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# Planning Statement

Full planning application for the replacement of existing vacant fisheries buildings with a 1no. new self build four bed dwellings (Class C3), parking, landscaping and associated development, including the provision of private amenity space and parking area for an adjoining residential property.

on behalf of

Mr Judd

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259a Noak Hill Road, Billericay

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## DOCUMENT CONTROL SHEET

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Planning Statement – 259a Noak Hill Road, Billerica

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## 1.0 INTRODUCTION AND BACKGROUND

- 1.1. This planning application has been prepared by Andrew Martin – Planning (AM-P) on behalf of Mr and Mrs Judd. The planning application seeks full planning application for the replacement of existing vacant fisheries buildings with 1no. new self-build four bed dwelling (Class C3), parking, landscaping and associated development, including the provision of private amenity space and parking for the adjoining property at Old Fisheries, 259a Noak Hill Road, Billericay, CM12 9UN.
- 1.2. The application is submitted with the following supporting plans and documents:
- Application Forms (including Landowner Certificate);
  - Site Location Plan (Drawing No: EX08);
  - Existing Site Plan (Drawing No: EXSP);
  - Existing Site Plan, Floor Plan and External Elevations (Fisheries Buildings) (Drawing No: EX0G);
  - Existing Site Plan, Floor Plan and External Elevations (Limni Lodge) (Drawing No: EX0G-1);
  - Proposed Site Plan (Drawing No: PASP);
  - Proposed Block Plan (Drawing No: PABP);
  - Proposed Floor Plan and Roof Plan (Drawing No: PA0G);
  - Proposed Elevations (Drawing No: PA01);
  - Planning Statement (Prepared by: Andrew Martin Planning);
  - Design & Access Statement (Prepared by: Mansfield Monk);
  - Flood Risk Assessment (Prepared by: Richard Jackson Engineering Consultants).
  - Preliminary Ecological Appraisal (Prepared by TMA);
  - Bat Survey Report (Prepared by TMA);
  - Desktop Phase 1 – Ground Investigation Survey (Prepared by RSK); and
  - Update Letter – Contamination (Prepared by RSK).

### THE APPLICATION SITE AND SURROUNDINGS

- 1.3 The site is located to the rear of 259 Noak Hill Road, which forms part of a residential ribbon development to the east of Noak Hill Road (Plan: EXOS). The site, a former fish farm, comprises 2no. long single storey buildings (buildings A and B) and a related building, Limni Lodge, which is now in existing residential use (see planning history), clustered together in close proximity to a large man-made former fishing lake. Between Limni Lodge and the longer former fisheries building (building A) are informal storage buildings and kennels. The existing structures are constructed from a mixture of red facing brick, fair face blocks, part rendered with timber weather boarding and corrugated sheet roofing. The existing buildings are in a poor state of disrepair and the site is generally untidy and unsightly (Plan: EXSP). The site is accessed from a single lane track from Noak Hill Road (A176).



- 1.4 The site has a high degree of containment, with existing residential development and gardens bordering the site to the north and west, whilst the River Crouch borders the site to the south and east. Views into and out of the site are largely screened by a dense boundary vegetation and mature trees to the south and east, which clearly separate the site from the open farmland area of the south and east.
- 1.5 To confirm, the two former fisheries buildings (buildings A and B) are vacant, with the third building, Limni Lodge, in current residential use. Limni Lodge (Plan: EX0G-1) was previously used as offices for the fishery business, however it was converted into a dwelling in 2012 and was subject to a successful Lawful Development Certificate application (18/00970/LDC), which was approved in 2019. While Limni Lodge is within the planning application boundary, the building itself will remain unaltered, although this planning application makes provision for private amenity space and formal parking provision to be desiccated to and used by the existing occupants.
- 1.7 The site is located within an area designated as Green Belt. The majority of the site is located within Flood Zone level 2. A Public Right of Way (PROW 306-60) passes to the east of the site, passing over the adjoining lake. The site has no existing ecological designations. The site has no existing heritage designations or constraints and is not located within close proximity to any other heritage assets. While the site is well contained by trees and vegetation, there are no Tree Preservation Orders on the site.
- 1.8 The site is located outside of the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS).

PLANNING HISTORY

- 1.9 A review of the planning history for the site identified the following applications:

Application Ref	Proposal	Decision
BAS/772/93	Formation of lake for trout farm.	Withdrawn 28/10/1993
BAS/939/93	Refurbishment of poultry houses and change of use to trout farm and recreation.	Refused 15/12/1993
BAS/20/94	Change of use of land for fish farming and excavation of lake.	Not determined.
BAS/81/96	Demolition of poultry houses and erection of detached bungalow with integral garage.	Refused 29/03/1996
18/00970/LDC	To establish the lawfulness of the continued use of an existing building on the site as a single residential dwelling.	Granted 11/02/2019
22/00248/FULL	Retrospective application for the construction of a replacement 4 bedroom bungalow in place of a former	Granted 22/02/2022



	dwelling that benefitted from Lawful Development Certificate ref: 18/00970/LDC.	
22/00181/LDCE	To establish the lawfulness of an existing residential dwelling that has recently undergone a full refurbishment.	Withdrawn 23/02/2022
<b>Planning applications on land adjoining within the applicant's ownership</b>		
19/00504/FULL	Demolition of existing buildings and hardstanding in rear area of site and the construction of one new dwelling.	Granted 11/06/2019
22/00478/FULL	Demolition of existing buildings and hardstanding in rear area of site and the construction of one new dwelling, utilising side vehicular access.	Granted 18/07/2022
32/01521/COND	Application for approval of details reserved by condition 9 (Land contamination - Desktop study), condition 10 (Land contamination - Site Investigation), and condition 11 (Submission of remediation scheme) of consent reference 22/00478/FULL.	Pending Consideration
23/01211/FULL	Demolition of existing buildings and hardstanding at rear area of site, construction of one new dwelling utilising existing vehicular access (alterations to previously approved dwelling on the land behind 259 Noak Hill Road, ref: 22/00478/FULL).	Pending Consideration
23/01212/FULL	Demolition of existing buildings and hardstanding at rear area of site, construction of one new dwelling utilising existing vehicular access (alterations to previously approved dwelling on the land behind 259 Noak Hill Road, ref: 22/00478/FULL).	Pending Consideration





## 2.0 PRE-PLANNING ADVICE

- 2.1. The applicant undertook pre-application discussions with the Council in late December 2021 (Ref: 21/00096/PREAPP). It should be noted that the pre-application submission sort to create 2no. dwellings instead of the now proposed 1no. dwelling, which has resulted due to responding to the pre-app advice. The pre-application response was positive. The key points are highlighted in the paragraphs below.
- 2.2. In terms of the principle of development the Officer was supportive stating, *"with regard to the proposal site, I advised that having regard to the NPPF and the previous use of the site as a fish farm, it is likely the site comprising the group of former fish farm buildings would be regarded as Previously Developed Land for planning purposes. As such, the principle of redeveloping the site could be considered acceptable having regard to NPPF paragraph 149 g)..."*. The Officer clarified that, *"Previously Developed Land would however be confined to the group of three existing buildings and would not extend to the adjoining small field comprising the stable or to the area of the lake"*.
- 2.3. In relation to the detail of proposals, the Officer advised that, *"it may be possible to provide for one low rise dwelling alongside the existing habitable structure the subject of the earlier LDC, provided this kept solely to area of the existing group of buildings specifically Building 2, at its point furthest from the river..."*. The Officer advised that proposals should, *"look to reduce hardstanding to improve permeability of the site and capacity of the wider flood plain"*. The proposed dwelling, *"would likely need to be raised some 700mm above ground level, with additional floor water storage capacity in underground crates or other solutions to ensure flood resilience"*. In term of design, the Officer advised that, *"a farmstead style appearance to the development alongside the existing linear dwelling building could be explored"*. It also confirms that the general presumption in favour of sustainable development (also known as the tilted balance) is triggered within the borough.



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- 2.4. A further pre-app was submitted in early 2023 (Ref: 23/00002/PREAPP). The response confirms that redevelopment of the site is considered acceptable having regard to NPPF paragraph 149 (g) (now paragraph 154). It was advised that, "the Previously Developed Land would be confined to the group of the existing buildings intended to be demolished and suggested that the proposed dwelling building be set in slightly further from the northern field boundary to fall more broadly within the extent of the current developed area of the site". In terms of design, it was suggested that, "the building and fenestration features within it should avoid an overtly domestic design in favour of a simple traditional farm courtyard style". In terms of materials, it was advised that, "other traditional farmstead courtyard buildings in the wider area, are typically finished in black weatherboarding with plain tile or pantile clay roofs, though brick and slate are also used on later farmsteads". The advice concludes by stating, "that a planning application for the development of the site for one single storey dwelling, may be considered favourably by officers of the Council provided the development was kept closely to area of the existing group of buildings/hardstanding to be removed that comprises the previously developed land." Further, it states that, "the Council would be looking to ensure such a use is flood resilient and that there are wider benefits from improvements to the flooding capacity of the wider river catchment and to the openness of the Green belt through a significant reduction in existing buildings and non-porous concrete hardstandings on the site.."
- 2.5. The proposed development has clearly evolved and developed based on the positive advice provided by the Council.



### 3.0 PLANNING POLICY CONTENT

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then determination must be made in accordance with the plan, unless material considerations indicate otherwise.
- 3.2 In this case the development plan comprises development management policies in the adopted Basildon District Local Plan Saved Policies (2007).
- 3.3 Basildon did prepare a new Local Plan, but this was not adopted. The Council are therefore at the start of preparing a new Local Plan, the adoption of which is many years away.
- 3.4 Therefore, the National Planning Policy Framework (NPPF) (2023) is of significant material consideration.

#### NATIONAL PLANNING POLICY FRAMEWORK

- 3.5 Revised in December 2023, the National Planning Policy Framework (NPPF) sets out the Government's planning policies for England.
- 3.6 The purpose of the planning system is to contribute to the achievement of sustainable development, as set out in paragraph 7.
- 3.7 Achieving sustainable development means that the planning system has three overarching objectives as identified in 8. These are economic, social and environmental. These dimensions set out the following roles for the planning system to perform:
  - 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;
  - 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



- 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.

- 3.8 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. This means, for decision taking, approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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 doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Footnote 8 confirms that policies are rendered out-of-date where the local authority cannot demonstrate a five-year supply (plus appropriate buffer) of deliverable housing sites or where housing delivery has fallen below 75% of the housing requirement over the last three years.
- 3.9 Local planning authorities should approach decisions on proposed development in a positive and creative way and decision makers at every level should seek to approve applications for sustainable development, as set out in paragraph 38.
- 3.10 To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay, as stated in paragraph 60.
- 3.11 Paragraph 70 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Importantly, part b) of the paragraph states that LPAs should seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing.
- 3.12 To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.



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- 3.13 Whilst assessing specific applications for development, paragraph 114 states that it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 3.14 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, in accordance with paragraph 115.
- 3.15 Paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 3.16 Paragraph 131 states that 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.
- 3.17 Paragraph 135 that planning decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and layout. It advises that they should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Design quality should be considered throughout.
- 3.18 Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to advise that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm



resulting from the proposal, is clearly outweighed by other considerations. Paragraph 154 is of particular relevance and states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (amongst others): d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces 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.

- 3.19 The NPPF defines Previously Developed Land in a glossary at Annex 2 as: land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 3.20 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 3.21 Paragraph 173 states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 3.22 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment.

BASILDON LOCAL PLAN

- 3.23 The relevant policy in the adopted Basildon District Local Plan Saved Policies (2007) is Saved Policy BAS BE12 (Development Control). This states that planning permission for new residential development, and for the alteration and extension of existing dwellings, will be refused if it causes material harm in any of the following ways:-
  - i. Harm to the character of the surrounding area, including the street scene;
  - ii. Overlooking;



- iii. Noise or disturbance to the occupants of neighbouring dwellings;
- iv. Overshadowing or over-dominance; and
- v. Traffic danger or congestion.

SUPPLEMENTARY PLANNING GUIDANCE

3.24 Relevant supplementary planning guidance includes the Essex Design Guide and Essex Parking and Design Standards (2009).

OTHER MATERIAL CONSIDERATIONS

3.25 As is set out in the planning history section, the Council has recently approved a similar housing schemes on adjoining land (within the applicant’s ownership). Planning refs: 19/00504/FULL and 22/00478/FULL sought the demolition of existing buildings and hardstanding in rear area of site and the construction of one new dwelling, utilising vehicular access at adjoining land 259 Noak Hill Road. With particular reference to the most recent approval, the proposed removal of existing buildings and hard standing and the construction of a new dwelling on PDL was considered to amount to appropriate development in the Green Belt that would not be more harmful to open semi-rural Green Belt site than the existing development, in accordance with Basildon Local Plan and NPPF objectives. The principle of residential development in flood risk terms was also considered acceptable.



#### 4.0 PROPOSED DEVELOPMENT

- 4.1. The proposed development consists of the demolition of the existing two former fisheries building and the construction of 1no. new high quality, self-build four bed family sized home (Drawing No: PABP).
- 4.2. The overall design of the new residential home is themed around that of a rural farmhouse structure with a central courtyard and cart lodge to the west facing elevation. The new home will be of traditional design, in keeping with the local context and Essex vernacular (Drawing No: PA01).
- 4.3. External materials have been changed in accordance with the pre-app response, with areas of glazing reduced. Slim line conservation style roof lights are proposed. The render finish has been omitted in favour of using a red/brown facing brick at low level and gable end elevations with painted black timber weatherboarding. The roof form has been amended with a slightly steeper pitch and retains exposed rafter feet and finished with a traditional clay plain roof tiles (Drawing No: PA0G).
- 4.4. The proposed home will have generous internal and external amenity space. The home will be provided with 2no. parking spaces and cycle storage. Landscaping is proposed on the western boundary (Drawing No: PASP).
- 4.5. Proposals also include the provision of private amenity space and 2no. formal parking spaces for the existing adjoining residential property at Limni Lodge (located within the application boundary).
- 4.6. Proposals will replace large areas of hardstanding, concrete, compacted gravel and Made Ground to permeable surfaces and grassed and landscaped areas.
- 4.7. The site will utilise the existing vehicular access from Noak Hill Road which currently services Limni Lodge
- 4.8. The proposed house will be built by the applicant and will be occupied by his family.





## 5.0 PLANNING AND OTHER MATERIAL CONSIDERATIONS

### Principle of Development and Impact of the Openness of the Green Belt

- 5.1. The NPPF makes it clear that there is a presumption in favour of sustainable development in respect of housing applications where a five year land supply cannot be demonstrated. Paragraph 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement.
- 5.2. The most recent update on the Council's Five-Year Land Supply 2023-2028, has identified that the current total supply of housing land for the next five years (plus buffer) is estimated to be 6,258 dwellings. The Council's current identified supply is 2,322, which represents just 37% of the total housing required. This demonstrates that there is currently only a supply of 1.85 years.
- 5.3. In addition, in accordance with the latest Housing Delivery Test results (Dec 2023), Basildon has only provided 44% of the required number of homes. Given that supply has fallen below the 75% threshold, the Council is in the presumption in favour of sustainable development.
- 5.4. As the Council does not have an up-to-date Local Plan, cannot demonstrate a five year housing land supply and does not meet the Housing Delivery Test. Therefore, the 'tilted balance' in favour of sustainable development is 'triggered'. This means that planning permission should be granted unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.5. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need.
- 5.6. Proposal should be considered against the three strands of sustainable development including economic, social and environmental. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Part d advises:
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7).



- 5.7. As set out in footnote 7 of paragraph 11, this includes designated Green Belt and flood risk. As the proposals are considered to comply with Green Belt and flood risk policy, the ‘tilted balance’ is still triggered.
- 5.8. The principle of residential development has been established on the site. Limni Lodge is in lawful residential use and currently occupied. Paragraph 70 specifically states that Council’s should support opportunities for self-build housing.
- 5.9. Further, in accordance with the definition set out in the NPPF, given the existing commercial and residential uses and the significant areas of hard standing and built form, the site is defined as previously development land (brownfield). Therefore, it is considered that the site is defined as previously developed land as defined by annex 2 of the NPPF. The pre-app response makes clear that the Council also accept this. It is clear that both the Local Plan and NPPF recognise the potential opportunity provided by previously developed sites to be redeveloped for more productive purposes. Given this, the ‘exemption’ as set out in NPPF para 154, part (g) is applicable, which supports within the Green Belt the *“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...”*. The proposed development has been carefully designed to ensure that it does not have a greater impact on the openness of the Green Belt.
- 5.10. In spatial terms, the site area is approximately 3, 287m<sup>2</sup>/0.328 ha. The site is covered by existing buildings as well as significant areas of hardstanding/concrete/compacted gravel. The site also contains areas of Made Ground, which is unsightly, with debris and other materials spread across it. The table below compares the built form of the existing layout (Ref: 2734 EXSP) with the layout of the proposed layout (Ref: PASP):

Coverage	Existing (m2)	Proposed (m2)
Buildings footprint (including Limini Lodge)	813.6	494
Hardstanding/Concrete	428.5	207.8
Compacted Gravel	950	0
Grassed/Garden Amenity Areas	0	1,943
Permeable Driveway/Road	0	489
External decking	0	153
Made Ground	1,094.9	0
Total	3,287	3,287



- 5.11. Approximately, 813 m<sup>2</sup> of the site is covered by existing buildings (including buildings A, B and Limni Lodge). Approximately, 428.5 m<sup>2</sup> of the site is covered by hardstanding/concrete, with approximately 950 m<sup>2</sup> being compacted gravel, with the remainder being unsightly Made Ground at 1,094 m<sup>2</sup>.
- 5.12. In comparison with the proposed layout, the coverage of proposed buildings is reduced to 494 m<sup>2</sup> (40% reduction), with hardstanding/concrete reduced to 207.8 m<sup>2</sup> (52% reduction). Compacted gravel and unsightly Made Ground are totally removed and replaced with permeable surfaces and grassed landscaped areas, which is a significant improvement both visually and in flood risk terms (see later comments).
- 5.13. In terms of volume, existing building A, which is proposed to be demolished, has a gross external footprint of 490 m<sup>2</sup>. The building has a maximum height of circa 3.1 m from ground to ridge level. The volume of the building is approximately 1,135.7 m<sup>3</sup>. Existing building B, which is proposed to be demolished, has a gross external footprint of 177.6 m<sup>2</sup>. The building has a maximum height of 3.18m from ground to ridge level. The volume of the building is approximately 386.76 m<sup>3</sup>. The total volume of both buildings is approximately 1,521.76 m<sup>3</sup>. The proposed house has a total volume of 1074.7 m<sup>3</sup>, which is a reduction of approximately 447.8 m<sup>3</sup> (30% reduction).
- 5.14. While it is accepted that the proposed new home is higher than the buildings being demolished, it should be noted that it is lower than the existing Limni Lodge. Proposals also result in the removal of the tall chimney pipe from building A, which is currently visually prominent.
- 5.15. In visual terms, the siting of the proposed home is within and contained to the existing envelope of built form and retains a close relationship with Limni Lodge as the existing buildings on the site currently do. Proposals will significantly improve and enhance the overall visual appearance of the site. Proposals will result in the removal of debloated buildings and ad hoc structures as well re-greening significant areas of compacted gravel and cleaning up areas of Made Ground. The proposed single home will also reduce the level of activity on the site which could be generated with the existing lawful commercial use. This will also improve the tranquillity of the Green Belt. The reduction in building footprint, concrete and hardstanding and reduction in built volume, coupled with the removal of dilapidated buildings and structures and replacement with a modern farmstead style building will significantly improve the openness, quality and setting of the existing Green Belt.
- 5.16. The above assessment demonstrates that the proposed development in comparison to the existing built form, both in spatial and visual terms, will not have a greater impact on the openness of the Green Belt and therefore be in accordance with exception g) of paragraph 154 of the NPPF.



- 5.17. As such the proposal is considered to amount to appropriate development in the Green Belt that would not be more harmful to open semi-rural Green Belt site than the existing development, in accordance with Basildon Local Plan and NPPF objectives.

**Impact on Character and Appearance**

- 5.18. Section 12 of the NPPF relates to achieving well-designed places and states at Paragraph 135 that planning decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and layout.
- 5.19. The proposed development entails the demolition of existing poor quality, dilapidated buildings, which are in a poor state of repair and the construction of a replacement single story home (Plan: EX0G). As set out in the DAS, the new home will be of traditional design of a rural farmhouse structure with a central courtyard in keeping with the local context and Essex vernacular. Removal of the existing dilapidated buildings and replacement with a traditional farmhouse building will significantly improve the visual appearance of the site, particularly in this semi-rural setting (Plan: PA01).
- 5.20. Materials include using red/brown facing brick at low levels and gable end elevations with painted black timber weatherboarding. Traditional clay plain tiles are proposed for the roof. Being located to the rear of the site, the proposed new home will not be readily visible in the street scene and would be a significant improvement on the existing built form, which currently has a negative effect on the wider open landscape. The proposed design is reflective of a traditional rural building and therefore in keeping with the semi-rural character of the area (Plan PA01).
- 5.21. The development provides an opportunity to improve the appearance of the wider site. In addition to an improved building design, overall reduction in built form, the proposals will replace large areas of hardstanding, concrete, compacted gravel and unsightly Made Ground to permeable surfaces and grassed and landscaped areas. This will significantly improve the visual appearance of the site, removing unsightly material and replacing with more visually attractive green and landscaped areas. This will result in a further significant improvement to the character and appearance of the semi-rural location than the existing situation.
- 5.22. Given this, the proposed development will make a significant improvement to the character and appearance of the area and will not be regarded as having a detrimental impact in accordance with the good design objectives of the NPPF and Saved Policy BAS BE12 of the Basildon Local Plan.



### Design and Layout

- 5.23. The proposed design and layout have been well thought out to complement the surrounding context and local character. To respond to the semi-rural nature of the site, a high-quality traditional farm courtyard styled home has been designed. In terms of materials, propose to use though reflective of the local Essex vernacular. External materials have been changed in accordance with the pre-app response, areas of glazing have been reduced to the main outward facing elevations. Slim line conservation style roof lights are proposed. The render finish has been omitted in favour of using a red/brown facing brick at low level and gable end elevations with painted mid-grey timber weatherboarding similar to the former agricultural buildings in the local area. The roof form has been amended with a slightly steeper pitch and retains exposed rafter feet but finished with a traditional clay plain roof tile instead of slate. Windows and doors will be mid-grey and double-glazed (Plan: PA01).
- 5.24. The layout of the proposed development has sought to confine the proposed development to the to the area of existing buildings on the site (Plan: PABP). The proposed development will reduce the spread and bulk of the existing buildings on site and significantly improve the quality and appearance of the site by re-greening large areas and landscaping.
- 5.25. The proposed development provides a good quality internal and external living environment for future occupants. The standard of accommodation will ensure good levels of daylight and sunlight to the proposed habitable rooms, good sized internal rooms. The proposed home complies with the nationally described space standards, which for 4 bed one storey dwellings is significantly above the 90 -117 sq.m (for 5 to 8 persons). A private rear garden provides sufficient private amenity space for future occupiers in excess of minimum garden standards advocated by the Essex Design Guide. The proposed layout also provides designated private amenity area/gardens and parking to existing Limni Lodge and clear demarcation between amenity spaces designated to each home (Plan PASP).
- 5.26. The proposed development accords with the good design objectives and provides a good level of accommodation for future and existing occupiers, in accordance the NPPF and Policy BAS BE12.

### Access and Parking

- 5.27. The site currently has existing vehicular access from Noak Hill Road, with an access road, to the south, running across adjoining land (within the applicant's ownership), parallel to the river into the site. Within the site boundary, vehicles will enter from the south western corner. An internal permeable access driveway is provided, running north/south on the western boundary of the site, to provide vehicular access to the proposed new home. In addition, the access road continues to the south and provides access to a permeable driveway/parking area related to the existing Limni Lodge (Plan: PASP).



- 5.28. Noak Hill Road is a classified main road with 40mph at this point distributing traffic between Billericay and Basildon. The use of the site for a new home is not likely to lead to a greater number of vehicle movements and associated disturbance to neighbouring residents than the existing lawful commercial use.
- 5.29. In September 2009 Essex County Council published 'Parking Standards 'Design and Good Practice'', which are a material consideration in the determination of planning applications. These require new dwellings with two or more bedrooms to comprise a minimum of two off-street car parking spaces. As demonstrated in the proposed layout (Ref: PABP) the site provides the required car parking provision and turning areas.
- 5.30. The proposed development would not be considered detrimental to highway safety in accordance with the objectives of Saved Policy BAS BE12 of the Basildon Local Plan. The proposed development is not considered to have a severe unacceptable impact on highway safety or the road network and therefore accords with paragraph 111 of the NPPF.

### **Impact on the Amenity of Nearly by Properties**

- 5.31. There is significant distance maintained between the rear garden boundary of the neighbouring properties surrounding the site. The proposed layout (drawing ref: PASP) shows the proposed house set well in from the nearest neighbouring properties at Noak Hill. Whilst there would be a slight change to the view enjoyed by the immediate neighbouring occupiers, there would not be material overshadowing or loss of privacy or amenity.
- 5.32. However, the proposed development will be located in close proximity to the existing house (Limni Lodge) being positioned approximately 2m from the northern flank. It should be noted that this is a slight improvement on the distance between the existing building and Limni Lodge (currently 1.4m). There is no window in the northern flank of Limni Lodge, so there is no direct view into or out from this flank/elevation to or from the proposed new home resulting in no loss of privacy or light. In addition, the removal of the larger existing building and provision of a private garden area will improve outlook from and light into the western flank windows of Limni Lodge. Both these factors will improve the current situation and the amenity/privacy provision for the existing occupiers of Limni Lodge. The proposed house is single storey in height and it is proposed that landscaping be put in place to denote separation of the two properties creating a visual barrier and privacy. This will mean the one habitable room (bedroom 3) window located on the southern elevation of the proposed home, which faces the proposed parking/driveway area will not be overlooked and views obscured by boundary treatments.



The proposed and existing home will not be adversely affected in terms of loss of outlook, privacy or light.

- 5.33. The development would not be detrimental to the amenities enjoyed by the occupiers of neighbouring residential dwellings in accordance with Policy BAS BE12 of the Basildon Local Plan.

### Flood Risk

- 5.34. The site lies adjacent to the River Crouch within Flood Zone 2. The site is currently used for residential and commercial purposes. A Flood Risk Assessment (FRA) has been submitted in support of the planning application.
- 5.35. In terms of surface water flooding, the FRA identifies that the site is at medium risk of surface water flooding. In the high risk 1 in 30 year (3.33%) event there is a large area of water to the centre of the proposed site with depth ranging between 300-900mm, the remaining area of the site is less than 300mm deep. In the medium risk 1 in 100 year (1%) event, the flooding areas described above are slightly larger. In the low risk 1 in 1000 year (0.1%) event water depth is shown to be more than 900mm across the majority of the site with the remaining area shown at depths between 300-900mm. In term of surface water management, the FRA states that, "the proposed development will reduce the existing run-off rate by means of a flow control device and hence is likely to improve upon the existing drainage or flooding on or off site".
- 5.36. In fluvial flood risk terms, the site is at a low risk of flooding. The FRA advises It is proposed to set the finished floor level of the proposed dwellings including the external decking to 860mm above the 1 in 100+CC flood level, 24.87mAOD, and provide flood resilient construction up to the undefended 1 in 1000 year event, 24.56m AOD. The proposed home has been designed to accord with this.
- 5.37. Proposals will not have any significant impact on the flood risk to the site especially due to the smaller building footprint and new permeable areas replacing the existing impervious areas, which will improve drainage across the site and the capacity of the wider flood plain.

### Ecology and Biodiversity Enhancement

- 5.38. The planning application is supported by a Preliminary Ecological Appraisal (prepared by Tim Moya Associates). The site is covered by buildings and bare ground habitats, however it is not covered by any statutory or non-statutory nature conservation designations. There are eleven statutory designations within 7 km of the proposed development and six non-statutory designations within 2 km.



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- 5.39. The appraisal found that the site contains potentially suitable habitat for the following protected species; nesting birds, reptiles and roosting bats. The proposed development is due to result in the loss of buildings, bare ground and ruderal habitats.
- 5.40. Given this, the appraisal provided a number of recommendations. The first was to prepare a Construction Environmental Management Plan to ensure that all potential environmental risks are appropriately controlled throughout construction. This can be conditioned as part of the planning permission.
- 5.41. In relation to reptiles, it is recommended that if removal of small areas of ruderal vegetation is required, to avoid harm to reptiles (if present) it is recommended that suitable habitats (e.g. nettle) should be trimmed carefully using precautionary methods.
- 5.42. In relation to bats, it is proposed that the site should be subject to nocturnal bat surveys on one occasion between May-August (inclusive). Automated bat detectors should also be deployed within the buildings for a minimum of 5 days during the summer.
- 5.43. Further, to avoid a detrimental impact on bats using the site, there should be no increased light spillage on to suitable habitats, particularly on the periphery of the site, where bats are most likely to forage and commute.
- 5.44. To avoid destruction of active bird nests, it is recommended that building demolition and vegetation removal is only undertaken outside the bird nesting season.
- 5.45. In order to address the recommendation in relation bats, this application is supported by a Bat Survey Report (prepared by TMA). The report assessed bat roosting activity at site. The survey found that the existing buildings are assessed as having low bat roosting potential. An automated bat detector survey found that no bats were seen emerging from the building during the bat emergence survey and that the results of the automated bat detector surveys are not suggestive of bat roosting. Therefore, roosting bats are considered unlikely to be present at the site and that no further surveys are recommended. However, the report recommends that lighting should be minimised to avoid illuminating suitable bat foraging and commuting habitats.
- 5.46. In order to achieve biodiversity enhancement, the Preliminary Ecological Appraisal recommends the following, including:
- Installation of bird boxes increases nesting opportunities for bird species;
  - Installation of House Sparrow Nest Boxes;





- Providing nest bowls or boxes for swallows to increase the resilience of their populations during dry periods as they are still able to nest when no mud is available;
- Inclusion of bat boxes to provide new roost sites for bats within the local area;
- Inclusion of hedgehog nest boxes/domes are installed in undisturbed locations within the site;
- Installation of invertebrate boxes/bug houses on trees or poles, to provide nesting and sheltering opportunities for solitary bees, lacewings and various other insects; and
- Wherever possible, additional tree and shrub planting which will increase feeding resources and connectivity for wildlife including bats, birds and invertebrates. Native tree species such as hazel, rowan, crab apple, elder, field maple, holly and English oak can be used to provide known benefit to wildlife.

#### Contamination

- 5.47. A Preliminary Risk Assessment has been submitted with the application, which was prepared by RSK. It should be noted that it was undertaken in 2021. It noted that whilst the former uses of the site are unlikely to have caused any significant land contamination issues, which could render the site unsuitable for its proposed residential use, the site was littered with spoil and debris from the former land uses. The debris is considered likely to locally contain asbestos containing materials.
- 5.48. It further noted that the debris currently littering the site and any associated near surface soils are considered to currently pose a potentially significant risk to future residents and lesser risk to surface waters.
- 5.49. The report then recommended that the debris and associated made ground soils be removed from site. Following these activities, it also advised that areas of made ground that remained, it is recommended that it be isolated below permanent hardstanding or a minimum of 600 mm of clean uncontaminated soil to protect future site users.
- 5.50. Submitted with this application, RSK have provided an updated letter, dated 4<sup>th</sup> December 2023, in relation to their Preliminary Risk Assessment and advice. In the letter, RSK state that based on the review of the information provided, the actions implemented by the developer are considered to have effectively removed the previously identified sources of potential on-site contamination and therefore broken any viable pollutant pathway between future site users and potential residential contaminants across the site. It noted that there was evidence of the placement of new hardstanding surfaces above a granular subgrade material positioned across the external area of the new development. The letter concludes that the site now appears unlikely to pose a risk to future residential users or wider environment.



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**Essex Coastal RAMS**

- 5.51. The site falls outside the Zone of Influence of the Essex Coast Recreational Avoidance and disturbance Mitigation Strategy (RAMS) and as such no payment to offset disturbance to coastal habitats would be required in this instance.



## 6.0 SUMMARY AND CONCLUSIONS

- 6.1. The Council recognises that it has a housing shortfall, and that the tilted balance is 'triggered in the District. Given this, planning applications for sustainable residential development should be considered favourably.
- 6.2. The principle of residential development has been established on the site. Limni Lodge is in lawful residential use and currently occupied. Paragraph 70 specifically states that Council's should support opportunities for self-build housing. It will make efficient and effective use of PDL (brownfield land).
- 6.3. In line with pre-app advice, given the existing nature and uses on the site, it is considered that the site meets the definition of previously developed land as defined by annex 2 of the NPPF. Given this, the 'exemption' as set out in NPPF para 154, part (g) is applicable, which supports, within the Green Belt, the "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...".
- 6.4. The proposed development has been carefully designed to ensure that it does not have a greater impact on the openness of the Green Belt. In spatial terms, approximately, 813 m<sup>2</sup> of the site is covered by existing buildings (including buildings A, B and Limni Lodge). Approximately, 428.5 m<sup>2</sup> of the site is covered by hardstanding/concrete, with approximately 950 m<sup>2</sup> being covered by compacted gravel and the remainder being unsightly Made Ground at 1,094 m<sup>2</sup>. In comparison with the proposed layout, the coverage of buildings has reduced to 494m<sup>2</sup> (a 40% reduction), with hardstanding/concrete reduced to 207.8 m<sup>2</sup> (a 52% reduction). Compacted gravel and unsightly Made Ground are totally removed from the site and replaced with permeable surfaces and grassed landscaped areas, which is a significant improvement both visually and in flood risk terms. In terms of volume, the total volume of existing buildings to be demolished (buildings A and B) is approximately 1,521.76 m<sup>3</sup>. The proposed house has a total volume of 1074.7m<sup>3</sup>, which is a reduction of approximately 447.8m<sup>3</sup> (a 30% reduction). The proposed home is lower than the existing Limni Lodge and results in the removal of the tall chimney pipe from building A, which is currently visually prominent.
- 6.5. In visual terms, the siting of the proposed home is within and contained to the existing envelope of built form and retains a close relationship with Limni Lodge as the existing buildings on the site currently do. Proposals will result in the removal of debloated buildings and ad hoc structures, as well re-greening significant areas of compacted gravel and cleaning up areas of Made Ground. The reduction in building footprint, areas of concrete and hardstanding and reduction in built volume, coupled with the removal of dilapidated buildings and structures and replacement with a modern farmstead style building will significantly improve the openness, quality and setting of the existing Green Belt.



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- 6.6. Proposals will remove poor quality, dilapidated buildings and replace with a single building of contemporary tradition design, reflective of the semi-rural character of the area. Proposals will reduce the built form and massing on the site. Proposals will also proposals will replace large areas of hardstanding, concrete, compacted gravel and unsightly Made Ground, removing unsightly material and replacing with more visually attractive green and landscaped areas. Given this, the proposed development will make a significant improvement to the character and appearance of the area and will not be regarded as having a detrimental impact.
- 6.7. In terms of design, the proposed design and layout have been well thought out to complement the surrounding context and local character. To respond to the semi-rural nature of the site, a high-quality traditional farm courtyard styled home has been designed. In terms of materials, propose to use though reflective of the local Essex vernacular. The proposed development provides a good quality internal and external living environment for future occupants. Proposals meet access and parking requirements.
- 6.8. In flood risk terms, proposals will not have any significant impact on the flood risk to the site especially due to the smaller building footprint and new permeable areas replacing the existing impervious areas, which will improve drainage across the site and the capacity of the wider flood plain.
- 6.9. In biodiversity terms, subject to following the recommendations of the Ecology Assessment, proposals will not have any adverse impact on protected species. In relation to bats, as detailed surveys demonstrate, the existing barns have low roosting potential. Proposals will also include a range of biodiversity enhancements.
- 6.10. In relation to potential contamination, the site's former commercial use of the site is unlikely to have caused any significant land contamination issues. RSK have provided an updated letter, they state that based on the review of the information provided, the actions implemented by the developer are considered to have effectively removed the previously identified sources if potential on-site contamination and therefore broken any viable pollutant pathway between future site users and potential residential contaminants across the site. The letter concludes that the site now appears unlikely to pose a risk to future residential users or wider environment.
- 6.11. The development entails the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than existing development and would incorporate flood resilience measures to mitigate the risk of flooding. The development would respect the established character of the area and would not be considered detrimental to residential amenity or highway safety. Accordingly, the proposals would be in accordance with the Paragraphs 70, 123, 154 and 166, 173 and 180 of the NPPF and Policy BAS BE12 of the Basildon Local Plan Saved Policies Document.

Planning Statement – 259a Noak Hill Road

