

Reference:	23/01664/FUL
Application Type:	Full Application
Ward:	Eastwood Park
Proposal:	Erect stable block comprising of 3no. stables and tack room with associated north facing LED lighting, hardstanding pen and turn out paddock, part of a menage (part in Rochford Council Boundary), erect barn and timber clad plant container to east side of stables, erect chicken coop, layout drive and parking and install 8000 litre below ground level water storage tank. (Part Retrospective) (Amended Proposal)
Address:	Land North of Roach Vale, Eastwood, Essex
Applicant:	Mr Paul Whitehair
Agent:	Mr Robert Gandy of Enzygo
Consultation Expiry:	18.12.2023
Expiry Date:	29.02.2024
Case Officer:	Abbie Greenwood
Plan Nos:	CRM.123.005.PL.D.001 Rev B, CRM.123.005.PL.D.002 Rev B, CRM.123.005.PL.D.003 Rev B, CRM.123.005.PL.D.004 Rev B
Supporting Documents	<p>Planning, Design and Access Statement by Enzygo reference CRM.0123.005.PL.R.01 dated October 2023.</p> <p>Agricultural Land Classification Document by Soil and Environment Services Ltd dated July 2023 ref. SES/ENZ/RO/#1</p> <p>Tree Protection Plan reference 123.005.ENZ.XX.00.DR.AR.45.102 Rev PL01.</p> <p>Tree Constraints Plan reference 123.005.ENZ.XX.00.DR.AR.45.101 Rev PL01.</p> <p>Tree Survey</p> <p>Arboricultural Impact Assessment and Arboricultural Method Statement by Enzygo reference 123.005.ENZ.XX.00.RP.AR.45.102 dated June 2023.</p> <p>Arboricultural Survey by Enzygo reference 23.005.ENZ.XX.00.RP.AR.45.101 dated June 2023.</p> <p>Detailed Drainage Strategy by Enzygo reference CRM.0123.005.HY.R.001.A dated February 2024.</p> <p>Ecological Impact Assessment by Enzygo reference CRM.0123.005.EC.R.001.Rev A dated 23rd November 2023.</p> <p>UK Habitat Classification Map reference CRM0123-ENZ-XX-XX-DR-Z-0001 Rev P01.</p> <p>Lighting Strategy by Enzygo reference CRM.0123.001.AQ.R.001 dated December 2023</p>

	<p>Sustainability Statement by Enzygo reference CRM.0123.005.PL.R.02 dated December 2023.</p> <p>Manure Disposal Procedure Document by Paul Whitehair dated 01/12/2023.</p> <p>Email from agent dated 13.11.23 listing equipment needed onsite and equipment currently onsite which will be removed and email from agent dated 8.01.24 confirming run off from the buildings will feed directly into the underground water tank and this will be topped up if needed by vehicle delivery.</p>
<p>Recommendation:</p>	<p>GRANT PLANNING PERMISSION subject to conditions</p>



1 Site and Surroundings

- 1.1 The site is within part of an open field on the north side of the tree line directly north of Roach Vale. The site is accessed at its southeast corner via an unmade track leading from Blatches Chase. The site is part of a swathe of land to the north of the city which is designated as Green Belt and 'Best and Most Versatile Agricultural Land' within the Development Management Document's Proposals Map. The site is in Flood Zone 1.
- 1.2 The site has an open aspect to the remainder of the field to the north which is also owned by the applicant but falls within Rochford District. The field is enclosed on all sides by trees and hedges which provide a degree of enclosure and screening to the site on all sides. The trees to the south boundary are protected under Tree Preservation Order (TPO) reference 4/67 W1. These also fall within a narrow strip of protected green space. The development site does not encroach onto the protected green space designation.
- 1.3 To the south of the site, beyond the tree line are the residential properties in Roach Vale. There are other equestrian uses in the local area including stables for up to 6 horses and a menage and paddocks at No 175 Green Lane, a short distance to the west, also within the Green Belt, and various bridleways.

2 The Proposal

Current Situation

2.1 The proposal is part retrospective. A number of structures have been erected at the site without the benefit of planning permission. These are listed below. Where these extend across the boundary with Rochford District this is noted.

- A block of 3 stables with floodlighting to the north, east and west sides and an associated hardstanding pen and grassed turn out paddock with timber fencing.
- An array of solar panels measuring 6m x 10m.
- Two shipping containers one of which contains the electrics for the solar panels.
- An 8000 litre water tank.
- A timber chicken coop and chicken run with 2.25m high metal fencing (Officer Note: The metal chicken run fencing is within Rochford District area and is outside the red line application site)
- Part of a menage for exercising horses (Officer Note: Only the southern end of the menage is with the Southend City Boundary. Approximately 80% of the menage is within Rochford District and outside the red line boundary for this application. The part of the menage that is within the red line, application boundary is assessed as part of this application. The menage is 20m x 60m in total which is the standard size for this facility.

3 *Structures not requiring planning permission:*

- A grid of 18 raised vegetable beds. The beds are not permanently fixed to the ground so do not constitute development. (Officer Note – Approximately ¼ of the raised beds are within Rochford District and are outside the red line application area.)
- 2 polytunnels. The polytunnels are small scale comprising rods pushed into the earth with retained grassed floor and are therefore easily removed and temporary in nature. They are not of the size seen within a commercial operation which would be more permanent and would require planning permission. (Officer Note – the northern polytunnel is within Rochford District and is outside the red line application area.)
- A grid of 30 fruit trees.
- A compacted earth surface driveway.

3.1 Following a Southend Council planning enforcement investigation a planning application was submitted under reference 22/02226/FUL to erect a stable block comprising 3no. stables with associated LED lighting and hardstanding and paddock area to north side, erect barn to east side of stables and layout parking, install 6m x 10m solar array at ground level on north side of vehicular access and storage container for solar electrics to south side of vehicular access and install 8000 litre freestanding water storage tank (part retrospective). This was refused for the following reasons:

01 The proposed development constitutes inappropriate development in the Green Belt which would materially harm the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. There are no very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of the inappropriate development and significant harm to the openness of the Green Belt through the impact of the built form. The proposal has also failed to justify the extent of the loss of best and most versatile agricultural land. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021) and Policies CP4 and CP5 of the Southend-on-Sea Core Strategy (2007).

02 The applicant has failed to demonstrate that the development would not harm ecology or

any protected species at the site. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

3.2 In order to address these reasons for refusal the following amendments have been made:

- The proposed barn has been reduced from 10m x 10m (100sqm) to 8m x 6m (48sqm), a reduction of 52% in footprint, and has been reduced in height from 4.1m to 3.5m. This will replace the existing unauthorised eastern shipping container currently on site which will be removed.
- The existing unauthorised stable block is proposed to be increased from the 3 no stables currently constructed measuring 12m x 4m to 3 no stables plus an additional bay to be used as a tack room, measuring 17m x 4m. The block has a height of between 2.5m to 3.1m. The 3 existing flood lights which have been installed on this building will be removed and replaced with 3 downlighters which will be sited on the north elevation only to provide illumination for the turn out area on an occasional basis.
- The hardstanding turnout area to the north of the stables of 12m x 4m and the grass paddock beyond measuring 12m x 10m both enclosed by 1.2m high timber post and rail fencing remain unchanged.
- The existing unauthorised solar array is proposed to be reduced from 6m x 10m to 3m x 3m to bring it within permitted development limits and therefore is now excluded from the scope of this application.
- The western shipping container, measuring 2.43m x 3.05m and 2.59m high is proposed to be retained as this houses the electrics from the solar panels but this will be clad in timber to match the buildings.
- The access track is proposed to be converted to grass within a reinforced mesh.
- The 8000 litre water tank is now proposed to be buried underground.
- The Chicken Coop is unchanged.
- All buildings are proposed as timber cladding with metal corrugated roofing.

3.3 The following information has been provided by the applicant in relation to the proposed use:

'The stables would be used for private equestrian purposes, for the recreational use of the applicant. The area outside of the application boundary would be retained as grassland to be used for the keeping of horses (western side of the field) and production of hay (eastern side of the field).

Hay is currently produced from the north-eastern part of the site (outside of the Southend City Boundary) and is stored in portable contemporary containers. The proposed barn would provide storage for hay and equipment within a single consolidated building and would also allow the secure storage of the horses' tack.'

4 Relevant Planning History

4.1 The most relevant planning history of the application site is listed below:

- 22/02226/FUL - Erect stable block comprising 3no. stables with associated LED lighting and hardstanding and paddock area to north side, erect barn to east side of stables and layout parking, install 6m x 10m solar array at ground level on north side of vehicular access and storage container for solar electrics to south side of vehicular access and install 8000 litre freestanding water storage tank (part retrospective) – refused.
- 22/00273/UNAU_B - Enforcement Enquiry - Engineering operations and erection of structures – pending.
- 22/00089/UNAU_B - Engineering operations in agricultural land – closed.

4.2 Relevant development at neighbouring sites

- Application Reference 13/01578/FUL. 'Erect 4 box stables, all weather menage (21m x 60m) and associated storage and use land as private stable on land adjacent to 175 Green Lane' - Permission Granted.
- Application Reference 13/00905/FUL. 'Erect 7 box stables, all weather menage and associated storage and use land as private stable on land adjacent to 175 Green Lane' - Refused.

5 Representation Summary

Public Consultation

5.1 Twenty (20) neighbouring properties were notified of the application by letter and a site notice was displayed. An additional consultation was subsequently undertaken with neighbours following a clarification of the description of the development. Eight (8) letters of representation have been received from 5 addresses raising the following summarised issues:

- Inappropriate development in a designated green space and out of keeping with the nearby country park.
- Light pollution and impact of lighting on dark and rural character of the area and nocturnal wildlife. The existing lighting is too bright and not shielded so cannot be directed downwards.
- Concern that the development is part retrospective.
- Neighbour and residential amenity impacts including noise and disturbance during construction during unsociable hours, smells, earth removal.
- Traffic generation.
- Impact on trees.
- The menage is too large. Concern that this will be hired out. The site is inappropriate for equestrian events or commercial use. This should be controlled by conditions including preventing conversion to residential use.
- No objection in principle to stabling 3 horses in this general location but the stables should be sited away from the houses. No objection to the site being used for haymaking. No objection to small buildings to support these uses.
- Lack of drainage and potential for surface water flooding.
- Concern over subsidence from earth removal.
- Impact on badgers including pushing their territories towards the houses and public footpaths and the damage this may cause. Concern that excavation for water tank may harm badgers.
- The existing large solar array is inappropriate and not needed.
- The hen houses reduce openness.
- The growing area seems over scaled for family use and may be used for commercial purposes.
- The proposed barn is still too large and will be visible through the trees in winter.
- All items that are not needed for any approval should be removed from the site.
- Development without planning permission should be removed.
- The motorhome should be removed.
- The drainage pond may be used as a fishing lake.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Highways

5.2 No objections.

Environmental Health

5.3 No objections subject to conditions requiring external lighting, drainage and manure disposal to be carried out in accordance with the submitted details.

Parks (Ecology)

5.4 The ecology report and lighting strategy including hours of use are acceptable in terms of impact on wildlife including bats.

Parks (Trees)

5.5 No objections. The existing and proposed works are outside the root protection areas of the preserved trees.

Lead Local Flood Authority (LLFA)

5.6 No objections. All drainage and flood risk measures be delivered as outlined in the Drainage Strategy. Water capture and reuse is encouraged.

Essex Fire Service

5.7 No objections subject to meeting building regulations.

Essex Badger Protection Group

5.8 No objections. The amended Ecological Impact Report satisfactorily addresses the impact on badgers and its recommendations should be complied with.

Rochford District Council

5.9 No Objections - The proposal equates to 'appropriate facilities for outdoor sport and recreation in the Green Belt' as set out in paragraph 154b of the NPPF and is consistent with Rochford District Council Development Management Plan (2014) Policy DM15 in this regard.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2023)

6.3 National Design Guide (NDG) (2021)

6.4 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy KP3 (Implementation and Resources), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP5 (Minerals and Soils Resources), Policy CP7 (Sport, Recreation and Green Space)

6.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective

Use of Land), Policy DM14 (Environmental Protection), Policy DM15 (Sustainable Transport Management).

6.6 The Southend-on-Sea Design and Townscape Guide (2009)

6.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6.8 Southend-on-Sea Waste Management Guidelines for Developers (2019).

7 Procedural Matters

7.1 This application is presented to the Development Control Committee because it has been called in by Councillor Robert McMullan.

8 Planning Considerations

8.1 The main considerations in relation to this application are the principle of the development including the impact on the Green Belt and the best and most versatile agricultural land, design and impact on the character of the area, impact on residential amenity, traffic and transportation, sustainability, ecology, protected trees and CIL and whether the proposal has satisfactorily overcome the previous reasons for refusal.

9 Appraisal

Principle of Development

Green Belt

9.1 At paragraph 143 of the NPPF, the 5 purposes of the Green Belt are listed as:

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

9.2 Paragraph 142 of the NPPF states: *'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'* The NPPF states *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'* (paragraph 153).

9.3 At paragraph 154 the NPPF states that the construction of new buildings is inappropriate in the Green Belt except in the following circumstances:

'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.'

9.4 Paragraph 155 of the NPPF states that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within in. These are:

(a) Mineral extraction;

(b) Engineering operations;

(c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;

(d) The re-use of buildings provided that the buildings are of permanent and substantial construction;

(e) Material changes in the use of land (such as changes of use for outdoor sport and recreation or for cemeteries and burial grounds); and

(f) Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.'

9.5 The Planning Practice Guidance sets out what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. At paragraph 001 Reference ID: 64-001-20190722 it states:

'Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remendability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation.'*

9.6 Paragraph 156 of the NPPF states "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very

special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

- 9.7 Policy CP4 of the Core Strategy states that development proposals will be expected to *‘maintain the function and open character of a sustainable Green Belt.’*
- 9.8 Policy DM3 of the Development Management Document promotes ‘the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.’
- 9.9 The applicant states that they are seeking to use the land for their horses and for small scale agriculture for their own personal use so that they can reduce the carbon footprint of their family and be more self-sufficient. In this respect the proposal is similar to a smallholding but without any living accommodation on site and without drawing from the national grid. As noted above the development comprises a stables and paddock, a barn, a chicken coop, a buried water tank, the access track and an electrics cabin for the reduced PV array but not the array itself, which is outside the scope of the application, and a roughly one fifth of a menage. Each of these must be assessed in the following way:
1. To determine whether they are not inappropriate development in the Green Belt, and
 2. Whether they harm the openness of the Green Belt or conflict with the purposes of including land within the Green Belt, and
 3. When/if they do constitute inappropriate development in the Green Belt, if they can then be justified by ‘very special circumstances’ which clearly outweigh the harm identified.

The various components of the development are assessed against these criteria below.

- 9.10 The previous application, reference 22/02226/FUL, was refused because it was found that the proposal failed to justify that the cumulative impact of buildings and other structures proposed, including the barn of 100sqm and the large 60sqm solar array, were reasonably needed for the stabling and care of the 3 horses and that no special circumstances were identified to justify this scale of development in the Green Belt. In order to address this reason for refusal the footprint of the barn has been reduced in scale by over 50% to 48sqm and the solar array will also be significantly reduced from 60sqm to 9 sqm, a reduction of 85%, so that it falls within the scope of permitted development and therefore is now outside the scope of this application. A full description of the changes is set out in paragraph 2.4 above.

Stables and Fenced Paddock

- 9.11 The development of the stables and associated structures, including the integrated tack room, part hardstanding, and part grassed turn out paddock, can be classed as equestrian facilities for outdoor sport and recreation. Therefore, under NPPF paragraph 154 b) (see paragraph 9.3 above) they are not inappropriate development within the Green Belt providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. The stable building is located on the southern boundary of the site next to the tree line and urban area to the south of the tree line. The building is 3 bays wide for the stabling of the 3 horses on site and is proposed to be extended by 1 bay to provide tack and feed storage. In this respect the building is not over scaled for its purpose and its location will enable the openness of the field to the north to be preserved. The associated paddock is enclosed by a timber fence but this is not a large enclosure and the fencing is an open post and rail design which enables openness to be retained with views to be maintained from all aspects. Given their sizes, which are considered to be the smallest possible for the nature of the development, and their locations and siting, it is not considered that this part of the development would conflict with the purposes of including land in the Green Belt, including in terms of preventing

unrestricted sprawl of built up areas and encroachment (see paragraph 9.1 above).

9.12 It is therefore considered that the stables and fenced paddock for recreation and sport purposes do preserve the openness of the Green Belt, do not conflict with the purposes of including land in the Green Belt and are therefore not inappropriate development in the Green Belt. They are therefore acceptable and policy compliant in this respect.

Horse Exercise Menage (the part within application red line area only)

9.13 The menage which has been constructed is mainly within the jurisdiction of Rochford District Council, but the south-east corner, representing roughly one fifth of it, is within the Southend City Council boundary and is within the application red line site area and as such must be assessed as part of this proposal. The menage is used to exercise horses including practicing set routines for competition and it is therefore required to be a standard competition size. It is classed as equestrian facilities for outdoor sport and recreation so under NPPF paragraph 154 b) (see paragraph 9.3 above) it is not inappropriate development within the Green Belt providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

9.14 The menage is constructed of soft recycled rubber material with underground drainage. It is flat with no fencing or enclosure. It therefore does not restrict views or access and has enabled the openness of the Green Belt to be preserved. Additionally, it is not considered that the menage would conflict with the purposes of including land in the Green Belt (see paragraph 9.1 above). The part of the menage within the application site boundary is therefore acceptable and policy compliant in this respect.

Barn and Chicken Coop

9.15 The relocation of the tack storage for the horses from the barn into the stables means that the barn is now proposed to be solely used for agricultural purposes, primarily for the storage of hay and hay making equipment and a list of this equipment has been provided to support this (including a tractor, flail mower, rotovator, grass collector etc). As such the barn is considered to constitute an agricultural building which meets the exceptions set out in NPPF paragraph 154 a) (see paragraph 9.3 above) and a condition can be imposed so that this building is not converted to any other use without the LPA's control. Similarly, the chicken coop can also be categorised as an agricultural use so is also not inappropriate development in the Green Belt. NPPF paragraph 154 a) does not require agricultural buildings to demonstrate that they preserve the openness of the Green Belt or that they do not conflict with the purposes of including land in the Green Belt. The amended barn and chicken coop are therefore not inappropriate development in the Green Belt in principle and are acceptable and policy compliant in this respect.

Water Tank and Access Track

9.16 The buried water tank is needed to support the equestrian and agricultural uses at the site as there is no water connection. This part of the development can be classified as an engineering operation and is therefore also not inappropriate development in the Green Belt as defined under NPPF paragraph 155 b) (see paragraph 9.4 above) provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within in. As the tank will be buried underground, the openness of the Green Belt will be preserved, and this part of the development would not conflict with the purposes of including land in the Green Belt. Therefore, this part of the development does not constitute inappropriate development in the Green Belt and is acceptable and policy compliant in this respect.

9.17 The access track has been constructed of compacted earth which is proposed to be topped

with mesh reinforce grass to blend into the surrounding environment. It is not hardstanding like a conventional drive. This surface will provide a more robust access to the buildings which is necessary when the ground is sodden. It is relatively short (some 75m long) and is not a public road or parking area so will not generate any significant traffic at the site. In terms of traffic generation, which is also a consideration of openness, a condition can be imposed to ensure that the site is not used by the public e.g. for events or for commercial uses. The access track also falls within the definition of an engineering operation and does not therefore constitute inappropriate development in the Green Belt providing it maintains the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. Given the nature and design of the access track it would maintain the openness of the Green Belt in all relevant regards, and it would not result in encroachment into the countryside or urban sprawl and would not conflict with the purposes of including land in the Green Belt in any relevant regards. This part of the proposal is therefore acceptable and policy compliant in this respect.

Solar Electrics Cabin

- 9.18 The electric cabin provides the plant for the reduced area of solar panels which will power the lights and water pumps supporting both the equestrian and agricultural uses and enables the site to be 'off grid'. This does not fall within any of the developments outlined in paragraphs 154 and 155 of the NPPF which are exceptions to inappropriate development (see above). In fact, as set out above, Paragraph 156 of the NPPF states *"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*
- 9.19 The acceptability of this structure therefore depends on whether any very special circumstances can be demonstrated to justify the inappropriate development in the Green Belt. The NPPF under paragraph 156 does acknowledge that wider environmental benefits associated with the production of energy from renewable sources can be considered as exceptional circumstances. Whilst this electrics cabin does not relate to a large array of PVs, it is still required to support the renewable energy production at the site and reduces the impact of the development on resources. Additionally, it will be clad to match the other buildings and is discreetly sited between the barn and stables which will screen it from most public views and reduce its impact on the openness and character of the Green Belt. On balance, it is considered that, subject to it being externally finished with timber cladding, this structure is justified due to its limited size, its siting, its acceptable impact on openness and its positive benefits in terms of aiding energy production from renewable resources, and enabling the development to remain 'off-grid'. Given these very specific circumstances of this particular case, in this instance, the Green Belt harm caused in principle by this part of the development being inappropriate in the Green Belt, is clearly outweighed by very special circumstances. This part of the development is therefore acceptable and policy compliant in Green Belt terms.
- 9.20 As set out in paragraph 2.2 above, all other structures at the site are outside the scope of this application.
- 9.21 This assessment of the development against Green Belt Policy is summarised in the table below. In each case the proposed development meets at least once exception or criterion listed in the columns and as such it is considered that the principle of the development within the Green Belt as a whole has been justified and the previous reason for refusal in this respect has been successfully addressed. The proposal is acceptable and policy compliant in this regard.

Table 1 Summary of Assessment against Green Belt Policy

	Not Inappropriate Development (NPPF 154)	Preserves openness and does not conflict with the purposes of including land in the Green Belt (NPPF 154b and 155)	Demonstrates Very Special Circumstances (NPPF 156)
Stables and Tack Room	√ NPPF 154 b) outdoor recreation	√	n/a
Paddocks	√ NPPF 154 b) outdoor recreation	√	n/a
Menage (part in red line boundary)	√ NPPF 154 b) outdoor recreation	√	n/a
Barn	√ NPPF 154 a) agriculture	n/a	n/a
Chicken Coop	√ NPPF 154 a) agriculture	n/a	n/a
Water Tank	√ NPPF 155 b) engineering operation	√	n/a
Track	√ NPPF 155 b) engineering operation	√	n/a
Electrics Cabin	x	x	√ NPPF 156

Impact on Best and Most Versatile Agricultural Land

9.22 The site is also designated as Best and most Versatile Agricultural Land in the Core Strategy and Development Management Document. Best and most versatile agricultural land is most suitable for agricultural purposes and is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

9.23 In relation to this classification paragraph 7.7 of the Core Strategy states '*National and regional policy also seek to maintain and enhance the resilience and quality of soils, and to encourage the sustainable use of soil resources, including the best and most versatile agricultural land*' and Policy CP5 of this document states:

'As Local and Mineral Planning Authority, the Borough Council will require the sustainable use of soil and mineral resources, in particular by:

- 1. protecting the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) from irreversible damage where this is consistent with the full range of sustainability considerations, including biodiversity; quality and character of the landscape; amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural*

resources, including soil quality.'

- 9.24 The previous application was refused because it failed to justify the loss of best and most versatile land. An Agricultural Land Classification assessment has been undertaken and is submitted with the application. This included soil analysis from 3 bore holes/pits at the site and a desktop investigation. The report concludes that the soil composition and droughtiness of the site (limited available water capacity) results in a land classification of Grade 3b which is defined as *'land of only moderate quality capable of producing only moderate yields of a narrow range of crops or lower yields of a wider range of crops.'* It therefore falls outside that protected land classification under Policy CP5. This has overcome the previous reason for refusal in this regard. Notwithstanding this it is also of some relevance the proposed use of the land includes some small-scale agricultural uses also.
- 9.25 The amended proposal has, therefore, overcome the previous reasons for refusal in relation to the principle of the development in the Green Belt and on 'Best and most Versatile Agricultural Land' and the proposal is acceptable and policy compliant in this regard, subject to the described conditions.

Design and Impact on the Character of the Area

- 9.26 Paragraph 131 of the NPPF states *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 9.27 Policy DM1 of the Development Management Document states that *'all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.'*
- 9.28 Policy DM3 states *'1. The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.'*
- 9.29 Although not a reason for refusal, the scale of the buildings proposed in the previous application, in particular the barn and solar array, were found not to be positive aspects of the proposal. The significant reduction in scale of these structures and the removal of the most prominent container at the site will reduce the visual impact of the proposal on the surrounding area as compared to the previously refused scheme. The construction of the barn will also enable the equipment around the site to be tidied away reducing visual clutter at the site. This can be controlled by condition.
- 9.30 In terms of their design the stable building and barn are simple and functional in their appearance but typical for this type of development and constructed in natural timber cladding which will complement their setting. Grass within a reinforced mesh will be added to the compacted earth drive and parking area to further reduce its visual impact. These aspects of the proposal are considered to be acceptable.
- 9.31 Third party concerns have been raised about the impact of the existing unauthorised floodlighting which has been installed on the stable block including on the nocturnal character of the site. A lighting strategy has been submitted with the application which sets out the need for lighting and how the impact of this can be mitigated including replacing the existing floodlighting with hooded LED downlighters. It states:

'The purpose of the proposed lighting is to provide a safe environment for users of the stables. This is predominantly for access to the stables to bring the horses out and in and to muck-out and feed. The lighting is only required to light the hardstanding path area in front of the stables during these periods. Access to the stables is only required during short periods. Horses would not be taken out to be ridden during hours of darkness. Mucking out is generally carried out in the morning to provide a comfortable daytime living environment for the horses. During summer the horses are generally kept in the far paddock. As such, use of the lights would be occasional and is required to light a small area and this is reflected in this strategy. The outdoor lighting specification has been chosen to provide adequate lighting for access to the front area of the stables but to minimise any back or upward light spill... each LED light will be fitted with an eyelid trim to reduce upward light spill and further prevent backward light spill.

To further reduce the potential impact of lighting at sensitive locations and given the low time frequency requirement for the lighting, all lights will not be active between 8 pm and 8 am. These periods are considered the most sensitive periods for light pollution at residential receptors and this strategy provides no potential impacts at these times. Furthermore, the lighting will be connected to motion sensors and would only be activated during the limited periods when the stables are accessed by site users.

- 9.32 The lighting strategy justifies the need for limited lighting at the site and the mitigation measures proposed, including the change to hooded downlighting, time restrictions and motion sensors, will ensure that this does not detrimentally affect the 'dark' character of the site at night. These mitigation measures can be controlled by condition. Subject to this it is considered that the impact on the nocturnal and wider character of the site is acceptable.
- 9.33 In regard to the other structures, it is considered that the menage and chicken coop will have a minimal impact on character and will not appear out of place and the electrics cabin will be mostly screened by the stables and barn. All other structures at the site are either considered to be permitted development or outside of the application site subject of this assessment.
- 9.34 The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the character of the Green Belt and the area more widely.

Amenity Impacts

- 9.35 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 9.36 The proposed buildings are located at least 34m from the boundaries of neighbouring residential properties in Roach Vale and at least 42m from their rear elevations and the neighbour to the east is over 85m from the development. This is sufficient to ensure that the development does not have a harmful impact on their outlook, light or privacy in any relevant regards.
- 9.37 Third party concerns have been raised by third parties regarding the nuisance from smells and disturbance from the floodlighting which has been installed. As noted above the floodlighting which has been installed will be replaced with directional motion and time controlled downlighters which will significantly reduce light spill into the surrounding area. Nevertheless it is considered that the houses are sufficiently far away and screened from the development as not be detrimentally impacted by light pollution.

- 9.38 In regard to smells, the submitted manure disposal strategy states that the manure will be used as fertilizer for the site and the proposed site plan shows the muck heap is positioned on the northern side of the vegetable beds which is outside the red line boundary some 60m from the southern boundary and 90m from the nearest residential property. Any surplus manure will be removed from the site by a licenced contractor. The Council's Environmental Health Officer has not raised any objections to this strategy.
- 9.39 Third party concerns have also been raised that the development could be used for public equestrian events or commercial sales of produce, and this would cause a disturbance to neighbour amenity. Given the proximity of the houses and restricted access to the site this is a reasonable concern, however, the submission has confirmed that the development is for private use only and this can be controlled by condition.
- 9.40 Subject to conditions for lighting and waste management and restriction of public use of the site, it is considered that the development proposed would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts. This finding is consistent with that for the previously refused application for the larger development which was found to have an acceptable impact on neighbour amenity in all relevant regards.

Traffic and Transportation Issues

- 9.41 The NPPF states (paragraph 115) that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.'*
- 9.42 The site plan shows an area for parking which is accessed by a private driveway from Blatches Chase and a single width grassed track to the stables and barn. The application documentation confirms that the development is for private use of the applicant only and will not be a commercial operation or used for public events. This can be controlled by condition. The Council's Highways Officer has not raised any objections to the parking provision or access arrangements.
- 9.43 Subject to the described conditions it is therefore considered that the proposal would have an acceptable impact on traffic generation in the area and is policy complaint in this regard.

Refuse and Recycling

- 9.44 A Manure Disposal Procedure document has been submitted with the application which sets out how manure will be recycled on site and the procedure for removal of any excess by licenced contractors. The Council's Environmental Health Officer has confirmed that this document is acceptable and should be conditioned. The submitted plans confirm that all other waste will be stored in the barn and removed from site on a regular basis by the applicant and this can be controlled by condition. Subject to this the proposal is acceptable and policy compliant in this regard.

Sustainability

- 9.45 Sustainable development is a key objective of the NPPF.
- 9.46 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).'* Policy DM2 of the Development Management Document states

that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

9.47 A sustainability statement has been submitted with the application. This states that:

‘The Applicant is attempting to create a self-sufficient and fully sustainable operation at the site for private use, implementing measures that reduce the carbon footprint of the activities undertaken, and seeking to improve the biodiversity in the vicinity, which provide significant personal and public benefits (such as the increased flora and fauna) of the proposal. Methods such as the reuse of water onsite, designated wildlife habitats, the reuse of waste, and the generation of renewable energy for use on the site through solar panels provide clear evidence of this aspiration.’

9.48 The aspiration for an off-grid development supports the Council’s sustainability agenda and policies and is a positive aspect of the scheme. The proposal is policy compliant in this regard.

Sustainable Drainage

9.49 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.

9.50 The site is not connected to the grid and has no water or power connections. An 8000 litre tank is proposed to be buried next to the stables. This will collect the runoff from the buildings and will be supplemented by water deliveries as required. This water will be used for the care of the horses and site irrigation.

9.51 A drainage strategy has been submitted with the application and drainage pipes and an attenuation pond are shown on the proposed site plan within the northern section of the site in Rochford District and outside the red line area. The drainage strategy states that surface water runoff from the hardstandings, drive and menage would be directed to the existing watercourse drainage system ditch 1 on the eastern side of the field through rainwater pipes located around the perimeter of the building and gullies/ linear drainage channels underground for the hardstanding / drive and menage. Additional gullies will be provided for any low spots created as part of the construction works. Any surplus surface water will be directed via a gravity fed connection to an onsite attenuation basin which will be located in the northeast corner of the field which is the lowest point of the wider site. The agent has also confirmed that run off from the buildings will be directed to the adjacent water tank for reuse. The tank, which is used for the horses and small scale irrigation, will be topped up by vehicle as required as there is no mains connection. The LLFA consider the proposed drainage strategy to be acceptable and the proposal is policy compliant in this regard subject to the applicant securing approval for the remainder of the drainage works from Rochford District Council. At the time of writing, no planning application has been submitted to Rochford District Council for these works and as such, this cannot therefore be guaranteed. In view of this a condition is recommended requiring either the agreed submitted drainage strategy to be implemented or an alternative drainage strategy be submitted and agreed with Southend City Council and implemented prior to its first use.

Contamination

9.52 The site is not known to be contaminated however the Environmental Health Officer has recommended a condition which deals with any unexpected contamination. Subject to this condition the development would be acceptable and policy compliant in this regard.

Impact on Preserved Trees and Ecology

Impact on Preserved Trees

- 9.53 The trees along the southern boundary of the site are protected by TPO 4/67 W1. This is a woodland order which covers all trees within the designated area. The most significant tree in this area is a large oak tree of 17m in height which is located behind the stables. A mix of other smaller trees of around 8m in height provide a continual visual screen to the footpath including to the eastern side of the stables to the south of the location of the proposed barn.
- 9.54 The stables and proposed barn are 2m-3m from this boundary. A Tree Survey and Arboricultural Impact Assessment has been submitted with the application. This shows that the stables, which have been constructed, slightly encroach into the root protection area (RPA) of the largest protected oak tree in the area but that the proposed buried tank and barn are outside the RPA of the oak and other trees. The report advises that protective fencing be installed close to the southern boundary of the site during the remaining construction works as a precautionary measure.
- 9.55 The Council's Tree Officer has reviewed the submission and confirms that given the very marginal encroachment into the RPA of the oak tree it is unlikely that the construction of the stables would have had much effect on this tree. He has no objections to the location of the other structures which are outside the RPA of this tree and other less significant trees in this location. It is therefore considered that, subject to a condition requiring the tree protection to be installed prior to the construction of the barn, tack room and underground tank, the proposal is acceptable and policy compliant in regard to the impact on preserved trees.

Ecology

- 9.56 Core Strategy Policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.
- 9.57 Neighbour representations have raised concerns that there is a badger set in the local area which could be impacted by the development.
- 9.58 An Ecological Appraisal has been submitted with the application. This confirms that the most biodiverse areas of the wider site, including areas owned by the applicant within Rochford District and outside the red line application area are the perimeter hedgerows which provide a habitat for wildlife, birds and bats. It recommends that any lighting is sensitively designed so that it does not detrimentally impact on nocturnal wildlife. It includes measures to protect badgers during construction and a further walkover survey with a qualified ecologist prior to construction. It recommends the installation of 5 bird and 3 bat boxes around the perimeter of the wider site. It concludes that:

'If the outlined mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application will result in 'no net loss in biodiversity' in accordance with NPPF and Local Planning Policy.'

- 9.59 No hedgerows or trees are proposed to be removed to facilitate the proposed works. The Arboricultural Report recommends that protective fencing be installed along the tree line to the southern boundary during the remaining construction works. The Council's Parks Officer confirms that the proposed lighting strategy including the replacement of the floodlighting with motion sensor and time controlled down lighting would be acceptable in terms of the impact on wildlife. The Essex Badger Protection Group confirm that the proposed badger mitigation measures are acceptable. Subject to the implementation of the ecology mitigation measures

which can be required by condition, the proposal is considered to have an acceptable impact on local ecology and is policy compliant in this regard.

Community Infrastructure Levy (CIL)

9.60 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 123.41 sqm, which may equate to a CIL charge of approximately £1,685.02 (subject to confirmation).

Equality and Diversity Issues

9.61 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

9.62 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. The amended application has satisfactorily overcome the previous reasons for refusal in relation to the principle of the development within the Green Belt, openness and its impact on the best and most versatile agricultural land. Subject to conditions, the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The proposal has an acceptable impact in terms of sustainability, ecology, preserved trees and drainage. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

10 Recommendation

10.1 **GRANT PLANNING PERMISSION subject to the following conditions:**

01 **The development shall only be undertaken in accordance with the following approved plans: CRM.123.005.PL.D.001 Rev B, CRM.123.005.PL.D.002 Rev B, CRM.123.005.PL.D.003 Rev B, CRM.123.005.PL.D.004 Rev B.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

02 **The materials for the external surfaces of the development hereby approved shall be as set out on plan reference CRM.123.005.PL.D.004 Rev B.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained

within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021).

- 03** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, the buildings hereby approved shall not be converted to any other use including residential and commercial use as specified within Schedule 2, Part 3, Class Q (Agricultural Buildings to Dwellinghouses) and Class R (Agricultural Buildings to a Flexible Commercial Use) of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the openness and character of the Green Belt and the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 04** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any revocation, amendment or re-enactment of that order, there shall be no public events held at, nor any commercial events, activities or uses undertaken at the site without express planning permission having been granted for any such uses or events.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 05** The barn hereby approved shall not be first used until and unless the internal refuse and recycling and cycle storage facilities are provided and made available for use by the users of the site in full accordance with the details shown on approved drawing number CRM.123.005.PL.D.004 Rev B. The refuse and recycling and cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details. All waste materials, except manure, shall be stored within the barn. Within 1 month of the date of this decision the redundant equipment at the site, as set out in the email from the agent dated 13.11.23, shall be permanently removed from the site.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area and the openness of the Green Belt, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 06** All manure/waste generated with the development hereby approved shall be stored and ultimately disposed of in full accordance with the details contained in the 'Manure Disposal Procedure' document dated 01.12.2023 and plan reference CRM.123.005.PL.D.003 Rev B. No manure or waste materials shall be burned on the land within the application site.

Reason: To enable the Local Planning Authority to regulate and control development

in the interest of the amenity of neighbouring properties in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 07 External lighting for the development hereby approved shall be in full accordance with the Lighting Strategy by Enzygo reference CRM.0123.001.AQ.R.001 dated December 2023 including that only 3 external lights shall be installed on the north elevation of the stable and these shall not be in use between the hours of 8pm – 8am on any day except in emergencies or any other lighting scheme details of which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. This scheme shall be implemented in accordance with the Institute of Lighting Professionals "Guidance Note 01/21: Guidance notes for the reduction of obtrusive light" and other industry accepted standards. The scheme shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: In the interest of the amenity of neighbouring properties and to ensure any protected species and habitats utilising the site are adequately protected in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

- 08 The drainage works for the development hereby approved shall be implemented in full accordance with the details set out in the Detailed Drainage Strategy by Enzygo reference CRM.0123.005.HY.R.001.A dated February 2024 and email from agent dated 08.01.24, or any other drainage works which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be implemented in full before the barn hereby approved is brought into first use.

Reason: To ensure the drainage at the site is properly managed and does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

- 09 The development hereby approved shall be carried out in full accordance with the mitigation measures and recommended enhancements set out in Sections 4 and 5 of the submitted Ecological Impact Assessment by Enzygo reference CRM.0123.005.EC.R.001.Rev A dated 23rd November 2023.

Reason: To ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

- 10 The tree protection measures as set out in the Arboricultural Impact Assessment and Arboricultural Method Statement by Enzygo reference 23.005.ENZ.XX.00.RP.AR.45.102 dated June 2023 and associated tree protection plan reference 123.005.ENZ.XX.00.DR.AR.45.102 Rev PL01 in relation to the trees covered by TPO 4/67 W1 directly south of the site shall be implemented in full prior to commencement of any works required for the barn, tack room and buried water tank hereby approved and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 11 No additional hardstandings or vehicular access tracks shall be installed at the site other than that shown on plan reference CRM.123.005.PL.D.003 Rev B. The vehicular access track which has been installed shall be topped with grass laid on reinforced mesh as stated on the plan.**

Reason: To ensure that the development is satisfactorily serviced in the interests of highway safety and visual amenity and to protect the character of the surrounding area and Green Belt, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

Informatives

- 01 The applicant is advised that the planning permission which has been granted relates to the development within the red line boundary only, which falls within the Southend City Council boundary. A separate planning application will need to be made to Rochford District Council for the development, and part of the site within their jurisdiction.**
- 02 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).**
- 03 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.**
- 04 The applicant is reminded that the development on site remains unauthorised. This needs to be remedied either by implementing this permission and /or removing the unauthorised development in situ. Failure to do this may result in the council considering the expediency of enforcement action to seek to remedy the currently**

identified harm.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.