, bearing in mind the need for new housing in the area and the significant shortfall in housing land supply. It can be further argued that the level of 'harm' imposed to the Green Belt would be reduced as the application site would be enclosed on all four sides by residential development, divorcing it from the existing Green Belt area and encapsulating it into the residential character of the area.
- s. The availability of this site for development and its limited impact on the Green Belt, bearing in mind existing development surrounding the site, as well as its sustainable location, carries considerable

weight in favour of the proposal leading to the consideration of “very special circumstances”.

**(iii) The Provision of Affordable Housing**

- b. A further key element to the consideration of “very special circumstances” is the provision of 40% of the units to be constructed as affordable housing.
- c. Policy H7 of the adopted Local Plan (1998) 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.
- d. It should be noted, however, that Policy H7 was adopted some twenty years ago and that changes in the housing market have continually informed the Council’s view on what constitutes appropriate affordable housing provision.
- e. For schemes of individual dwellings, the Council currently seeks no less than 50% of all new affordable housing as affordable housing for rent, with the remainder provided as affordable home ownership products, as defined in the NPPF (2023). The Council will also seek nomination rights for the housing provided in a Section 106 Agreement.
- f. The Council’s Developer Contributions Guidance: Supplementary Planning Document (SPD) - Affordable Housing March 2023, provides the latest adopted guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of a minimum 35% affordable housing on sites of 15 or more units.
- g. The applicant is, however, offering 40% of the units as affordable housing. This would equate to the provision of approximately 19 affordable housing units on this site.
- h. This reflects the fact that the application was primarily prepared within the context of the new Local Plan before it was formally withdrawn. The withdrawn Local Plan identified that within the mainland areas of the Borough the provision of 40% affordable housing was achievable.
- i. The Castle Point Strategic Housing Market Assessment Addendum 2017 identifies a net annual affordable housing need of some 291 dwellings. More recent work suggests that the Council’s Housing Waiting List, which currently has 591 applications, is increasing by

some 110 further requests per year. These are requests from local people who are unable to access housing within the Borough.

- j. It may be noted that the lower quartile house price to income ratio in Castle Point is 12:1. In other words, the cheapest market housing in the Borough is some 12 times the average annual household income of Castle Point residents.
- k. The situation for rented property is similarly difficult, with average rent for a 2-bedroomed house being £241 a week.
- l. The demand for affordable housing is growing, given the opportunities available for the provision of affordable housing, the likelihood of this Authority fully meeting its affordable housing needs is remote.
- m. In this context, it is considered that the proposed development of the site to provide 40% of dwellings as affordable housing represents a significant benefit and attracts significant weight in favour of the proposal.
- n. Any affordable housing proposed on the site will be secured through a Section 106 Agreement.
- o. It should be noted that the Council will expect 50% of the affordable units to be affordable rent properties and will seek nomination rights in respect of such properties.
- p. It should further be noted that the NPPF expects at least 10% of affordable housing to be provided as affordable home ownership products.

**(iv) The Provision of Public Open Space**

- a. The South Essex Strategic Green and Blue Infrastructure Study identifies that, in respect of parks and gardens and provision for children and young people, the Borough exhibits a deficit of provision.
- b. A number of local residents have objected to the current proposal on the basis that it results in a loss of recreational facility, primarily dog walking. It should be noted, however, that at the present time the application site is in private ownership and is not formally accessible to the general public for dog walking or other recreational activities. Development of the site will therefore have no adverse impact on existing publicly accessible outdoor recreational facilities.

- c. In terms of the weight that may be accredited to the provision of such space, in the context of the identification of 'very special circumstances', it should be noted that within a reasonable walking distance from the site there are a number of areas of public space, such as Pound Wood, Great Wood and Dodds Grove, West Wood and the John Burroughs Recreation Ground, all of which provide the opportunity for outdoor recreation. The site is not therefore considered to be within an area deprived of the opportunity for recreation and enjoyment of open spaces.

**(v) The Delivery of a Package of Ecological Enhancements Resulting in a Net Gain in Biodiversity on the Site**

- a. The applicant suggests that development of the site will provide a significant opportunity for the enhancement of biodiversity on the site, resulting in a 10% net gain. At this stage consideration is only given to whether the provision of such gain is of sufficient weight, either in isolation or in conjunction with other considerations, to outweigh the identified harm to the Green Belt.
- b. Paragraph 145 of the NPPF advises that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to retain and enhance biodiversity.
- c. Paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.
- d. The NPPF does not establish a target for biodiversity enhancement on development sites; however, the Environment Act seeks to secure a net 10% increase in biodiversity (Biodiversity Net Gain – BNG) on development sites and it is considered that this should be the minimum standard sought in respect of all proposed development.
- e. The applicants advise that at the present time the site is of relatively low biodiversity value and that opportunity exists to secure an overall increase in biodiversity.
- f. It is considered that the proposed biodiversity net gain and the enhancement of connectivity constitute a positive benefit adding to the "very special circumstances" argument which adds significant

weight in the consideration of the reduction of impact on the harm to the Green Belt.

**(vi) The Delivery of Highly Sustainable Housing**

- a. In further support of the proposal, the applicant identifies that the proposed development will deliver sustainable housing.
- b. The issue of sustainability will be considered in greater depth later in this report; however, the principal provision of highly sustainable development is a matter that can and should be considered in any assessment of 'very special circumstances' and offered to justify inappropriate development in the Green Belt.
- c. The applicant advises that the proposed development will be constructed in accordance with a strict and all encompassing sustainability ethos. This will feature the use of sustainably sourced timber, the use of modular components, the reduction of embodied carbon and the diversion of waste from landfill to recycling.
- d. The applicants advise that their focus is on the creation of sustainable communities through fabric efficiency, reducing carbon emissions through the use of alternative fuels and creating carbon sponges through the retention and planting of trees.
- e. The applicants further identify that the submitted scheme will fully achieve the social, economic and environmental objectives stated within paragraph 7 of the NPPF.
- f. Whilst the applicant's objectives and aspirations are noted, any developer on any site will be required, either through planning policy or the provisions of the Building Regulations, to achieve developments which respond positively to the threat of climate change and provide sustainable developments. It is not considered therefore that the sustainability features identified constitute 'very special circumstances' in the context of the green belt.
- g. Local residents have objected to the proposal on the basis that consideration needs to be given to the additional concern of climate change.
- h. It must be acknowledged that environmentally sensitive development which considers its impact on climate and the environment throughout its lifecycle, as is the case with the current proposal, need not have an adverse impact on climate change.

**(vii) The Achievement of Positive Economic Outcomes During the Construction and Operational Periods as a Consequence of Employment Opportunities and Increased Local Spend**

- a. The applicant identifies that the proposed development will generate an economic output through the creation of a number of new jobs, arising through direct employment on the construction element of the project, as well as within the supply chain, or by supporting local shops and services and as such will generate an increase in local spend, annually.
- b. The applicant also identifies that the proposal would generate additional council tax revenue and Section 106 contributions.
- c. It should be mentioned that any Section 106 contributions will only be required to meet the needs of the development; they cannot be considered as an additional benefit. Whilst the proposal will generate a liability for Council Tax, the proportion which comes to the local authority will be used to serve the needs of the development. There is therefore little, if any, additional financial benefit to the wider borough.
- d. It is clear, however, that the development will contribute to the local economy, but this could be said of any development and a lot of the employment generated with a new development will generally be short term following completion of the development. Whilst such economic uplift represents a benefit of the scheme, it is not considered to constitute a very special circumstance, which would outweigh the harm to the Green Belt.

**(viii) The 'Unique Circumstances' of the Castle Point Local Plan Position and the Fact that in the Last Three Iterations of the Local Plan the Application Site has been Identified as Suitable for Release for Development Purposes**

- a. The applicant identifies that the application site has been supported by the Planning Authority as suitable for release for residential purposes since 2014 and was allocated for development purposes within the 2018- 2033 submitted Local Plan.
- b. It is acknowledged that the status of the 2018-2033 Local Plan is unusual in that, whilst it was found sound, it has been formally withdrawn and therefore in itself can have no weight in the consideration of the proposal. However, the evidence underpinning the Local Plan remains valid and is a material consideration of some weight.



- c. In light of the above and as part of the assessment of the satisfaction of housing needs, the applicant identified that a site in close proximity to the application site, at Hart Road to the north of the site, was allocated for residential purposes in the submitted 2018-2033 Local Plan and has received consent, despite the Plan not being adopted.
- d. The applicant considers that the policy considerations and arguments in respect of the Hart Road site are similar to those for this application and that a similar outcome in respect of the current application should be achievable.
- e. Notwithstanding this approach, it is not the purpose of this report to repeat the consideration of another proposal on a different site. However, it is considered necessary to point out that the Hart Road site was identified for release from the Green Belt in the now withdrawn development plan, but it intends to provide for 100% affordable housing, which added significant weight to the consideration of the scheme.

**(ix) Conclusion on Green Belt Considerations and the Tilted Balance**

- a. It is no longer sufficient to simply say 'the land is Green Belt' and expect that statement to carry weight in the consideration of the proposal. In order to present a robust reason for refusal, it must be demonstrated that there are no "very special circumstances" or other material planning considerations which would provide the basis for a more positive approach to the consideration of the proposal.
- b. Paragraph 11 of the NPPF, which sets out the presumption in favour of sustainable development and provides that where there are no relevant development planning policies, or the policies which are most important for the determination of applications are out of date (and this includes by virtue of the provisions of footnote 8 to the NPPF, in applications for the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of granting permission would outweigh the benefits when assessed against the policies of the Framework taken as a whole (the tilted balance).
- c. The tilted balance creates a presumption in favour of beneficial development. Paragraph 11 of the NPPF provides that if there is no benefit to set against the harm of a proposal, or if the benefits are

insufficient to outweigh the harm, the decision-maker could properly conclude that the application of the policy provides a clear reason for refusing the development.

- d. Paragraph 152 of the NPPF, however, requires a higher test. It requires inappropriate development, which as a matter of principle is harmful, not to be approved except in 'very special circumstances.'
- e. Where 'very special circumstances' or other material considerations are of sufficient weight to outweigh the harm to the Green Belt, approval of the proposal would be consistent with Government guidance and as set out in the NPPF 2023.
- f. The status of the Castle Point 2018-2033 Local Plan is unusual in that whilst it was found sound, it has been formally withdrawn and therefore in itself can have no weight in the consideration of the proposal. However, the evidence underpinning the Local Plan remains valid and is a material consideration.
- g. However, with the withdrawal of the Local Plan, the Green Belt status of the site was reaffirmed. Therefore, whilst it is acknowledged that the site was previously identified for residential purposes, this allocation represented a particular response to a situation in time. That response is no longer considered appropriate and the proposal now needs to be considered on its own merits, in the context of the harm to the Green Belt.
- h. The proposal will, as a matter of fact, result in the loss of the openness of the Green Belt and will also result in some harm to the Green Belt.
- i. As mentioned above, the applicant has identified a number of material factors and benefits with the development, both individually and cumulatively, which they consider constitute 'very special circumstances' needed to outweigh the harm to the Green Belt.
- j. As a consequence, to the assessment of the Green Belt and its overall implications for this area of The Chase and Benfleet more widely, the following aspects are considered pertinent and applicable to the assessment of 'very special circumstances' in relation to this application:
  - The area associated with the application is completely enclosed by housing (save for the area recently approved on appeal, but this is not developed as yet);

- Recent appeal decision supports this sustainable location for development;
  - Appeal decision at Hart Road highlighted the shortage of housing land and the lack of a 5-year housing land supply;
  - The site is available now for development;
  - The development of this site will add 47 dwelling units (including 19 affordable units) to meet some of the existing housing demand in the area;
  - The application is consistent with NPPF guidance and Government policy; and
  - The development plan is out of date.
- k. Overall the foregoing has reviewed and assessed the issues around the development plan, the Green Belt and the tilted balance. As set out above and in the **Appendix 2** Assessment, the development is considered to meet the criteria for “very special circumstances” and as such is supported by officers.

**(x) Other Aspects to be Considered with the Development**

**Prematurity**

- a. A number of local residents have objected to the proposal on the basis that this Authority is currently engaged in the preparation of a new Local Plan and that in the context of that Plan the current proposal is premature.
- b. Paragraph 50 of the NPPF states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- c. The ‘new’ Local Plan has yet to be prepared in draft form and submission for examination is not until April 2025. At this stage an objection to the proposal on the basis of prematurity cannot be sustained and would be unreasonable.
- d. Furthermore, it is unclear at this stage how the current proposal may be demonstrated to prejudice the outcome of the plan-making

process. Under the circumstances, no objection is raised to the proposal on the basis of prematurity.

### **The Scale and Form of Development**

- a. The proposal is in outline at this time and the scale and form is to be arrived at during the further considerations associated with a reserved matters situation; at this time the application seeks only approval in principle and for access.
- b. Under the circumstances, no objection is raised to the scale and form of the development proposed at this stage.

### **The Density and Mix of Proposed Housing**

- a. Policy H9 of the adopted Local Plan requires the optimum density of housing to be achieved on any site, whilst ensuring that the proposal does not harm the character of the surrounding area; provides a functional and attractive layout with adequate building lines; landscaping; setting and space around the buildings and ensuring that the proposal accords with all appropriate policies.
- b. Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is somewhat vague policy which is inconsistent with the requirements of paragraph 62 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- c. 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.
- d. The Addendum to the South Essex Strategic Housing Market Assessment (SHMA) for Castle Point (2020) reviews the need for different house sizes and types to meet the changing needs of the Borough's population; it concludes that there will be demand from a range of different household types, although demand will be particularly strong from families with children and people of retirement age. This means that there is a strong demand for 1- and 2-bedroom properties as well as 3- or 4-bedroom properties,

reflecting the need of growing families. It is important that these homes are provided as they will help to serve the needs of working aged people to live in the area. This is particularly important for both business growth and sustaining public services, such as healthcare.

- e. This scheme is in outline and, whilst it proposes 47 dwellings, the actual mix and tenure will need to be assessed fully at the reserved matters stage.

### **Design and Layout**

- a. Adopted Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals with particular regard paid to the scale, density, siting, design, layout and external materials which should be appropriate to the setting and which should not harm the character of the surroundings. Proposals should take account of all elements of the local design context.
- b. This application is an outline application and as such the aspects highlighted above will need to be more fully considered at the reserved matters stage of the application.
- c. Policy EC2 of the adopted Local Plan seeks to promote healthy and active lifestyles through design.
- d. The NPPF similarly seeks well designed development and it is therefore considered that Policy EC2 is consistent with the NPPF in this regard.
- e. Local Plan Policy H17 states that, in designing proposals, regard must be had to the design and layout guidelines contained within Appendix 12 of the Local Plan. Appendix 12 has been superseded by the adopted Residential Design Guidance (RDG).
- f. The design and layout is a matter for the reserved matters for the application, albeit that the applicants have submitted a draft layout for the site.

### **Access**

- a. The proposal has been considered in detail by the Highway Authority, which has raised no objection to the proposal on highway grounds, subject to conditions which can be appended to the grant of any consent. No objection is therefore raised to the proposal on the basis of access, highway safety or highway capacity.

- b. A layout arrangement for the proposed access has been submitted, which illustrates a new footpath linking up with Chase Mews footpath and a new access road formed to the north side of the Chase providing a cul-de-sac into the site with footpath to both sides of the initial entrance road, see Diagram 3.
- c. It is self evident that the construction phase will generate traffic, including potentially heavy vehicles, and that such traffic will change during the various stages of the build programme. The presence of such traffic is a temporary feature of any scheme of construction and cannot provide a robust objection to the proposal.
- d. Large vehicles have the potential to damage the highway. Consequently, prior to commencing any construction works on site, a suitable Highways Condition Survey Report of the construction vehicle routes to/from the site to the A127 and the A13 will be required. These will include full photographic evidence of the routes with a categorisation of the quality of the existing highway infrastructure.
- e. A further survey will be required post construction to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-construction survey findings.
- f. Any identified damage or further defects would be mitigated or improved to the standard identified at the pre-construction stage. Compliance with this requirement can be secured by condition or through the Section 106 agreement.

### **Parking**

- a. Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on site car parking in accordance with the Essex Planning Officers Vehicle Parking Standards 2009.
- b. Policy EC2 of the Adopted Local Plan highlights the need to ensure that all modes of movement are safe and convenient.
- c. Standard C3 is relevant to the proposed development and requires one space to be provided for all dwellings having one bedroom and 2 spaces for each dwelling having more than one bedroom. The total level of parking being proposed is 104 spaces.
- d. Each parking space should be a minimum of 2.9m wide and 5.5m deep and parking spaces may be provided within garages - single garages are required to be 3m wide (internally) and double garages are required to be 6m wide (internally). All garages are required to

be 7m deep (internally) and must be provided with a 6m deep forecourt.

- e. It should be noted that RDG12 requires that parking provision should not dominate the public realm and should be sited so as not to have an adverse impact on visual or residential amenity.
- f. Bicycle parking is also required on the basis of one secure and covered cycle space per dwelling. The applicant identifies that such provision will be made.

### **Security**

- a. The key principles of secured by design have been followed in the development of the proposed layout which avoids easy opportunities for crime and anti-social behaviour and achieves good levels of natural surveillance to residential properties. The development will be well lit and all dwellings will have a 'defensible space' with a clearly defined boundary between private and public space.
- b. No objection to the proposal is raised on the basis of security, which will be the subject of further assessment with any reserved matters application.

### **Flood Risk and Drainage**

- a. The applicant has submitted a SUDs statement/proforma which identifies the information required by the LLFA to enable a technical assessment of the applicant's approach to water quantity and quality as part of a sustainable drainage approach and a Flood Risk Assessment and Drainage Strategy.
- b. This identifies that the application site is located within Flood Zone 1 and is therefore considered to be at low risk of tidal or fluvial flooding.
- c. The submitted strategy has been considered by the Lead Local Flood Authority and found to be broadly acceptable. The LLFA does, however, request the imposition of conditions on the grant of any consent requiring the submission of a detailed drainage scheme for the site, the control of surface water and ground water run off during the construction period and the provision of appropriate maintenance arrangements.
- d. These can be appended to the grant of any consent.

**Sustainability**

- a. Reference has been made to elements of sustainability throughout this report; however, consideration of the wider concept in respect of this proposal is considered necessary.
- b. The NPPF seeks to ensure that new development is sustainable and within paragraph 8 identifies three overarching objectives:
- c. An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- d. A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- e. an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

**The NPPF**

- a. It is clear that whilst these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework, they are not criteria against which every decision can or should be judged.
- b. They are, however, worthy of some consideration in the context of the current proposal.
- c. It is acknowledged that the construction period of the proposed development will result in some economic gain through direct employment, the supply chain, and in the long-term stewardship of the development, plus services provided to new residents and by new residents to the local area. The new development will also potentially provide a pool of labour for local businesses and the public and voluntary sectors.



- d. In terms of the social objective, the proposal seeks to secure a range of housing types and sizes, including a significant element of affordable housing. The proposal may be assumed to have the potential to support strong, vibrant and healthy communities.
- e. Finally, in terms of the environmental objective, the site is within 1.4km of local retail and entertainment facilities, some 1.2 km from the nearest primary school and some 1.4 km from the nearest secondary school.
- f. Employment sites at Rayleigh Weir and Manor Trading Estate are some 2.3 km and 4 km distant respectively.
- g. Whilst the railway station is approximately 2.6 km away, access to bus routes is good, with the nearest bus stop being some 250m from the site and provides links to all local facilities.
- h. In addition, the proposal provides the opportunity for the extension of the footpath network through the wider area, facilitating access by foot to local services, education and recreational facilities.
- i. The site does therefore offer the opportunity for alternative means of travel other than the private car.
- j. It may be noted that the applicant intends to provide electric vehicle charging points to all properties.

#### **Waste Management**

- b. Paragraph 8 of the NPPF recognises the importance of using natural resources prudently and minimising waste to ensure the protection and enhancement of the natural environment and to achieve sustainable development. It also reiterates the need to mitigate and adapt to climate change and move towards a low carbon economy. An efficient and effective circular economy is important to achieving these objectives.
- c. Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated as a result of development/ redevelopment. Not only does this reduce the need for mineral extraction, but it also reduces the amount sent to landfill. Clause 4 specifically requires:
  - i. “The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on site re-use/recycling, or if not environmentally acceptable to do so,

through re-use/recycling at other nearby aggregate recycling facilities in proximity to the site.”

- d. It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF.
- e. The applicant has advised that prior to the construction phase a Construction Environmental Management Plan (CEMP) will be developed to ensure the use of measures to minimise waste during the construction phases of the development, including the use of a scheme for recycling/disposing of waste arising from demolition and construction works. In addition, the development will be registered with the Considerate Constructors Scheme and achieve certification against the Code of Considerate Practice.
- f. To ensure compliance with these requirements it is considered that conditions should be attached to the grant of any consent requiring the applicant to prepare an appropriately detailed waste management strategy through the CEMP.

#### **Contamination**

- a. Paragraph 189 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed uses taking account of any risks arising from contamination.
- b. The site has been used for grazing for most of its existence; there is therefore very limited potential for soil contamination on the site.
- c. The applicant has submitted a Risk Assessment Report which confirms low potential from contamination.

#### **Archaeology**

- a. Paragraph 200 of the NPPF states that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- b. In this particular case the site has remained as vacant pastureland for as long as records are available; as such, it is considered that there is little opportunity for any historical assets being present on the site.

**13 EQUALITY AND DIVERSITY IMPLICATIONS**

- 13.1 In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. Section 149 provides that the Council must have due regard to the need to (a) eliminate discrimination, harassment, victimisation (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

**14 CONCLUSION**

- 14.1 This application seeks to secure planning permission for the provision of 47 dwellings, including for 19 affordable dwellings, with associated infrastructure including the provision of an extensive sustainable drainage system and an equipped children's play area.
- 14.2 The applicant has produced a scheme which has been reviewed by Essex County Council, the Lead Local Flood Authority, Natural England, the NHS and all other relevant statutory authorities, none of which have raised any objection to the proposal. Whilst protecting as far as possible the current ecological value of the site and achieving a net increase in biodiversity.
- 14.3 The submitted scheme would make a significant contribution towards meeting both market and affordable housing needs, with the provision of some 19 affordable housing units, secured through a Section 106 agreement.
- 14.4 The proposal has, however, attracted 168 objections, which are addressed within the report.
- 14.5 Following detailed consideration of the submissions, within the context of extant planning policy and guidance, it is clear that the application site is allocated for Green Belt purposes in the adopted Local Plan and that the proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt and should only be approved where 'very special circumstances' which outweigh that harm.
- 14.6 However, when examining the site within the context of its surroundings, it is clear that the site poorly serves the aims and objectives of the Green Belt as set out in Paragraph 143 of the NPPF. When combining this with the proposed benefits of the development scheme, it is considered that the development scheme provides sufficient benefits which clearly outweigh the

harm to the Green Belt and which tilt the balance in favour of approving the development.

- 14.7 The proposal is therefore recommended for approval, subject to a Section 106 Legal Agreement securing matters listed below and in Appendix 1 and planning conditions and informatives as set out in paragraph 1.1.

**S106 Recommendations**

- Provision of 40% Affordable Housing (equivalent to 19 affordable units)
- Financial contributions towards:
  - Highway Improvements including residential travel packs, monitoring fees and bus improvements
  - Healthcare Provision
  - Educational Facilities and Libraries
  - On Site Open Space
  - Green Infrastructure/Biodiversity Net Gain
  - RAMs Contribution

- 14.8 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.

Stephen Garner

Assistant Director Development Services

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**Background Papers:-**

Castle Point Borough Council – Guidance for Assessing Planning Applications in the Green Belt – Appendix 2 Assessment Template

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## **SECTION 106 AGREEMENT (DRAFT)**

### **MATTERS TO BE INCLUDED WITHIN A SECTION 106 AGREEMENT FOR THE DEVELOPMENT OF LAND EAST OF CHASE MEWS, WEST OF NO. 310 THE CHASE AND NORTH OF THE CHASE, BENFLEET**

**The matters included within this draft list are not exhaustive and will be subject to further discussion and negotiation prior to final drafting**

#### **Highways and Transportation**

- Prior to occupation of the proposed residential development the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for every household for sustainable transport, to include a 6-day travel ticket for bus travel from the development site, to be approved by Essex County Council.
- Monitoring fees for the Council required to review all matters associated with aspects of the provision of bus improvements, Residential Travel Information Pack provision, highway improvements and maintenance works.

#### **CPBC - Housing**

- Provision of 40% Affordable Housing (equivalent to 19 affordable units) in accordance with the Council Housing Policy and identified need.

#### **Essex County Council Infrastructure**

- Early Years and Childcare  
The proposed development is located within Thundersley South ward (postcode SS7 3DN) and will create the need for an additional 3.74 childcare places. The demand generated by this development would require a contribution towards the creation of additional places. A developer contribution of £64,496.00 index linked to Q1- 2020, is sought to mitigate its impact on local Early Years and Childcare provision. This equates to £17,268 per place.
- Primary Education  
This development would fall within the Priority Admission Area of Thundersley Primary School, which has a Published Admission Number of 60 pupils per year. As at the census in January, the school had 443 pupils on role. Looking at the wider area, forecasts set out in the Essex School Organisation Service's Ten-Year Plan suggest that there may be a need for additional capacity in the Thundersley, Benfleet and Hadleigh areas during the second half of the Plan period. The demand generated by this development would require a contribution towards the creation of additional places. A developer contribution of **£214,987.00** index linked to Q1- 2020, is sought to mitigate its impact on local Primary School provision. This equates to **£17,268 per place**.
- Secondary Education  
As there are sufficient places available in the area, a developer's contribution towards new Secondary Education places will not be required for this application.
- Post 16 Education  
A contribution towards Post 16 education is not required at this time. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), an Employment and Skills Plan (ESP) should be

developed to set out how the developer will engage to maximise local labour and skills opportunities.

- Libraries

ECC may seek contributions to support the expansion of the Library Service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications. The suggested population increase brought about by the proposed development is expected to create additional usage of Hadleigh Library. A developer contribution of **£3,656.60** is therefore considered necessary to improve, enhance and extend the facilities and services provided. We would also look to use any contribution towards expanding the reach of our mobile library and outreach services in order to provide an appropriate service to these additional residents. This equates to **£77.80 per unit**, index linked to April 2020.

- Monitoring Fees

In order to secure the delivery of the various infrastructure improvements and to meet the needs arising from development growth, ECC needs to monitor Section 106 planning obligations to ensure they are fully complied with on all matters. ECC has a resultant obligation to ensure the money is received and spent on those projects addressing the needs for which it was sought and secured. To carry out this work, ECC employs a staff resource and charges an administration/monitoring fee towards funding this requirement. The Monitoring Fee will be charged at a rate of **£550 per obligation** (financial and otherwise). On large developments the Monitoring Fee will be calculated using a bespoke approach.

- Employment and Skills

Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships and to invest in skills to realise personal and economic aspirations. ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. ECC supports Castle Point Borough Council in securing obligations which will deliver against this crucial role in supporting employment and skills in the district.

## NHS England

- Impact on Existing Healthcare Provision

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 113 new residents and subsequently increase demand upon existing constrained services.

- The population likely to be generated from the proposed development, the primary care floor space needed to support this additional population and the costs of doing so, using the accepted standards, the capital required to create additional floor space to support the population arising from the proposed development is calculated to be £23,200.

## Natural England

- Designated sites (European) – no objection, subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

## Green Belt Assessment Template

Template for Assessing Green Belt Planning Applications		
Stage	Question	Has this question been answered? Y/N
<b>Stage 1 Proposal</b>	1. Is the development proposal in Green Belt land?	Y
<b>Stage 2 Inappropriate Development</b>	2. Is the development proposal inappropriate development according to NPPF para 154?	Y
	3. Is the development proposal inappropriate development according to NPPF para 155?	Y
<b>Stage 3 Weight of Harm on the Green Belt</b>	4. What are the harms arising from the development proposal on the Green Belt?	Y
	5. What weight is attributed to harm from the development proposal on the openness of the Green Belt?	Y
	6. What weight is attributed to harm from the development proposal on the purposes of the Green Belt?	Y
<b>Stage 4 Other Non-Green Belt Harms</b>	7. Example: What weight is attributed to harm on the character and appearance of the area?	Y
<b>Stage 5 Other Considerations</b>	8. What are the other considerations for the development proposal?	Y
	9. What weight is attributed to the other considerations of the development proposal?	Y
<b>Stage 6 Very Special Circumstances</b>	10. Do very special circumstances exist to clearly outweigh harm to the Green Belt?	Y

Stage 1 Proposal - Template for Assessing Green Belt Planning Applications	
Planning Application (Reference)	Located in the Green Belt? Y/N
23/0241/OUT Land East of Chase Mews, West of No. 310 The Chase and North of The Chase Benfleet Essex	Y



Stage 2 Inappropriate Development – Template for Assessing Green Belt Planning Applications		
<p><b>National Planning Policy Framework Paragraph 154 states: <i>A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.</i> Exceptions to this are listed in the column below. Note that there are qualifications in relation to the exceptions which should be considered noted in this table.</b></p>	<p><b>Does the development proposal meet one (or more) of the types of development in paragraph 154?</b></p> <p><b>State ‘Yes’ or ‘No’ and where answering ‘Yes’ provide a description in the rows below.</b></p> <p><b>Where the development proposal does not meet one (or more) of the types of development in paragraph 154, provide a summary of the development proposal in the Conclusion section below.</b></p>	<p><b>Using the answers provided in the rows below, explain why or why not the development proposal is considered to be inappropriate development in the Green Belt.</b></p> <p><b>Where the development proposal does not meet one (or more) of the types of development in paragraph 154, provide a summary of the development proposal in the Conclusion section below.</b></p>
a) <i>buildings for agriculture and forestry;</i>	No	Exception not met
b) <i>the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;</i>	No	Exception not met
c) <i>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;</i>	No	Exception not met

d) <i>the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;</i>	No	Exception not met
e) <i>limited infilling in villages;</i>	No	Exception not met
f) <i>limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and</i>	No	Exception not met
g) <i>limited infilling or the partial or complete redevelopment of previously developed land<sup>1</sup>, whether redundant or in continuing use (excluding temporary buildings), which would:</i> <i>– not have a greater impact on the openness of the Green Belt than the existing development;</i> <i>or</i> <i>– 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.</i>	No	Exception not met
<b>Conclusion:</b>	<b>No exceptions have been identified</b>	

<sup>1</sup> For the definition of Previously Developed Land, refer to the [National Planning Policy Framework, Annex 2: Glossary](#).

National Planning Policy Framework Paragraph 155	Does the development proposal meet one (or more) of the types of development in paragraph 155, does it preserve the openness of the Green Belt and not conflict with the purposes of including land within it?	Explain why the development proposal is or is not considered to be inappropriate development in the Green Belt?
<i>a) mineral extraction;</i>	No	Exception not met
<i>b) engineering operations;</i>	No	Exception not met
<i>c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;</i>	No	Exception not met
<i>d) the re-use of buildings provided that the buildings are of permanent and substantial construction;</i>	No	Exception not met
<i>e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and</i>	No	Exception not met
<i>f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.</i>	No	Exception not met
<b>Conclusion:</b>	<b>No exceptions have been identified</b>	

Stage 3 Green Belt Harm - Template for Assessing Green Belt Planning Applications			
What are the harms arising from the development proposal on the Green Belt?			
<p>The applicant is seeking outline planning approval for access and the principle of residential development of up to 47 dwelling units including all associated works and infrastructure.</p> <p>The land is currently entirely allocated within the Green Belt and no exceptions have been found to exist which might therefore justify this in appropriate development. Therefore, full consideration of the harm resulting from this development on the Green Belt will be considered.</p>			
Green Belt Harm	Assessment of Harm on the Green Belt	Weight of Harm <i>Limited – Moderate – Substantial</i>	Notes
<i>Impact on openness</i>	<p>The proposal would result in the existing site which comprises an open field/paddock being developed with up to 47 dwellings and other ancillary buildings and structures across the site.</p> <p>The proposal would replace an open field with a significant level of built development spread across the site which would erode the openness of the Green Belt by reason of its actual and perceived visual intrusion.</p> <p>However, the harm to openness outside the site is to some degree lessened by the presence or extant consent presence of built development to all sides of the application site which reduces the</p>	Moderate	<p>Turner, Euro Garages Limited and Samuel Smith Old Brewery cases</p> <p>PPG 64-001-20190722</p>

	contribution the existing site makes to the openness of the surrounding Green Belt area.		
<b>Green Belt purposes (NPPF, paragraph 143)</b>	<b>Assessment of Harm on Purposes of the Green Belt</b>	<b>Weight of Harm <i>Limited – Moderate - Substantial</i></b>	<b>Notes</b>
<i>a) to check the unrestricted sprawl of large built-up areas</i>	<p>The application site is entirely surrounded by built development, with an extant consent to the north for housing which has recently commenced.</p> <p>The site therefore contributes poorly to preventing the unrestricted sprawl of large built-up areas given its confinement given the existing developments around the site.</p>	Limited	
<i>b) to prevent neighbouring towns merging into one another</i>	Whilst the site is close to the settlement boundaries of Daws Heath, Thundersley and Hadleigh, the site itself does not form a large or distinct barrier between those settlements, being located entirely within Thundersley and therefore this site does not serve this purpose.	Limited	
<i>c) to assist in safeguarding the countryside from encroachment</i>	The proposal would result in the existing site which currently comprises an open field/paddock being developed with up to 47 dwellings, an access road and other ancillary buildings and infrastructure.	Limited	

	<p>The site is bounded to all sides by development and it is considered that this area whilst serving as a break in development, struggles to be viewed as part of the wider area of undeveloped countryside to the west of the site, due to significantly to the development of Chase Mews to the west and Land South of 248 Hart Road to the north of the site.</p> <p>Consequently, the proposal is considered to result in limited harm to this purpose.</p>		
<i>d) to preserve the setting and special character of historic towns</i>	Not applicable	Not applicable	
<i>e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</i>	<p>This proposal to build in the Green Belt acts against this purpose where one of the key functions is to direct development to urban areas and assist in urban regeneration through use of previously developed land and other land within urban areas.</p> <p>As a result the proposal is considered to result in substantial harm to this purpose.</p>	Moderate	NPPF Paragraph 11d) i. and Footnote 7

<b>Stage 4 Non-Green Belt Harm</b>
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<b>What are the Non-Green Belt harms arising from the development proposal?</b>			
<p>The applicant is seeking outline planning approval for access and the principles of residential development of up to 47 dwelling units and associated infrastructure.</p> <p>The land is currently undeveloped and is a field/paddock area. The proposed development of the site has the potential to detrimentally impact on the local biodiversity of the areas as well as wildlife, result in increased traffic pollution, noise and surface water flooding, as well as place additional pressure on existing utilities and community facilities.</p>			
<b>Other Harm</b>	<b>Assessment of Harm</b>	<b>Weight of Harm</b> <i>Limited – Moderate</i> <i>- Substantial</i>	<b>Notes</b>
Ecology/Biodiversity	The proposal would result in the loss of some ecology and biodiversity on the site. However, the application also proposes a scheme of biodiversity and ecology benefits.	Limited	
Wildlife	The proposal would have a limited impact upon wildlife such as badgers, bats, birds and other wildlife, but not significantly provided the development is suitably designed and suitable mitigation is implemented.	Limited	
Protected Sites	The site lies within the zones of influence for the Benfleet and Southend Marshes and the Blackwater Estuary Special Protection Areas (SPAs) identified in the RAMS. The applicant has agreed, via a S106 agreement, to pay a RAMS contribution to mitigate the harm the proposal would have on	Limited	

Increased Traffic	<p>these SPAs in line with the guidance contained within the RAMS document. Such a contribution is considered to satisfactorily mitigate the harm resulting from the proposed development and therefore limited harm would arise.</p>	Limited	
Noise and Disturbance	<p>The proposal would result in the creation of a new vehicular access onto The Chase. The proposed development for up to 47 dwellings would likely result in additional traffic and pressure on surrounding roads. The proposal has been scrutinised by the Highways Authority along with technical details of the proposed accesses. Subject to conditions, the Highways Authority raise no objection to the proposal and as subject matter experts the proposed accesses and impact on the highway network can in the absence of expert evidence to the contrary it can be concluded as being acceptable and limited harm would therefore arise.</p> <p>The proposal has the potential to result in noise and disturbance during the construction phase, however this can be suitably managed through an appropriate Construction</p>	Limited	



Pollution	Environment Management Plan (CEMP) which can be secured by condition. It is also not considered that noise and disturbance resulting from the use of the completed development would be harmful to the residential amenity of surrounding residents given the indicative layouts and intended uses of the proposal.	Limited	
Flooding	The proposal has the potential to result in elevated concentrations of particles and dust nuisance as well as noise. Mitigation measures can be proposed which could form part of a CEMP which would address this concern and which could be secured by way of condition.	Limited	
Oversubscribed Services	<p>The proposal by reason of the increased areas of impermeable surfaces resulting from the development has the potential to result in increased levels of surface water runoff which could lead to surface water flooding of the site and nearby areas if not properly managed.</p> <p>Whilst the increase in number of dwellings may place additional pressures on GPs, schools and other</p>	Limited	

	community facilities, no objection has been raised to the proposal from the relevant consultees. Subject to relevant conditions and financial contributions to be secured by an appropriate S106 agreement, the harm resulting from the development would be ameliorated and therefore limited harm would occur as a result.		
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Stage 5 Other Considerations – Template for Assessing Green Belt Planning Applications				
What are the other considerations for the development proposal? (see Table 5.2 above for examples)				
<p>The applicant is seeking outline planning approval for access and the principles of residential development of up to 47 dwelling units and associated infrastructure.</p> <p>The proposal would result in the provision of 40% affordable housing with the remainder being market housing which would meet an unmet need within the borough. It also proposed open space, enhancement of biodiversity and contribution to local employment.</p>				
Category	Other Considerations	Assessment of Other Considerations	Weight of Other Considerations <i>Limited – Moderate - Substantial</i>	Notes
Social	Unmet housing need	Up to 47 dwellings are proposed as a result of this development. Given the boroughs lack of five-year housing land supply (1.86 years) and the figure calculated within the latest housing needs assessment identifying the need to provide 255 dwellings a year, and the standard methodology calculation identifying the need for 355 dwelling a year, this site would contribute to meeting that annual figure over the course of the development, providing much needed housing the borough. This consideration is therefore given substantial weight.	Substantial	
	Affordable housing provision	The applicant proposed to provide 40% affordable housing which would amount to up to 19 residential units. Given the boroughs lack of affordable housing provision over recent years this represents a	Substantial	

		significant contribution to meeting the affordable housing needs of the boroughs residents and is therefore accorded substantial weight.		
<i>Environmental</i>	<i>RAMS mitigation</i>	The site lies within the zones of influence for the Benfleet and Southend Marshes and the Blackwater estuary Special Protection Areas (SPAs) identified in the RAMS. The applicant has offered, via a S106 agreement, to pay a RAMS contribution to mitigate the harm the proposal would have on these SPAs in line with the guidance contained within the RAMS document. Such a contribution is considered to satisfactorily mitigate the harm resulting from the proposed development and would therefore help to maintain and enhance these local areas.	Limited	
	Open space/play space provision	An area open space/play space is proposed as part of the indicative plans submitted accompanying this application. Such spaces contribute positively to both mental wellbeing as well as the environment by creating habitats for wildlife.	Limited	
	Enhancement of biodiversity	It is proposed to provide 10% biodiversity net gain on the site through multiple different means as part of the multi-functional spaces provided as part of this development.	Limited	
	Sustainable housing	It is proposed that the proposed houses would be sustainable, although this is a requirement of national planning policy and Building Regulations in any case.	Limited	

<i>Economic</i>	<i>Contribution to local employment</i>	The development will create construction jobs which have an acknowledged economic benefit within the local area, however these will be short-lived until the development is completed, so the benefit is limited due to its temporality.	Limited	
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<b>Stage 6 Very special circumstances – Template for Assessing Green Belt Planning Applications</b>	
<b>Do very special circumstances exist? Y/N</b>	<b>Explain why very special circumstances do or do not exist.</b>
Y	<p>In undertaking this assessment, an initial assessment has been undertaken to ascertain whether any exceptions under paragraphs 149 or 150 of the NPPF are met and justify the development. No such exceptions have been identified and it is therefore considered that the proposal would amount to inappropriate development within the Green Belt which is by definition harmful to the purposes of the Green Belt and should therefore be refused.</p> <p>Inappropriate development should only be permitted where very special circumstances exist which clearly outweigh the harm to the Green Belt. In assessing the harm to the Green Belt, it was considered that the proposal would result in limited harm to purposes 1-3 and moderate harm to purpose 5 of the Green Belt as set out in paragraph 143 of the NPPF, as well as have a detrimental impact on openness of the Green Belt. Other harms have also been identified on a number of matters which have all been attributed limited harm.</p> <p>The proposed scheme has been assessed to have a moderate impact on the openness of the Green Belt by reason of its spatial and visual intrusion due to the proposed presence of built development on currently undeveloped land.</p>

	<p>The benefits of the proposal have also been assessed. Most notably the provision of housing in order to meet an unmet housing need, as well as affordable housing provision have both been afforded substantial weight in favour of the proposal with a number of other considerations afforded limited weight.</p> <p>Given the proposed benefits of the development scheme, in consideration of the limited degree to which the site serves the first three purposes of the Green Belt and moderately serves purpose five under paragraph 143 of the NPPF, which is largely influenced by the existing forms of development surrounding the site on all sides, the benefits are considered to clearly outweigh the harm to the Green Belt and tips the scales in favour of development.</p> <p>Consequently, whilst the proposal has been assessed to result in a degree of harm to the Green Belt by reason of the development conflicting with the purposes of the Green Belt and preserving the openness of the Green Belt, this harm and other identified harms are clearly outweighed by the benefits of the proposal and would accord with national planning policy. Therefore, the very special circumstances necessary to justify the development do exist in this instance for the proposed development on this site.</p>
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